



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

Customs & Global Trade

Update for Week 16/2023

Period Covered: 17 – 23 April 2023

Published: 24 April 2023

Topic Coverage	Customs processes & procedures (including AEO) Trade Agreements Biosecurity & Veterinary Border Controls (including news or changes relating to seafood trade or Regulation) Indirect Taxes (Customs Duty, Excise, Import VAT) Export Controls, Sanctions Green Customs and Global Trade
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International Institution Coverage	WCO WTO UN (Sanctions, CITES) Other as appropriate

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CBAM, Windsor & TOM – Are you up to speed?

My fellow Customs & Global Trade Professionals,

The transformation of the European economy towards a low-carbon future took a massive step last week with the agreement on CBAM – and every trade professional must know about this – so check out this edition for details.

Next, the Windsor Agreement implementation made massive steps forward: The EU published the EU-UK Joint Council Agreement on changes to the Protocol under the Windsor Agreement, and I have prepared not one but TWO briefings which explain all the differences in easy-to-understand words.

Finally, our five webinars on the UK TOM were a great success, and we covered Biosecurity, SPS Controls & Veterinary Certificates, Wednesday, 19.04.2023, Safety & Security Declarations, the UK Single Trade Window and had a talk about the UK's ambition to create "The Most Effective Border in the World."

As you have come to expect, find below updates from the EU, UK and the UK on customs and global trade changes that occurred over the last week.

You can also join our free networking event; the next one is on Tuesday, 25 April 2023.

Also, our training is favoured to get upskilled in customs and global trade fast, including our Diploma in Customs Competencies.

Please let me have your feedback; send it to info@customsmanager.org

Have a great week



Arne Mielken, Customs Manager Ltd.

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Top Three Featured Highlights of this Edition

1. Video Links to the YouTube Special: 5-Part Series on The UK Border Target Operating Model

On 5 April 2023, the government's Border Target Operating Model (TOM) was published in draft form, setting out a new model for importing goods into the UK from countries inside and outside the EU. This will introduce (1) food safety and (2) security customs regulations on products from the EU (and the rest of the World) later this year.

Did you watch the five explainer videos?

- (a) YouTube: [UK Border Target Operating Model \(TOM\): Essentials for Exporters, Importers & Customs Gurus To Know](#)
- (b) YouTube: [UK Border Target Operating Model \(TOM\): Zoom in on New SPS Controls - What Food Importers Need To Do](#)
- (c) YouTube: [UK Border Target Operating Model \(TOM\): Safety & Security Declarations: Carriers & Agents Watch Out!](#)
- (d) YouTube: [UK Border Target Operating Model \(TOM\): UK Single Trade Window](#)
- (e) YouTube: [UK Border Target Operating Model \(TOM\): The Most Effective Border in the World](#)

The [60+ slides of all five presentations](#) can be downloaded [RIGHT HERE](#) in full.



Videos Live Stream Programme on YouTube

- ▶ **Monday, 17.04.2023** Introduction, Summary, Timeline & Questions
- ▶ **Tuesday, 18.04.2023** Biosecurity, SPS Controls & Veterinary Certificates
- ▶ **Wednesday, 19.04.2023** Safety & Security Declarations
- ▶ **Thursday, 20.04.2023** UK Single Trade Window
- ▶ **Friday, 21.04.2023** The Most Effective Border in the World

▶ **Live Premieres at 9am BST/GMT and 10 am CET**

▶ On-Demand viewing available on YouTube:
<https://www.youtube.com/c/CustomsManagerLtd>

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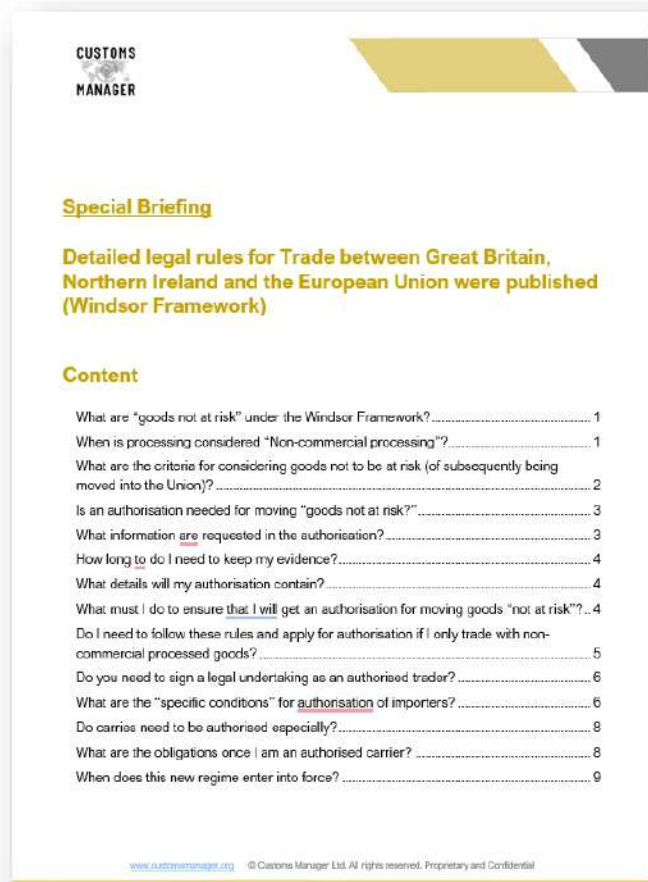
THE BORDER TARGET OPERATING MODEL

Draft for feedback

2. EU publishes legally binding Joint Decision of EU-UK on Windsor Framework – Special New Briefing

The EU has published detailed legal rules for Trade between Great Britain, Northern Ireland and the European Union (Windsor Framework). In our special Briefing, we answer the following questions:

- What are “goods not at risk” under the Windsor Framework?
- When is processing considered “Non-commercial processing”?
- What are the criteria for assessing goods not to be at risk (of subsequently being moved into the Union)?
- Is an authorisation needed for moving “goods not at risk”?
- What information is requested in the authorisation?
- How long do I need to keep my evidence?
- What details will my permission contain?
- How must I get a license for moving goods “not at risk”?
- Do I need to follow these rules and apply for permission if I only trade with non-commercial processed goods?
- Do you need to sign a legal undertaking as an authorised trader?
- What are the “specific conditions” for the authorisation of importers?
- Do carries need to be authorised especially?
- What are the obligations once I am an authorised carrier?
- When does this new regime enter into force?



