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Top News

CBP Sets 'Tight' June 15 Deadline for FDA Entries and Entry Summaries

CBP's June 15 mandatory use date for filing electronic entries and entry summaries in ACE is tight, leaving little time to implement the latest FDA changes to its ACE programming and smooth out remaining issues, said customs brokers and software developers shortly after the agency announced the deadline. As detailed in a *Federal Register* notice ([here](#)), CBP will as of June 15 require filing in ACE of FDA entries and entry summaries under entry types 01, 03, 06, 11, 23, 51 and 52, the Automated Commercial System "will no longer be a CBP-authorized [electronic system] for purposes of processing these electronic filings," said the agency. Though CBP said it will monitor implementation, CBP should ease in enforcement to give the trade community time to adjust, said one broker.

For now, the legacy ACS will remain the electronic system for FDA-regulated entries and entry summaries of entry types 02, 07, 08, 09, 12, 21, 22, 31, 32, 34, 38, 41, 42, 43, 44, 45, 46, 61, 62, 63, 69 and 70, said CBP's notice. CBP has yet to announce a mandatory date for entries subject to quota, though it has indicated it plans to begin using ACE for quota in July (see [1603160037](#)).

The deadline leaves little more than a month for the trade community to get ready for full filing in ACE, and comes shortly after deployment of several changes to FDA's PGA message set included in the most recent version of the agency's supplemental guide (see [1604200042](#)). That's too close for comfort for some. "Too soon!" said Amy Magnus of A.N. Deringer. "The deadline is tight," said Celeste Catano of Kewill.

CBP will deploy those PGA message set changes into the live ACE system on May 31, "which gives the trade just 15 days to verify that everything is working correctly," said Catano. Some of the changes are not compatible with current versions of FDA programming, said Fany Flores-Pastor of Descartes System Group. "This is not good," she said. "We are discussing with CBP to see if they can make it backward compatible for at least a month or so, and allow the trade to update their systems accordingly. I really hope CBP will allow this and not risk the June 15 deadline," said Flores-Pastor.

Nonetheless, initial reaction to the deadline "wasn't bad at all" when CBP informed Trade Support Network leadership on a call earlier this week, given recent high rates of ACE filing for FDA, Flores-Pastor said. "I believe that the trade has been waiting for CBP to provide a deadline for FDA so brokers can finally get their importers to give the new information needed to file ACE entries with FDA," said Flores-Pastor. Some importers have not been as eager to cooperate given that there were not deadlines, she said. Flores-Pastor said trade readiness as at a point where she doesn't "anticipate a big impact to the trade," though a month of lead time is "probably not" enough for everybody. The Customs Commercial Operations Advisory Committee (COAC) urged CBP to announce its FDA ACE deadline in a recommendation adopted at its April 27 meeting (see [1604270050](#)).

Given current issues related to FDA entries and the overall ACE system, CBP and FDA should allow the trade community some leeway after the deadline, said Cindy Allen of Trade Force Multiplier. "I think that there are still some significant challenges with the messaging for FDA entries between the two agencies systems: ACE release and FDA's Predict system," she said. "I hope that both CBP and FDA take a soft approach in implementation and that enforcement is not going to be a hard line stance," Allen said. "There are also known issues within ACE between ACE Release and the Truck Manifest module. Given

the volume of FDA goods at the Northern and Southern border, this will add another layer of complexity in determining causes of missed releases and confused FDA messages. In the next month it's my hope that the CBP development team will focus on resolving the PGA messaging issues that currently exist to facilitate the deadline," said Allen. — *Brian Feito*

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Relatively Few Changes to AEO in New Union Customs Code in EU

The Union Customs Code overhaul in the EU that recently went into effect included relatively few changes related to the Authorized Economic Operator program there, said Sandra Moller, policy officer in charge of the EU AEO programme at European Commission. As one of the newer customs programs within EU, AEO didn't see as much revision as other parts of the UCC, she said. The AEO updates included both technical and substantial changes that are hoped to add new benefits for participants, she said. Many of the UCC changes were effective as of May 1 (see [1601120034](#)).

AEO status will be a condition for other certifications within the EU under the new UCC, said Moller. For example, AEO will now be required for centralized clearance and self-assessment certifications, she said. "This will provide more visible benefits for economic operators," she said. The EU released a guidelines document about the changes ([here](#)), which will be updated frequently, said Moller.

The EU also updated some criteria for participation, she said. Among the major changes are new criteria on "practical standards of competence or professional qualifications directly related to the activity carried out," required for AEOC. Also, participants must be compliant with taxation rules and have no record of criminal offenses "relating to the applicant's economic activity," she said. The EU will also require AEO members to name a contact person that can answer safety and security related questions. The new UCC also adds some requirements for AEO member business partners, which is a "very important element" in the context of mutual recognition, said Moller.

