

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR PART 12

CBP DEC. 16-10

RIN 1515-AE14

IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL AND ETHNOLOGICAL MATERIAL OF SYRIA

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect the imposition of import restrictions on archaeological and ethnological material of Syria pursuant to the Protect and Preserve International Cultural Property Act. This document also contains the Designated List of Archaeological and Ethnological Material of Syria that describes the types of objects or categories of archaeological or ethnological material that are subject to import restrictions, if unlawfully removed from Syria on or after March 15, 2011.

EFFECTIVE DATE: August 15, 2016.

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SUPPLEMENTARY INFORMATION:

Background

United Nations Security Council Resolution 2199, adopted on February 12, 2015, condemns the destruction of cultural heritage in Syria, particularly by the terrorist organizations Islamic State in Iraq and the Levant (ISIL) and Al-Nusrah Front (ANF), and obligates all member nations to assist in the protection of Syria's cultural heritage. Paragraph 17 of the Resolution states that all Member States shall take appropriate steps to prevent the trade in Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Syria since March 15, 2011, including by prohibiting cross-border trade in such items, thereby allowing for their eventual safe return to the Syrian people. The United States strongly supported this Resolution because "this resolution both cuts off a source of ISIL revenue and helps protect an irreplaceable cultural heritage, of the region and of the world." See "Explanation of Vote at a Security Council Session on Threats to International Peace and Security Caused by Terrorist Threats," Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, New York City, February 12, 2015.

For decades, the United States has shared the international concern for the need to protect endangered cultural property. The appearance in the United States of stolen or illegally exported artifacts from other countries where there has been pillage has, on occasion, strained our foreign and cultural relations. This situation, combined with the concerns of museum, archaeological, and scholarly communities, was recognized by the President and Congress. It became apparent that it was in the national interest of the United States to join with other countries to suppress illegal trafficking of such objects in international commerce.

The United States joined international efforts and actively participated in deliberations resulting in the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)). In 1983, pursuant to its international obligations arising under the 1970 UNESCO Convention, the United States enacted the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*) (CCPIA). Implementation of the 1970 UNESCO Convention through the CCPIA promotes U.S. leadership in achieving greater international cooperation toward preserving cul-

tural treasures that are of importance to the nations from which they originate and greater international understanding of mankind's common heritage.

Since 1983, import restrictions have been imposed on archaeological and ethnological material from a number of States Parties to the 1970 Convention. These restrictions have been imposed as a result of requests received from those nations under Article 9 of the 1970 UNESCO Convention and pursuant to provisions of the CCPIA that allow for emergency action and international agreements between the United States and other countries.

Protect and Preserve International Cultural Property Act

The Protect and Preserve International Cultural Property Act (Pub. L. 114–151) (“the Act”) directs the President to exercise the authority of the President under section 304 of the CCPIA (19 U.S.C. 2603) to impose import restrictions set forth in section 307 of the CCPIA (19 U.S.C. 2606) with respect to any archaeological or ethnological material of Syria not later than 90 days after the date of enactment of the Act, without regard to whether Syria is a State Party to the 1970 UNESCO Convention, and without the need for a formal request from the Government of Syria. Section 3(c) of the Act provides that the President is authorized to waive the import restrictions.

On August 2, 2016, the Assistant Secretary for Educational and Cultural Affairs, Department of State, acting pursuant to delegated authority under the Act, made a Decision that, pursuant to the CCPIA, import restrictions be imposed with respect to any archaeological and ethnological material of Syria, as defined in the Act.

More information on import restrictions may be obtained from the Cultural Property Protection section of the Department of State's Cultural Heritage Center Web site (<http://culturalheritage.state.gov/>). Importation of designated archaeological and ethnological material of Syria is restricted unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met. Below is the Designated List of Archaeological and Ethnological Material of Syria that describes the types of objects or categories of archaeological or ethnological material that are subject to import restrictions, if unlawfully removed from Syria on or after March 15, 2011. This list was prepared in consultation with the Department of State pursuant to section 305 of the CCPIA (19 U.S.C. 2604).