[Download Now](#)

3. Briefing: Analysis of EU’s legal Text on future EU-GB-NI Movement of SPS goods



The EU has published a draft legal text on the specific rules relating to NI-GB SPS goods. We summarise the key provisions importer of SPS goods importing goods from GB into NI can prepare. Once the law is published, we will update this note.

Questions we answer in our 10+ pages paper:

- Why is the change in SPS goods treatment needed?
- How will this law improve things?
- What is the benefit of users of the “green lane”?
- Who can benefit from the „green lane “?
- What are the conditions for getting on the “green lane”?
- Is a certificate needed to move “green lane” goods?

- Will there will routine physical checks for “green lane goods”?
- Will there be visual inspections for “green lane goods”?
- Will EU or UK Food law and labelling rules apply?
- What about special labelling requirements?
- What about the rules for plants under the Windsor Framework?
- What is the treatment for seed potatoes?
- Can I move my pet to Northern Ireland without hassle?
- Will other assurances be needed?

[Download our Briefing here.](#)
[Download the UK Analysis here.](#)

UK Customs & Global Trade Updates

UK Customs Updates

UK Tariff updated

Reference Document for The Customs Tariff (Establishment) (EU Exit) Regulations 2020

As referenced in The Customs Tariff (Establishment) (EU Exit) Regulations 2020, the UK's most favoured national tariff rates have been updated with The Tariff of the United Kingdom, version 1.15, dated 12th April 2023. The reference document details the UK's most favoured nation tariff rate, the UK Global Tariff. The reference document also establishes the UK's commodity code structure, correctly classifying goods imported to the UK and ensuring they pay the correct tariff rate. In setting these tariff rates, and as per section 8(5) of the Taxation (Cross-border Trade) Act 2018, HM Treasury has had regard to the:

- interests of consumers in the United Kingdom
- interests of producers in the United Kingdom of the goods concerned
- the desirability of maintaining and promoting the external trade of the United Kingdom
- the desirability of supporting and boosting productivity in the United Kingdom
- the extent to which the interests concerned are subject to competition

[Access the latest UK Tariff](#)

What are the key UK statutory instruments that give rise to the UK Global Trade Tariff?

The statutory instruments that have given legal effect to this reference document, and previous versions of this document, can be found at:

- [The Customs Tariff \(Establishment\) \(EU Exit\) Regulations 2020](#)
- [The Customs Tariff \(Establishment and Suspension of Import Duty\) \(EU Exit\) \(Amendment\) Regulations 2021](#)
- [The Customs \(Tariff etc.\) \(Amendment\) Regulations 2021](#)
- [The Customs Tariff \(Establishment\) \(EU Exit\) \(Amendment\) Regulations 2021](#)
- [The Customs Tariff \(Establishment\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021](#)
- [The Customs \(Tariff etc.\) \(Amendment No 2\) Regulations 2021](#)
- [The Customs Tariff \(Establishment and Suspension of Import Duty\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021](#)
- [The Customs \(Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2021](#)
- [The Customs \(Amendments and Miscellaneous Provisions\) Regulations 2022](#)

Detailed on how to register to make an entry summary declaration in Great Britain has the changed

Use the S&S GB service if you import goods into Great Britain and must make an entry summary declaration. To submit an entry summary declaration of imports into Great Britain, you must know the S&S GB location code for the port of entry.

[Read the new Guidance](#)

UK Tariff Quota Updated

The documents detailing product-specific tariff-rate quotas, including the individual product volumes and rates, and the List of eligible goods and their authorised uses have been updated.

[Download the lasted document](#)

Rules of Origin: Special Rules for Determining Non-Preferential Origin updated

The product-specific rules to determine the Origin of imports outside of a preferential agreement have been updated.

[Download the lasted document](#)

Suspension of UK Import Duty Rates Update

Updates to the UK tariff suspensions

[Download the lasted document](#)

UK Preferential Trade Arrangements: Preferential Tariffs and Rules of Origin Updated

The UK's preferential tariffs and Rules of Origin for the agreements have been updated.

[Download the lasted document](#)

UK guidance on how to apply to delay or pay less duty on goods you import to process or repair has changed

Use inward processing to delay or reduce import duties or VAT on goods you process or repair. Information about the reasonable grounds for getting a retrospective authorisation and how you should amend your declarations and update your records has been added.

[Read the latest guidance](#)

UK guidance on how to apply to pay less duty on goods you export to process or repair has changed

When you export goods outside the UK for processing or repair and re-import them, you can use outward processing to reduce your duty payments. Information about the reasonable grounds for getting a retrospective authorisation and how you should amend your declarations and update your records has been added.

[Read the latest guidance](#)

UK Ro-Ro Updates

Guidance for hauliers on how to transport goods between Great Britain and the EU by RoRo freight updated

UK Guidance for haulage companies and commercial drivers moving accompanied (self-drive) RoRo freight and unaccompanied RoRo freight between Great Britain and the European Union.

[Access New Guidance](#)

UK Biosecurity & Veterinary Affairs (incl. trade in fish) Update

UK Analysis of EU Law on Sanitary and phytosanitary goods as per Windsor Framework

The UK government has analysed the EU proposal for a regulation concerning the Windsor Framework for goods subject to sanitary and phytosanitary requirements. We have summarised this in a note.

[Download our Briefing here.](#)

[Download the UK Analysis here.](#)

Summary of EU regulations new rules for high-risk plants movements between NI and GB

The government's summary of amendments to EU regulations to allow the movement of previously designated high-risk plants between Northern Ireland and Great Britain.

[Read here](#)

Businesses approved to export to the EU

Use the lists to check if your business in Great Britain or one of the Crown Dependencies is approved to export to the EU and determine your TRACES number. Updated the lists of companies approved to export to the EU.

[Access the List](#)

Global Export Health Certificate changes

Download the List of global export health certificate changes published by the UK.

[Access the latest document](#)

UK HMRC Contacts

Helpline Numbers and Access Details of government agencies and departments involved in UK Customs & Global Trade

Download the updated document for helpline numbers and contact details of HMRC. In addition, you can find details on the Animal, Plant and Health Agency (APHA), IPAFFS & PEACH, the Department for Business and Trade, Support lines for England, Scotland, Wales and Northern Ireland, the Department for Environment, Food and Rural Affairs and HMRC (export support service, imports and exports general enquiries, New Computerised Transit System (NCTS)).