Another change was the elimination of the top level of AEO certification, AEOF, she said. As of May 1, EU's AEO only includes two groups, one for customs simplification, known as AEOC, and the other for security and safety, called AEOS, said Moller. While AEOF, which included combined AEOC and AEOS members, is no longer an official designation, "in practice we still the opportunity to combine the [AEOC] and [AEOS] residing" in one authorization, she said. At the end of 2015, 46 percent of some 60,000 certificates were AEOC, 50 percent were AEOF and 4 percent AEOS, said Moller. The program continues to include all 28 member states of the EU and when one member approves an AEO participant, that approval applies to the rest of the EU as well, she said.

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Customs

Miscellaneous CBP Releases

CBP issued the following releases on commercial trade and related matters:

- ACE PRODUCTION OUTAGE, Saturday, May 14, 2016 @ 2200 to 0400 ET Sunday, May 15 ([here](#))
- Refactored (ACE) AESDirect Scheduled Outage ([here](#))
- Reminder: Sunset of Legacy EDI/VPN and Bulk Upload (EDI Manager) May 20, 2016 ([here](#))

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CBP AD and CV Messages as of May 12

A listing of recent antidumping and countervailing duty messages from the Commerce Department posted to CBP's website May 12, along with the case number(s) and CBP message number, is provided below. The messages are available by searching for the listed CBP message number at <http://adcvd.cbp.dhs.gov/adcvdweb>.

- Gap period liquidation instructions for antidumping duty investigation on certain polyethylene terephthalate resin from People's Republic of China for period 04/12/16 thru 05/03/216 (A-570-024) Message # 6133311
- Affirmative preliminary determination of sales at less than fair value for welded stainless pressure pipe from India (A-533-867) Message # 6133310
- Initiation of antidumping duty investigation of certain carbon and alloy steel cut-to-length plate from Austria (A-433-812) Message # 6133309
- Gap period liquidation instructions for the antidumping duty investigation on polyethylene terephthalate resin from Canada for the period 04/12/16 through 05/03/16 (A-122-855) Message # 6133308
- Antidumping duty order on polyethylene terephthalate resin from Canada (A-122-855) Message # 6133307
- Countervailing duty order and amended final determination on certain polyethylene terephthalate (PET) resin from the People's Republic of China (C-570-025) Message # 6133306
- Antidumping duty scope determination on certain circular welded non-alloy steel pipe from Mexico (A-201-805) Message # 6133305

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- Scope determination on antidumping duty order on certain lined paper products from the People's Republic of China (A-570-901) Message # 6133304
- Cash deposit instructions for citric acid and certain citrate salts from Canada (A-122-853) Message # 6133303
- Initiation of countervailing duty investigation of certain carbon and alloy steel cut-to-length plate from the People's Republic of China (C-570-048) Message # 6133302
- Antidumping duty order on certain polyethylene terephthalate resin from the People's Republic of China (A-570-024) Message # 6133301

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Commerce Dept.

FTZ Board Actions and Notices for May 13

The Foreign Trade Zones Board issued the following notices for May 13:

- FTZ 20: Norfolk, Virginia; Application for Reorganization (Expansion of Service Area) Under Alternative Site Framework ([here](#))

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USDA

FAS Global Agriculture Information Network Reports for May 12

On May 12 the Foreign Agricultural Service posted the following GAIN reports:

- China: China's selling of state cotton reserve ([report](#))
- Poland: Sugar Annual Poland Spring 2016 ([report](#))
- Ethiopia: Drought Has Minor Impact on Ethiopia's Cotton Production ([report](#))
- Chile: Fresh Deciduous Fruit Semi-annual ([report](#))

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USDA Announces Special Import Quota #14 for Upland Cotton

The Department of Agriculture's Commodity Credit Corporation announced Special Import Quota #14 for upland cotton that will be established on May 19, allowing importation of 14,130,218 kilograms (64,899 bales) of upland cotton ([here](#)). It will apply to upland cotton purchased not later than Aug. 23 and entered into the U.S. by Nov. 21. The quota is equivalent to one week's consumption of cotton by domestic

mills at the seasonally-adjusted average rate for the period January through March, the most recent three months for which data are available.

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FDA

FDA Enforcement Report on Recalls & Field Corrections for May 11

The Food and Drug Administration issued its weekly Enforcement Report for May 11 that lists the status of recalls and field corrections for food, drugs, biologics, and devices ([here](#)). The report covers both domestic and foreign firms.

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Consumer Product Safety Commission

CPSC Voluntary Recalls for May 12

Consumer Product Safety Commission announced on May 12 the following voluntary recalls:

Product	Reason	Country	Manufacturer	Importer/Distributor
Infant Rattles (here)	Choking Hazard	China	N/A	Hobby Lobby Stores
Infant Pacifier Holders (here)	Choking Hazard	China	N/A	Hobby Lobby Stores

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AD/CV - Patent

Commerce Dept. Antidumping and Countervailing Duty Notices for May 12

The Commerce Department published notices in the May 12 *Federal Register* on the following AD/CV duty proceedings (any notices that announce changes to AD/CV duty rates, scope, affected firms, or effective dates will be detailed in another *ITT* article):

- Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation (A-821-811); Preliminary Results of Antidumping Duty Administrative Review; Preliminary Determination of No Shipments; 2014-2015 ([here](#))
- Circular Welded Non-Alloy Steel Pipe From the Republic of Korea (A-580-808): Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review ([here](#))

- Certain Steel Threaded Rod From the People's Republic of China (A-570-932): Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2014-2015 ([here](#))

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New ITC Investigation Notices for May 13

The International Trade Commission published notices in the May 13 *Federal Register* on the following AD/CV injury, Section 337 patent, and other trade proceedings (any notices that warrant a more detailed summary will be in another *ITT* article):

- Government in the Sunshine Act Meeting Notice: Preliminary Injury Vote in Antidumping and Countervailing Duty Investigations on Certain Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey, May 20 ([here](#))

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Other U.S.

