

BRIEFINGS

CBP – HURRICANE KATRINA

- Customs has posted [trade information](#) regarding Hurricane Katrina, including non-operational port locations, import processing ports for entry summary filing, seizure and penalties, Remote Location Filing, and the point of contact for October's broker license exam at the Atlanta Field Office.
- A separate [posting](#) addresses New Orleans Import Specialist team changes, including new port assignments and the tariff chapters that each team will handle.
- Customs has issued [guidance](#) on processing Katrina relief merchandise imports.

ORANGE JUICE DUMPING

The ITA has preliminarily determined that certain orange juice products from Brazil are being, or are likely to be, sold in the U.S. at less than fair value. The ITA is postponing final antidumping determinations until no later than 135 days from Aug. 24, 2005. 70 Fed. Reg. [49557](#) (Aug. 24, 2005).

IMPORTER/AGENT LIABILITY

The CIT has ruled that an importer is liable for Customs violations committed by its agent/broker if the actions of the agent are within its scope of authority as the importer's agent, even if the agent acts fraudulently, without the importer's knowledge, or contrary to instructions. U.S. v. Pan Pacific Textile Group, CIT Slip Op. [05-107](#) (Aug. 26, 2005).

C-TPAT – PHASE III

Phase III of the enhanced C-TPAT program [requirements](#) goes into effect on September 22. The Phase III requirements focus on business partners.

TRADE SYMPOSIUM

Customs will hold its 6th annual trade symposium on Nov. 2-4, 2005 in Washington, D.C. Online registration will open on or about Sept. 23, 2005.

FTZ BOARD REVIEW

The FTZ Board is initiating a review of Perrigo Company's activities in FTZ Subzone 43D, focusing on the Company's and industry-wide ibuprofen sourcing patterns and plans; international competition in ibuprofen products; effects on domestic suppliers; Perrigo's FTZ benefits; and the net economic effect of Perrigo's FTZ usage. This is the first FTZ Board review of this kind ever held. 70 Fed. Reg. [54521](#) (Sept. 15, 2005).

FTZ AUTOMATED CBPF 214

Customs has announced a voluntary test program for submission of electronic foreign-trade zone admission applications using the ABI system, slated to begin no sooner than Sept. 30, 2005 and to run for six months. Information is available at 70 Fed. Reg. [48774](#) (Aug. 19, 2005). Customs also has posted the automation requirements for the test on its [website](#). Linda King is a member of the development team. Contact her directly for detailed information.

WOOD PACKAGING RULES

- The Animal and Plant Health Inspection Service (APHIS) has [announced](#) a 3-part enforcement phase-in for the new Wood Packaging Material (WPM) regulations beginning September 16th. Phase 1 (informed compliance) will run from September 16, 2005 through January 31, 2006, and will involve notices of non-compliant WPM. Phase 2 runs from February 1, 2006 to July 4, 2006, and will involve rejection of non-compliant crates and pallets and informed compliance for other types of WPM. Phase 3, starting July 5, 2006, will be full enforcement on all WPM. APHIS has established a temporary toll-free number (866-738-8197) for questions, active from September 1 to October 16, 2005.
- APHIS has [stated](#) that the new WPM marking rules will not apply for shipments between the United States and Canada.
- APHIS has [posted](#) information on other countries' implementation and enforcement of the new WPM rules.
- Customs has notified the trade that the new WPM regulations render reporting requirements for WPM from China and Hong Kong unnecessary, but that system changes cannot be in place by September 16, 2005. Therefore, the trade should continue to report WPM from China and Hong Kong until further notice.
- Customs also has posted a revised set of [Frequently Asked Questions](#) to its web site.

BYRD RETALIATION

Six of the ten WTO members that disputed the Byrd Amendment have not pursued trade sanctions against the U.S. However, in addition to Canada's and the EU's retaliation, [Japan](#) has indicated that as of Sept. 1, 2005, a 15% duty is being imposed on certain products imported from the U.S., such as navigational instruments, machinery accessories, printing machines, forklift trucks, industrial belts, steel products, and bearings. Also, [Mexico](#) imposed additional duties ranging from 9% - 30% on certain dairy products, wine, candy, and chewing gum.