[Download the document on the latest UK Government Helplines](#)

UK Free Trade Agreement Updates

Update on the proposed free trade agreement between the UK and India

As the first step in negotiating a comprehensive free trade agreement (FTA), the United Kingdom and India established expanded trade cooperation in May 2021. The UK has been free to negotiate FTAs with foreign nations since Brexit. India is a significant trading partner for the UK, with £12 billion in exports in 2017 and an estimated £34 billion in commerce between the two countries in 2022. By 2030, the enhanced trade relationship seeks to increase this dramatically. The UK-India free trade agreement discussions are presently in their seventh phase.

Objectives

The UK government sees India as an "important partner" and believes that a trade agreement with India offers a chance to "deepen economic and strategic ties". India is predicted to become the third-largest economy in the World by the year 2050, and a trade deal might benefit both UK and Indian companies by lowering trade costs and stimulating the economies of both nations' most advantageous sectors. In addition, the UK government's aim of "tilting towards the Indo-Pacific and championing free trade" is supported by a trade agreement with India.

According to reports, the UK has substantial economic ties with India, valued at \$23.3 billion in 2019. According to estimates from the UK government, a trade agreement with India could boost UK GDP by "around £3.3 billion in 2035" (in 2019 prices), increasing it by 0.12% to 0.22% by that year, depending on the extent of the agreement. Regarding the effects on various industries, the UK's transport equipment, electrical equipment, and automobile manufacturing industries⁸, as well as several agricultural and food industries and the textile industry, may see the most significant boosts in economic activity. Furthermore, being the third-largest service exporter to the UK, a trade agreement would benefit India as it may provide more Indian service companies access to the UK market. Additionally, it may help both nations' medicine and pharmaceutical businesses.

Benefits

The UK government considers the following as the main advantages of a trade agreement with India:

1. Additional opportunities for UK services and investment; support for innovation and trade in the digital age;
2. more employment for UK workers;
3. And possibilities for companies throughout the UK, small- and medium-sized organisations.
4. There would also be reduced obstacles to trade-in products.

The UK government said it was dedicated to respecting strict environmental, labour, food safety, and animal welfare standards and that any agreement with India had to benefit UK consumers, farmers, and companies. Some believe the anticipated economic advantages might surpass those from the trade deals with Australia, New Zealand, and Japan. A more comprehensive trade policy that demonstrates how trade fits in with the UK government's foreign, defence, environmental, and domestic goals has been called for in response to concerns that the negotiating objectives of the UK government may be too generic and high-level in character.

According to the Indian government, the FTA might help promote transactions in the health care, military, technology, and other vital sectors and support the "Make in India" campaign. India will also look for ways to provide its workforce with more mobility.

Trade in Services

As trade in "services" is a crucial component of the FTA, one of the main challenges for UK negotiators was persuading India to agree to remove restrictions in the Indian legal services sector that prevented UK lawyers from practising international and foreign law. As a result, the Bar Council of India published new guidelines in March 2023 that loosen some requirements.

The new regulations permit foreign solicitors and law firms to practise foreign law, transactional and corporate work, M&A, joint ventures, and intellectual property matters, take part in offshore international arbitration proceedings in India, provide advice on global legal issues in non-litigious cases in Indian, and other related topics, all following the reciprocity principle. However, foreign solicitors are not permitted to appear before any Indian courts, tribunals, or other statutory or regulatory bodies in India, and if they do, their registration may be revoked.

The most recent FTA discussions rounds

The UK government released its joint statement on the seventh round of talks for the UK-India FTA on March 6, 2023. Over the course of 43 consecutive meetings, technical discussions covering 11 different subject areas and corresponding draught treaty texts were held. Currently, agreements have been reached on 13 of the 26 policy areas concerning issues, including commodities, services, investments, and intellectual property rights.

India and the UK will strive to debate and agree on the framework regarding the exchange of offers in goods and services during the current eighth round of negotiations, which is anticipated towards the end of April 2023. However, according to recent sources, there are several issues where the UK

and India have not yet reached a consensus, including those involving import levies on goods like cars and Scotch whisky and conversations around visa accommodations for business visitors.

Conclusion

Because both nations are significant exporters and importers of goods and services, a free trade agreement between the two states makes economic sense. A trade agreement would increase India's access to the UK since India is the third-largest supplier of services to the UK market. The UK hopes to expand its access to the Indian market via the FTA. Due to the benefits above, an FTA would benefit both nations once it is finalised.

UK Transit Update

Guidance on how to move your goods out of Great Britain using transit changes

The guidance on planning your route and making declarations if your transit movement starts in Great Britain has changed. In addition, information about goods being exported from excise duty suspension and using transit has been added.

[Read the amended guidance](#)

GB-NI Windsor Framework (other than SPS)

Summary of EU regulation tariff rate quotas for Northern Ireland

The government's summary of an amendment to an EU regulation on tariff rate quotas on certain steel products moved into Northern Ireland from Great Britain.

[Read here](#)

Summary of medicines supply to Northern Ireland

The government's summary of a proposed EU regulation under the Windsor Framework to safeguard the supply of medicines to Northern Ireland.

[Read here](#)

UK CDS Update

CDS changes this week

Here are the changes for CDS this week announced by Gov. uk

- The List of codes for the types of Government Department licences that can be declared for imports and exports in Data Element 2/3 (Appendix 5C) has changed. Document code L143 added to Appendix 5C – Import. Document codes X817, X819, X823, X830, X831, X834, X835, X836, X990, X992 added to Appendix 5c – Export.
- The relevant document codes, status codes, and details to be declared, such as licences and certificates (Appendix 5A), have changed. Document codes L143, X817, X819, X823, X830, X831, X834, X835, X836, X990, X992 added. These are EU document codes applicable only to Northern Ireland declarations.
- Notes on swine fever measures have been removed as these are no longer applicable to commercial imports. However, document codes 9033, 9034 or 9036 should still be declared for non-commercial imports of porcine products from EU countries.
- Group 8: Other Data Elements (Statistical Data, Guarantees and Tariff Related Data) have been updated. The DE 8/5 Nature of Transaction code 6 definition has been amended to “not currently in use” to show that the UK does not use this code to distinguish any particular transactions for national purposes.
- Document code 9038 has been added to the List of national document codes.