DOE Reopens Period for Comments on Controversial Energy Efficiency ACE Filing Proposal

The Energy Department is reopening until June 15 the period for comments on its proposal to require filing of “certifications of admissibility” in ACE at time of entry for products subject to energy efficiency standards, in a notice ([here](#)). The agency is seeking input on “how to minimize the burden of data collection to importers of covered products or equipment subject to an applicable energy conservation standard, while at the same time providing DOE with traceability information sufficient to determine whether a covered import is one that the DOE has previously identified as noncompliant” and give CBP a description of the import so the border agency can refuse admission, said the notice.

DOE said it is considering alternatives to the data elements it identified in its controversial Dec. 29 proposed rule (see [1512290020](#)). Among these are the brand name and basic model number of the product or equipment as reported in the most recent CCMS certification submission; the brand name and individual model number of the product or equipment as reported in the most recent CCMS certification submission; or a SKU code, Universal Product Code, International Article Number, or Global Trade Item Number.

Commenters have expressed concern about DOE's proposal to require information for component parts (see [1603160021](#)), noted DOE, which says it “welcomes comments on alternatives, including alternatives that would reduce importer burden, such as allowing the importer to identify the range of possible component part basic models.” However, “importers should be aware that this approach could potentially result in a greater impact by having CBP stop shipments that may not contain noncompliant products due to the importer's choice to group multiple basic models into a single identifier.”

(*Federal Register* 05/16/16)

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DEA Places Brivaracetam Into Schedule V

The Drug Enforcement Administration placed brivaracetam into Schedule V of the Controlled Substances Act, in an interim final rule ([here](#)). Effective May 12, brivaracetam will be subject to new registration, labeling, recordkeeping, and import and export requirements. Comments on the listing are due June 13, it said.

(Federal Register 05/12/16)

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International Sources

Canadian Government Notices for May 11

The government of Canada recently issued the following trade-related notices for May 11 (note that some may also be given separate headlines):

- CBSA announces it is enhancing trusted trader programs. The CBSA has announced that it is expanding the Free and Secure Trade (FAST) benefits for members of its trusted trader programs. ([here](#))
- Procedures for verification of Origin under a free trade agreement. The CBSA has issued Memorandum D11-4-20 which outlines and explains the verification procedures needed for various free trade agreements ([here](#)).
- CBSA announces the reopening of Chief Mountain and extended hours for Wild Horse. The CBSA has announced that the Chief Mountain port of entry is reopening for the season on May 15, 2016. The port of Wild Horse will also be extending its hours for the season starting on May 15, 2016 ([here](#)).
- Product Recalls. TwinGo LLC recalls TwinGo Original Carrier manufactured in the United States ([here](#)), Robert Bosch Tool recalls Bosch Small Angle Grinder manufactured in China ([here](#)), International Specialty Services Inc. recalls Evercraft Jack Stand manufactured in China ([here](#)), Buffalo Import & Trading Co. recalls Montania Mountain children's jackets with drawstrings in the hood area and around the waist manufactured in Ecuador ([here](#)).

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EU Government Notices

The European Union recently issued the following trade-related releases (notices of most significance will be given separate headlines):

- TTIP. Draft study on impact of TTIP open for public consultation ([here](#)).

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Miscellaneous WCO Releases

The World Customs Organization issued the following releases on commercial trade and related matters:

- WCO National Workshop on Post-Clearance Audit in Bahrain ([here](#))
- WCO participates in the International Expert Meeting on safeguarding Libyan cultural heritage ([here](#))
- Seizure of one million pairs of counterfeit glasses by Brazilian Customs during an operation ([here](#))
- 3rd WCO AEO Conference opens in Mexico ([here](#))
- Senior officials of the Portuguese Speaking Countries Community (CPLP) develop a joint Strategic Plan and set out their Vision for the next five years ([here](#))
- Opening of the WCO's 69th Fellowship Programme ([here](#))

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Trade Calendar

May 18	U.S. Chamber of Commerce Global Supply Chain Summit, Washington, D.C., 8 a.m. - 4 p.m. (here)
May 22–24	National Association of Foreign Trade Zones 2016 Spring Seminar, Nashville (here)
May 24	ITA Environmental Trade Advisory Committee to Meet (here)
May 25–26	CBP West Coast Trade Symposium, Phoenix, Arizona (here)
Jun 5–7	American Association of Exporters and Importers Annual Conference, Arlington, Virginia (here)
Jun 13–14	Canadian Association of Importers and Exporters Annual Conference, Ottawa (here)

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