INDIA-SINGAPORE PACT

The recently adopted "[Comprehensive Economic Cooperation Agreement](#)" between India and Singapore represents a major stride in opening India's traditionally protected markets, marking India's first comprehensive free trade agreement and containing far-reaching provisions on trade, investments, taxes, intellectual property, finance, and services.

HTS AMENDMENTS SOUGHT

The International Trade Commission (ITC) is seeking proposals to amend the Harmonized Tariff System (HTS)—comprising the General Rules of Interpretation, Section and Chapter titles and legal notes, and Heading and Subheading texts to the six-digit level. Clients are encouraged to consider changes. 70 Fed. Reg. [51089](#) (Aug. 29, 2005).

INFORMED COMPLIANCE

Customs has issued revised versions of its Informed Compliance Publications (ICPs) on "[Bona Fide Sales & Sales for Exportation to the U.S.](#)" and "[Footwear.](#)"

CBP BROKER'S EXAM

Customs has [announced](#) that it will conduct the next Customs Broker License Examination on October 3, 2005.

AES

• [Census](#) will allow USPPIs to apply for post-departure filing when the final rule on mandatory Automated Export System (AES) filing for all exports is published. USPPIs already approved will not need to reapply.

• Census released a network edition of its [AESPCLink software](#) on June 23, 2005, which allows AESDirect users to have all the benefits of running locally on the user's own computer desktop.

"ASSEMBLY" DEFINITION

The Court of Appeals for the Federal Circuit (CAFC) has backed the Court of International Trade's (CIT) ruling that the mere fastening of articles together for ease of handling is not an assembly, but that assembly does include fitting various parts together to form an operative whole. [ABB Inc. v. U.S.](#), CAFC Slip Op. [05-1003](#) (Aug. 16, 2005).

DDTC EXPORT LICENSES

The Directorate of Defense Trade Controls (DDTC) has notified the trade that export license applications submitted after September 16, 2005, without adequate supporting documentation will be returned without action. DDTC's [notice](#) reiterates ITAR documentation requirements for licenses.

ITAR AMENDMENTS

The State Department has finalized several amendments to the International Traffic in Arms Regulations (ITAR), including changes relating to electronic maintenance of records, electronic submissions for export, and the terms of disclosure of registration documents to the public. 70 Fed. Reg. [50958](#) (Aug. 29, 2005).

USER-FEE AIRPORT

Customs has proposed a new port-of-entry at the Sacramento, California airport, which currently operates as a user-fee airport. Comments are due by November 1, 2005. 70 Fed. Reg. [52336](#) (Sept. 2, 2005).

BOVINE MATERIALS

The FDA is amending its interim final rule regarding the use of bovine materials in human food and cosmetics. The amendments are effective October 7, 2005. Comments are due by Nov. 7, 2005. 70 Fed. Reg. [53063](#) (Sept. 7, 2005).

DR-CAFTA

The expected implementation date for DR-CAFTA is January 1, 2006. Many changes are necessary, including amending the HTSUS, eliminating the Merchandise Processing Fee (MPF), prior disclosure-specific claims under the DR-CAFTA, and adding provisions for false DR-CAFTA certificates of origin.

BIS – INDIA REQUIREMENTS

The BIS has removed certain export and reexport restrictions on dual use goods intended for India and removed six Indian entities from the "Entity List." 70 Fed. Reg. [51251](#) (Aug. 30, 2005).

DFARS CONTROLS

The Department of Defense has extended the deadline to October 12 for comments on its Proposed Rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) requiring contractors to maintain an export compliance program. 70 Fed. Reg. [39976](#) (July 12, 2005) and [46807](#) (Aug. 11, 2005).

BURMA

The U.S. import ban on products from Burma (Myanmar) has been extended for a third and final year. 70 Fed. Reg. [48240](#) (Aug. 16, 2005).

FOREIGN-TRADE ZONES BOARD ACTIVITY AS OF 9/15/04

	APPROVED	CURRENTLY AUTHORIZED
ZONES	263	250
SUBZONES	568	497
	PENDING	
ZONES	5	
SUBZONES	16	
MISCELLANEOUS	32	
	AVERAGE PROCESSING TIME (MONTHS)	
ZONES	7	
SUBZONES	10	