UK ADD

TRA publishes initial conclusions on steel trade tariff quotas for developing countries

The TRA has published its initial conclusions on steel imports from developing countries in categories subject to the UK steel safeguard trade remedy measure

[Access Link](#)

UK Sanctions

UK Sanctions against Russia

New measures have been put in place to prohibit the export, supply and delivery, and making available to, or for use in, Russia a range of goods and the provision of related ancillary services.

[Access Link](#)

Financial sanctions: guidance updated

Information on the approach OFSI takes to financial sanctions, including sector and regime-specific guidance and information on monetary penalties for breaches of economic sanctions. I added High-Value Dealer Guidance.

[Access all the UK's Financial Guidance Documents](#)

Financial sanctions, Counter-terrorism lists updated

This page lists persons and entities to whom financial sanctions have been applied due to their assessed involvement in terrorist activity. This sanctions regime aims to further the prevention of

terrorism in the UK or elsewhere and protect UK national security interests. HM Treasury Notice, Counter-Terrorism (Domestic), 18/04/2023, added

[Access the latest List](#)

Suspected Hizballah financier sanctioned under counter-terrorism regulations

All assets and economic resources belonging to Nazem Ahmad in the UK have been frozen.

[Press Release](#)

Financial sanctions, Global Human Rights Lists updated

The Global Human Rights regime operates under the UK's Sanctions and Anti-Money Laundering Act 2018. This page contains the current List of designated targets, updated.

[Access the latest List](#)

Financial sanctions, Russia

The Russia (Sanctions) (EU Exit) Regulations 2019 ensure that sanctions relating to Russia are implemented effectively after the UK leaves the EU. HM Treasury Notice, Russia, 21/04/2023 added Updated.

[Access the latest List](#)

Customs & Global Trade Updates of the European Union

The European Union operates a Customs Union. Therefore, laws, Guidance etc., are published at the European level. Importers and Exporters, therefore, need to be aware of changes at the European level and assess the impact on their business carefully. But, of course, we monitor changes, so you don't have to.

Carbon Border Adjustment Mechanism (CBAM) updates

EU Adopts Carbon Border Adjustment Mechanism (CBAM)

A legislative package to achieve the 2030 climate objective agreed upon with the Member States of the European Union (EU) in late 2022 was approved by the European Parliament on April 18, 2023.

Details

- To prevent production from being moved from the EU to non-EU countries with less ambitious policies, one of these laws, known as the Carbon Border Adjustment Mechanism (CBAM), aims to incentivise non-EU countries to increase their climate commitments.
- Iron, steel, cement, aluminium, fertilisers, electricity, hydrogen, and, under certain circumstances, indirect emissions are among the items covered by CBAM. Consequently, the price difference between the carbon price paid in the nation of production and the price of carbon allowances in the EU Emissions Trading System would be borne by importers of these items.
- On October 1, 2023, the CBAM will begin a transitional period until 2025. As a result, importers must declare emissions built into their products during the transitory period without making the necessary financial adjustments. As a result, EU importers will be forced to report yearly the number of products and the number of embedded emissions in the total amount of goods they imported into the EU during the previous year, as well as to surrender the equivalent number of CBAM certificates once the CBAM system is fully operational in 2026.
- The EU Council must officially approve the CBAM text before publishing it in the EU Official Journal.

[A news release from the EU Parliament](#)

[CBAM Q&A here: Mechanism for Adjusting Carbon Borders \(Europa. eu\)](#)

EU Court of Justice Updates

Customs Value case: OGL-Food Trade GmbH

Opinion of Advocate General Jean Richard de la Tour of 20 April 2023 in Case C-770/21, OGL-Food Trade Lebensmittelvertrieb GmbH Vs. Direktor na Teritorialna direktsia 'Mitnitsa Plovdiv' pri Agentsia 'Mitnitsi. Re: The customs value of farm goods from third countries determines the amount of import taxes and value-added tax (VAT) that must be paid. The situation in which the stated **transaction**

value is much higher than the average import value set by the Commission for the same goods, but the importer sells at a loss after taking out its costs. The situation in which the buyer does not provide a business contract for the importation but does provide other proof of the importation and payment. There is a chance that the supplier and its customer (a food chain), who have worked together for a long time, could be seen as "related persons" whose relationship "affected the price" of the imported goods.

[Download Details](#)

EU Customs Updates

Ukraine: Commission extends customs duty and VAT waiver on imports of life-saving goods for ten Member States

On 17 April 2023, the European Commission adopted a Decision which extends for ten Member States the current possibility to temporarily waive customs duties and VAT on the importation from non-EU countries of food, blankets, tents, electric generators and other life-saving equipment destined for Ukrainians affected by the war.

[Read Press Release](#)

EU

EU Import Restriction Updates

European Parliament issues draft opinion prohibiting products made with forced labour on the Union market

Read the of the Committee on Foreign Affairs for the Committee on the Internal Market and Consumer Protection and the Committee on International Trade on the proposal for a regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market.

[Read here](#)

EU Trade Agreement Updates

Mercosur-EU FTA - Greenpeace: A toxic Cocktail: the EU-Mercosur Deal - Limes reveal how European Pesticides travel around the World (and back)

The EU's proposed trade pact with Mercosur (Brazil, Argentina, Paraguay, and Uruguay) demonstrates how various organisations have distinct regulations. The European Commission wants a trade pact that would make it difficult to achieve its objectives of "climate neutrality," pesticide reduction, and automobile elimination.

- The EU-Mercosur trade treaty promotes meat, chemicals, and polluting autos, which contradicts these aims. More of these things will be created and utilised, worsening climate and environmental issues. The 1999 EU-Mercosur pact maintains an outdated economic paradigm that harms the environment and makes it difficult for people throughout the globe to succeed.
- This paper examines the "toxic cycle" the EUMercosur trade pact might worsen.
- Greenpeace tested Brazilian limes from eight EU nations for pesticides. In addition, a certified lab evaluated limes from Austria, Belgium, France, Germany, Italy, the Netherlands, Spain, and Sweden.
- The test detected several EU-made compounds delivered to Brazil. These findings confirm that dangerous chemicals, some of which are banned in the EU, are being shipped to Brazil and subsequently returned to Europe on food.
- This is already occurring, and the EU-Mercosur pact will make it worse. Pesticides destroy millions of bees⁵ and sicken thousands of Brazilians⁶.
- This investigation revealed pesticides in 51 of 52 samples.
- Six lime active components are forbidden in the EU. Pesticide residues were found in 90% of samples. Glyphosate was present in 30% of samples. BASF and Bayer offer herbicides in Brazil that contain one-third of the active chemicals.
- Trade arrangements make poisons easier to create, sell, and use.
- The EU-Mercosur accord would increase pesticide usage and EU pesticide-tainted food sales.
- This is why Greenpeace wants parliamentarians to reject the EU-Mercosur pact. Trade imbalances should not worsen for Global South nations.

[Download report](#)

Overview of EU FTA negotiations and other trade negotiations as of 12 April 2023

[Download the PDF](#)

Deepening EU Five Eastern and Southern Africa (ESA5)

The 11th round of negotiations between the European Union and Five Eastern and Southern Africa (ESA5) states for deepening the currently implemented economic partnership agreement took part.

[What trade facilitations were agreed upon? What changes for rules of Origin?](#)

New technical reports on the Colombia/Ecuador/Peru/European Union Trade Agreement

- [Trade and Sustainable Development](#)
- [Sanitary & Phytosanitary Measures](#)
- [Technical Barriers to Trade](#)
- [Intellectual Property](#)
- [Public Procurement](#)
- [Market Access](#)
- [Agriculture](#)
- [Customs](#)

Draft Decision amending the Rules of Origin under the EU-Vietnam FTA

The EU has published the ideas for amending the Rules of Origin under the EU-Vietnam FTA

[Download the amendment proposal](#)

EU wins World Trade Organization case on India's tariffs on information and communication technology products

- The EU won a crucial WTO dispute contesting India's tariff on essential ICT products.
- In its panel judgement, the WTO supported all EU allegations against India. It determined that India's tariffs of up to 20% on ICT items like mobile phones were unconstitutional and in violation of its WTO commitments.
- EU exports of such technology affected by India's transgressions total €600 million yearly. This is substantial, but European companies that export to India from other countries are far more affected.
- The tribunal found India's tariffs unjustified.
- India could not use the Information and Technology Agreement (ITA) to avoid its WTO scheduling commitments or limit its zero-duty promise to pre-existing products.
- The panel also confirmed that India's tariff obligations were correct, including when the tariff lines' nomenclatures were amended and refused to review India's request to correct them. Changes would require WTO negotiations.
- Since 2014, India has steadily increased customs taxes on mobile phones, components and accessories, line telephone handsets, base stations, static converters and electric wires and cables to 20%.
- The EU said these levies violated WTO standards since India is required to apply a zero-duty rate on such products.
- In 2019, the EU filed this WTO dispute resolution. On 17 April 2023, the panel delivered its final report to WTO Members.
- Following the EU's lead, Japan and Taiwan filed DS584/DS588 cases in 2019. Both issues involve ICT rates and essentially identical products.

[Read Press Release](#)

Serbia-EU Meeting on Customs & Trade

The EU-Serbia Stabilisation and Association Agreement (SAA) Subcommittee on Trade, Industry, Customs, and Taxes met in a mixed format in Brussels on March 27, 2023. Key results:

- The Commission reaffirmed its position on Serbia's trade restrictions in March 2022. It asked that the remaining export restrictions on Eurodiesel end on March 31, as stated in the current decree, that import duties on certain dairy products be removed, and that the wine quota be managed according to the SAA.
- The Commission was also worried about how long some Member States could get licences to import milk. Serbia said the local dairy industry suffered from foreign dairy products and immediately needed help. They also noted that the delays in giving out permits were because of changes to the system.
- The Commission brought up Serbia's membership in the WTO and asked if there had been talks about free trade agreements with other countries. Serbia told them about recent events and how hard it is to move mutual discussions with UA and RU forward and adopt the GMO law because of public resistance. The lack of progress saddened the Commission.

- Serbia also wanted to sign free trade deals with China, the United Arab Emirates, Egypt, and South Korea. As required by the SAA, it promised to keep the Commission and SA Council aware of the talks.
- The Commission thinks Serbia will help CEFTA and the CRM, especially when it is in charge of CEFTA in 2024. Serbia said again that anyone could join the Open Balkans Initiative, and it agreed to let the Commission know about any new business cooperation with other SAA countries.
- The Commission praised Serbia's good work keeping Russia from getting around sanctions and asked for more. The Commission told Serbia when the EU steel safety review would happen, which Serbia wanted to be done away with altogether.

[Read the Report](#)

Anti-dumping Duty & Countervailing Duty Updates

EU renews anti-dumping measures on stainless steel fittings from China and Taiwan for five years, extends efforts to Malaysia

- EU also renewed anti-dumping restrictions on Chinese and Taiwanese stainless steel parts for another five years and made them apply to Malaysia.
- Today, the European Commission put anti-dumping measures on Chinese and Taiwanese tube and pipe butt-welding parts made of stainless steel for another five years. A review of what would happen when efforts ran out found that harmful dumping would start again. So on March 3, 2023, controls were extended to fittings from Malaysia.
- This was done after an anti-circumvention probe found that Chinese manufacturers used assembly operations in Malaysia to get around rules. Both sets of restrictions protect EU manufacturers of stainless steel fittings, which connect pipes and tubes in petrochemicals, beverage/food processing, and building, from unfair business practices.
- This protects over 500 EU jobs. Taiwan's anti-dumping taxes are between 5.1% and 12.1%, while China's are between 30.7% and 64.9%. The 64.9% tax on imports does not apply to two legal products made in Malaysia. So that imported fittings and fittings made in the EU can compete pretty, restrictions on imports from China and Taiwan must be renewed, and steps must be extended to Malaysia to stop people from getting around them.
- The review of Chinese and Taiwanese imports about to end showed that dumping is ongoing and that both countries have much extra capacity and a strong interest in the €100 million EU market. If the restrictions were lifted, dumping would get worse, hurting
- A related anti-circumvention investigation found that Malaysian companies were importing the main parts needed to make stainless steel fittings from China, processing them, and exporting them to the EU without paying anti-dumping duties. This practice circumvented Chinese anti-dumping responsibilities and had no economic reason.

[Definitive measures](#)

[Extension of anti-dumping measures to stainless steel fittings from Malaysia](#)

[EU Trade Defence Policy](#)

EU addresses Indonesian hot-rolled stainless steel circumventing EU tariffs via Türkiye

- Today, the European Commission has extended the anti-dumping measures on imports of stainless steel hot-rolled coils ('SSHR') from Indonesia to imports of SSHR from Türkiye.
- The extension of measures follows an investigation which showed that EU anti-dumping duties on imports of SSHR from Indonesia were being circumvented by imports sent for completion to Türkiye and then shipped to the EU. SSHRs are a primary material in the construction industry, with the EU market worth € 2.4 billion.
- The extension of anti-dumping measures to SSHR from Türkiye is necessary to enforce the trade defence measures since October 2020 on imports of SSHR from Indonesia, China and Taiwan.
- The European Commission was alerted to a complete operation in Türkiye which processed stainless steel slabs from Indonesia and imported them into the EU as SSHR. The value added by this completion operation was less than 2% of the total manufacturing cost, and almost all processed products made their way to the EU. The Commission's investigation found no economic justification for this practice other than Indonesia's circumvention of anti-dumping duties on SSHR.
- Extending the measures to imports from Türkiye will protect EU producers of SSHR from unfair competition from circumvention of anti-dumping duties. Furthermore, it demonstrates that the Commission is fighting unfair trade in all its forms.

[Commission Implementing Regulation extending the anti-dumping measures Anti-dumping measures on imports of SSRH from Indonesia, China and Taiwan EU Trade Defence Policy Press Release](#)

Overview of EU ADD Measures as of April 2023

[Download here](#)

EU Biosecurity & Veterinary Affairs (incl. trade in fish) Update

Fight against honey laundering

The FT reported this week that beekeepers from 20 EU countries demand stricter penalties for honey fraud. The EU is battling a flood of honey tainted with syrup from China and other exporters, driving down prices in the €2.3 billion markets.

- Twenty member states, led by Slovenia, are stiffening laws against "honey laundering" due to a European Commission study that found increased fraud.
- Results from the previous month showed that more than half of the analysed kinds of honey violated EU requirements by including water, sugar syrups, and colourings. H
- One fraud might harm small businesses, deceive consumers, and endanger bees' ability to perform their environmental job by discouraging apiarists.
- According to officials, this week, the 20 member countries sought stricter honey labelling requirements and more excellent screening to detect fake samples.
- In four of every five shop jars, the honey is a combination, usually with honey from both within and outside the bloc. Slovenia has suggested that rather than just stating that they include both EU and non-EU honey, mixes of EU honey should be labelled by location of Origin and percentage.

- An official favouring the initiative said, "We want traceability and an end to trafficked honey."
- The EU proposed on Friday to identify honey mixtures by the nation of Origin rather than by percentage, citing operator cost constraints.

[Read the FT Article](#)

Latest legal changes on EU outbreak of bird flu

[Read the Update from EU OJ](#)

Authorised Entries for Canada, the United Kingdom and the United States of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds

[Download the latest List](#)

Latest legal changes on African Swine Fever

[Read the Update from EU OJ](#)

Emergency Measures: Sheep pox and goat pox in Spain

United States

US Broker Updates

Helping Customs Brokers deal with cybersecurity

The purpose of a new guideline paper from U.S. Customs and Border Protection is to assist customs brokers in preparing for and responding to a cyber-attack.

According to CBP, this advice is a component of a more considerable agency effort to improve supply chain resilience. This effort aims to set clear expectations for business and government players on protocols, procedures, and duties in the event of artificial supply chain disruptions. Cybersecurity is the first area CBP looks at as part of this endeavour. The advice considers knowledge from previous cyber-attacks and cooperation with partner governmental organisations and customs brokers.

The following suggestions are made in this guideline on how to protect against, handle, and recover from any cyberattacks on the data systems used by customs brokers.

Protect

- Keep up-to-date documented cybersecurity policies and procedures to safeguard information technology systems that adhere to industry-recognised standards.
- Use up-to-date firewall, antivirus, and anti-spyware programmes and perform regular updates
- Conduct frequent vulnerability scans to assess the security of IT infrastructure
- Do your research to ensure IT service providers have security safeguards in place.
- To provide CBP with correct information on business systems and broker connections, if directly transferring data to the Automated Commercial Environment, file an up-to-date interconnection security agreement at least every three years.
- Retain backup devices physically off-site (or in the cloud), link backup devices to a separate network, regularly backup data, save sensitive and private data in an encrypted manner and preserve original records inside the U.S. customs area.
- Create a strategy for informing stakeholders of cybersecurity incidents that specify whom to alert, when to contact importer clients, system vendors, CBP (keeping in mind that any breach of records about customs business must be reported within 72 hours), and PGAs, as well as what information to share at each stage.
- Include supply chain risks (national security threats, trade compliance, and PGA requirements) into company continuity plans and determine how to handle these risks without system access.

- Use a risk-based method to evaluate potential business partners and keep tabs on present ones.
- Establish a strategy for determining the PGA needs of customers without system access

Respond

- Contact CBP's Office of Field Operations at the headquarters level to seek help and confirm that the broker's downtime processes comply with CBP standards.
- Produce a downtime letter with entry numbers and all other necessary information, documenting each entry.
- Be ready to provide copies of pertinent papers for manual inspection.
- Have a backup set of entry numbers in your offline continuity strategy.
- Prepare to meet PGA criteria (hard copies of the PGA forms, the commercial invoice, and product-specific paperwork may be helpful).
- Keep in touch with government stakeholders often until the situation has been resolved and normal business has resumed
- Please remember that requests for redelivery are possible and that the clearance of products may be temporary.
- When necessary and permitted by law, CBP will collaborate with brokers to find solutions for post-release processes

Recover

- Before CBP approves reconnection to ACE, brokers must provide proof of system repair.
- Brokers must maintain an accurate record of all transactions made during cyber events and enter this information into ACE for CBP processing.

US Customs Updates

Import Rules of Cut Flowers Relaxed

The Animal and Plant Health Inspection Service of the Department of Agriculture recommends that all restrictions on importing cut flowers of the genera Chrysanthemum, Leucanthemella, and Nipponanthemum from countries with white chrysanthemum rust be lifted. In addition, APHIS investigated the potential economic impacts of removing current regulatory limits and their effectiveness in limiting the spread of CWR.

APHIS also suggests a notice-based strategy for changing cut flower import laws to hasten the pest response time. Under this proposal, APHIS would replace its regulations with entries for the amount of flower import criteria in the database for agricultural commodities. Notifications would alter these standards rather than rules. Finally, APHIS suggests allowing imports of (1) cuttings, (2) plantlets and roots from Canada, and (3) *Chrysanthemum* spp. and synonymous species cuttings and in vitro plantlets from 20 nations under a systems approach. Commentary on these suggestions is due by June 16.

Proposed Import/Export Limitations for Nine Substances

The following fentanyl-related drugs are being proposed to be added to Schedule I of the Controlled Drugs Act. The Drug Enforcement Administration is soliciting opinions on the proposal through May 15. The importation, exportation, manufacturing, distribution, possession, research, instructional activities, and chemical analysis of Schedule I drugs would all be subject to the administrative, civil, and criminal consequences and regulatory constraints that apply to substances in that category.

- Meta-fluorofentanyl, also known as N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide
- N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, also known as meta-fluoroisobutyryl fentanyl.
- N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide, para-methoxyfuranyl fentanyl.
- N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide, also known as 3-furanyl fentanyl
- N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-phenylpropionamide, also known as 2',5'-dimethoxyfentanyl
- 3-methyl-N-(1-phenethylpiperidin-4-yl)-Nphenylbutanamide, also known as isovaleryl fentanyl
- N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide, ortho-fluorofuranyl fentanyl
- 2-methyl-N-(1-phenethylpiperidin-4-yl)-Nphenylbutanamide, or alpha'-methyl butyryl fentanyl.

US Sanctions

US busts International Money Laundering and Sanctions Evasion Network of cash, diamonds, precious jewels, art, and luxury items trade, supporting Hizballah Financier

On April 18, 2023, the Treasury disrupted an international money laundering and sanctions evasion network supporting a Hizballah financier. Fifty people and companies were targeted in nine different countries.

The US designated 52 people and entities operating out of

- Lebanon,
- the United Arab Emirates,
- South Africa,
- Angola,
- Côte d'Ivoire,
- the Democratic Republic of the Congo,
- Belgium,
- the United Kingdom, and
- Hong Kong

as part of a massive international money laundering and sanctions evasion network.

For Nazem Said Ahmad, a financier for Hizballah and a Specially identified Global Terrorist (SDGT) who was placed on December 13, 2019, this network paid, transported, and delivered cash, diamonds, precious jewels, art, and luxury items.

The designation includes hundreds of people and organisations that supported Nazem Said Ahmad in evading American sanctions to support Hizballah and his opulent lifestyle. The UK, the Department of Homeland Security, and the Rewards for Justice initiative coordinated this designation.

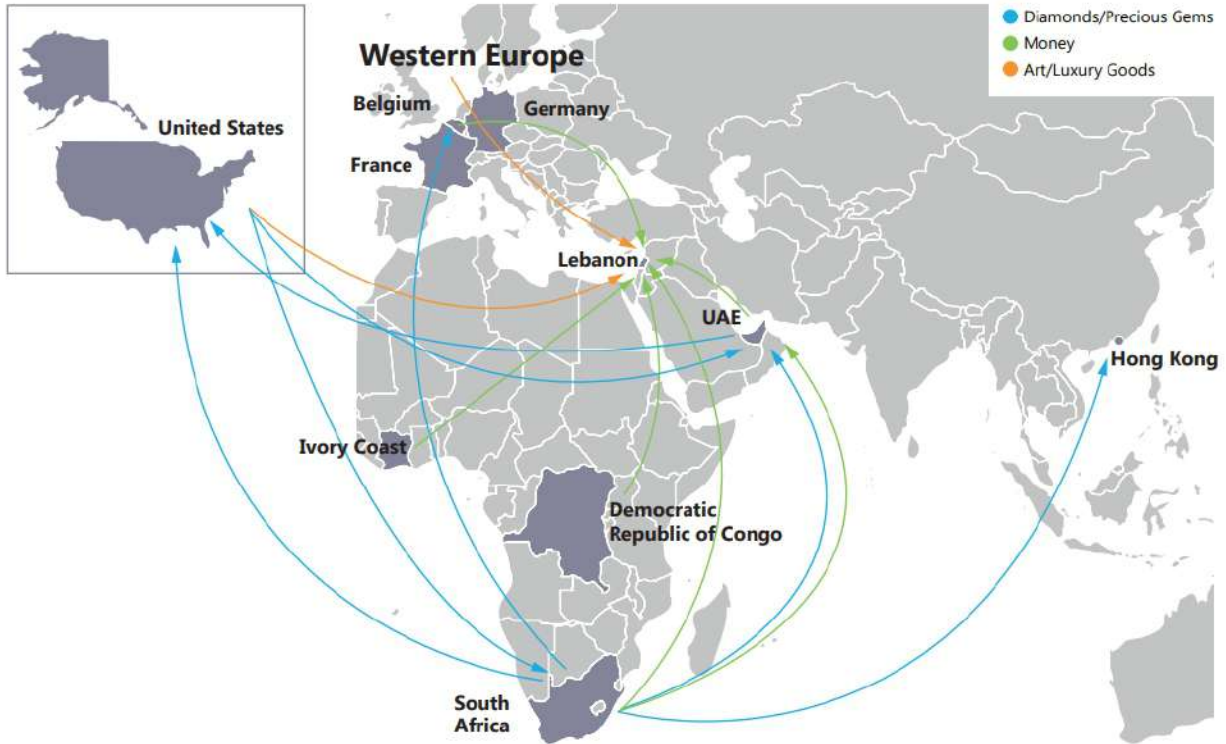
According to Under Secretary of the Treasury for Terrorism and Financial Intelligence Brian E. Nelson, "the members of this network concealed Nazem Said Ahmad's role in financial transactions by using shell companies and fraudulent schemes." *"Luxury goods market participants should be aware of these potential tactics and schemes, which allow terrorist financiers, money launderers, and sanctions evaders to launder illicit proceeds through the purchase and consignment of luxury goods."*

The October 2020 OFAC Art Advisory and the February 2022 Treasury research "Study of the Facilitation of Money Laundering and Terror Finance Through the Trade of Works of Art" go into depth on the problems with money laundering and terrorism financing that arise from the trafficking in works of art.

Following Executive Order (E.O.) 13224, OFAC identifies this intricate web of relatives, acquaintances, and businesses as modified.

Worldwide Network

International Money Laundering and Sanctions Evasion Network of Hizballah Financier Nazem Said Ahmad



Nazem Said Ahmad is the head of a worldwide network of families, friends, and businesses who buy, transport, and distribute opulent products using the permissive international market for diamonds, precious jewels, and works of art. The network employs legal and illegal means to coerce knowledgeable and unaware people into fabricating Kimberley Process certificates to affect diamond prices and taxes and provide legitimacy to their company. Using aliases, front companies, and false documents, Nazem Said Ahmad buys or consigns pricey luxury antiques and artwork from auction houses and galleries throughout the globe. By undervaluing invoices and clearing bulk shipments, the network could import goods without paying taxes or fees, thanks to Hizballah's influence at seaports.

Nazem Said Ahmad conceals significant sums of money from Lebanese banking authorities and regulators by using associates and front companies to transact on his behalf. To get beyond central banking cash reserve constraints, Lebanese and international banking surveillance, the network permitted a complicated structure of bulk cash transfers, intra-network accounting book transfers, and commercial transactions utilising personal bank accounts and credit cards. Layering, a phase in a money laundering operation that isolates profits from the illegal activity that earned them, was used by Nazem Said Ahmad's pals and their legitimate and illicit businesses and was essential to the scheme. For Nazem Said Ahmad, his family, and his close associates, dependable couriers delivered money, diamonds, and artwork.

To smuggle money out of Lebanon via the luxury goods and art industries, Nazem Said Ahmad and his accomplice employed techniques to overvalue and undervalue artwork and his expertise as a collector. As a result, Nazem Said Ahmad has purchased over \$54 million worth of artwork from prestigious auction houses, galleries, and exhibitions and directly from artists' studios since 2012. In addition, he frequently hides his beneficial ownership by having official invoices created with cover companies, family members, or business partners listed as the owners.

[Press release](#)

Venezuela Sanctions: General Licence Update & FAQ amended

The Department of the Treasury's Office of Foreign Assets Control (OFAC) is issuing Venezuela-related General License 5K, "Authorising Certain Transactions Related to the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond on or After July 20, 2023." In addition, OFAC is also amending one Venezuela-related Frequently Asked Question (595).

[Access Detail](#)

Your Supportive Documents

Download extra materials, factsheets, Q&As, PowerPoint presentations, Excel spreadsheets, reports, and notes to support your work. Click on the link to download the document

UK Border Target Operating Model

[**UK Border Target Operating Model 60+ Explainer PowerPoint Presentation \(April 2023\)**](#)

[**YouTube: UK Border Target Operating Model \(TOM\): Essentials for Exporters, Importers & Customs Gurus To Know**](#)

[**YouTube: UK Border Target Operating Model \(TOM\): Zoom in on New SPS Controls - What Food Importers Need To Do**](#)

[**YouTube: UK Border Target Operating Model \(TOM\): Safety & Security Declarations: Carriers & Agents Watch Out!**](#)

[**YouTube: UK Border Target Operating Model \(TOM\): UK Single Trade Window**](#)

[**YouTube: UK Border Target Operating Model \(TOM\): The Most Effective Border in the World**](#)

Customs Compliance

[**E-Book: 'Due diligence when making customs declarations.'**](#)

NCTS & Transit

[**NCTS 5 Briefing: What is it, what changes, and what should you do?**](#)

Customs Authorities Helplines & Points of Contact

[**HMRC Helplines, Points of Contact**](#)

[**UK Border Force customs offices list**](#)

ADD

[List of EU ADD measures notified to WTO \(of April 2023\)](#)

Trade Agreements

[Overview of EU FTA negotiations and other trade negotiations as of 12 April 2023](#)

[CTPPT - What has been agreed for the UK - Briefing for Customs and Trade Professionals and UK Importers and Exporters](#)

[CPTPP – Our Briefing: Rules of Origin and origin procedures explained](#)

[CPTPP – Our Briefing: Rules of Origin and origin procedures for Textiles and Apparel goods](#)

[CPTPP - Veterinary and SPS matters](#)

[CPTPP - Legal Text](#)

[CPTPP - Download the Product specific Rules of Origin and other provisions](#)

[CPTPP - Certificate of Origin TEMPLATE EXAMPLE](#)

[CPTPP - Read the manual for obtaining preferential tariff treatment when exporting and importing goods](#)

Northern Ireland (Windsor Framework)

[EU publishes legally binding Joint Decision of EU-UK on Windsor Framework – Special Briefing \(April 2023\)](#)

[UK Analysis on EU law on sanitary and phytosanitary goods relating to the Windsor Framework \(April 2023\)](#)

[Our Explainer Guide for Northern Ireland \(incl. Windsor Framework\) – March 2023](#)

[Customs Manager’s Webinar on Windsor Framework - SLIDES \(March 2023\)](#)

[House of Commons Study on the Windsor Framework \(March 2023\)](#)

[Sector Explainers for the Windsor Framework \(March 2023\)](#)

Excise Duty

[UK Alcohol Reform Proposals – Action Your Business Can Take Now \(27.03.2023\)](#)

[Report on UK Alcohol Reform Proposals - by UK Gov \(March 2023\)](#)

Customs and Global Trade Government Helplines

[Download the document on the latest UK Government Helplines](#)

Customs Declarations

[Report: 'Due diligence when making customs declarations'.](#)

Transit

[Briefing on NCTS](#)

Trainings & Events

For all bookings: www.customsmanager.org -> Events

All courses are virtual

25 April 2023 – Weekly Virtual Online Free Networking Event

Join us to connect with others and network, get your questions answered by peers and discuss new laws and regulations. Reserve a slot for free and get immediate dial-in details at www.customsmanager.org -> Events

CITES - Trade in Endangered Species & Products

08 May, 13:00 – 17:00 BST

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

Prohibitions, Restrictions & Licences (includes Export Controls & Sanctions)

11 May, 09:30 – 13:30 BST

This course develops the competencies that professionals need to identify and manage, prohibitions & restrictions (incl. export controls and sanctions) (Course ID: OC08+22)

Origin of Goods & FTA

12 May, 13:00 – 17:00 BST

This course develops the competencies that professionals need to carry out activities required to determine the economic nationality of goods. (Course ID: OC07)

Tariff and Customs Classification

15 May, 09:00 – 13:00 BST

This course develops the competencies professionals need to deal with all aspects of tariff and classification of goods, including HS code determination, application, validation, and usage of tariffs and online databases, GIRs and ATR (BTIs). (Course ID: OC03)

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.

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