Designated List of Archaeological and Ethnological Material of Syria

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Chronology

The archaeological and ethnological material of Syria represent the following periods and cultures: Paleolithic, Neolithic, Bronze and Iron Ages, Persian, Greco-Roman, Byzantine, and Islamic until the end of the Ottoman Period, a total span from roughly 1,000,000 BC to 1920 AD. Syria has been home to a range of diverse cultures, resulting in a vast array of archaeological and ethnological material in a variety of media. The import restriction covers all archaeological and ethnological material of Syria (as defined in section 302 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601)), including but not limited to the following types of material.

I. Stone

A. *Sculpture*

1. Architectural elements, from temples, tombs, palaces, commemorative monuments, and domestic architecture, including columns, capitals, bases, lintels, jambs, friezes, pilasters, engaged columns, waterspouts, door leaves, mihrabs (prayer niches), fountains, and blocks from walls, floors, and ceilings. Often decorated in relief with pre-Classical (especially Neo-Hittite and Assyrian), Greco-Roman, Christian, and Islamic ornamental motifs and inscriptions. The most common architectural stones are limestone, basalt, and marble.

2. Statues, large- and small-scale, often depicting human, mythological, and animal subjects, in a great variety of styles, including but not limited to Sumerian, Assyrian, Neo-Hittite, Hellenistic, Roman, Palmyrene, and Byzantine. The most popular stones are limestone, basalt, and marble, but other types of stone are used as well.

3. Relief sculpture, large- and small-scale, including steles, wall slabs, plaques, coffins, altars, and tombstones, in a great variety of styles, including but not limited to Sumerian, Assyrian, Neo-Hittite, Hellenistic, Roman, Palmyrene, Byzantine, and Islamic. Used for commemorative, funerary, and decorative purposes. The most popular stones are limestone, basalt, and marble, but other types of stone are used as well.

4. Inlay sculpture. Large-scale examples with friezes of sculpted stone figures set into an inlaid stone or bitumen background. Small-scale examples with flat, cut-out figures in light-colored stones set against dark stone or bitumen backgrounds decorate boxes and furniture. Subjects include narrative scenes such as warfare and banqueting.

B. Seals

1. Cylinder seals: A cylindrical bead, usually ranging in size from 2 cm to 8 cm in height, with a hole pierced through its vertical axis and engraved images carved around the outer circumference. Made from a great variety of stones, including but not limited to marble, serpentine, hematite, chalcedony, lapis lazuli, agate, jasper, turquoise, garnet, carnelian, agate, quartz, onyx, sardonyx, heliotrope, jasper, rock crystal, amethyst, and goethite.

2. Stamp seals: Stones carved into animal or geometric shapes, including but not limited to square, circular, lentoid, hemispheric, gable-backed, eight-sided pyramidal, cones, cameos (carved in raised relief), ellipsoidal, and domical, with a flat surface engraved with a wide range of images. Some types have knobs on their top sides.

C. Vessels and containers—Includes conventional shapes such as bowls, cups, and jars, and vessels having the form of animals.

D. Tools and Weapons—Chipped stone (usually flint and obsidian) includes large and small blades, borers, scrapers, sickles, awls, harpoons, cores, and arrow heads. Ground stone types include mortars, pestles, millstones, querns, whetstones, choppers, axes, hammers, molds, loom weights, fishnet weights, standardized weights, and mace heads.

E. Jewelry—Jewelry of or decorated with colored and semi-precious stones, including necklaces, pendants, cameos, crowns, earrings, finger rings, bracelets, anklets, belts, girdles, pins, hair ornaments, arm bands, and beads.

F. Ostraca—Chips of stone used as surface for writing or drawing.

G. Tablets—Inscribed with pictographic, cuneiform, Phoenician, Aramaic, Greek, Latin, and Arabic scripts.

II. Metal

A. Sculpture

1. Statues, large- and small-scale, including of deities, humans (often standing, sometimes with raised arms and/or wearing helmets), and animals (such as lions), similar to those in stone. The most common materials are bronze and copper alloys, and gold and silver are used as well.

2. Relief sculpture, including plaques and appliques.

B. *Vessels and containers*—Includes conventional shapes such as bowls, cups, jars, plates, platters, cauldrons, and lamps, and vessels in the form of humans, animals, hybrids, plants, and combinations or parts thereof. Decoration includes fluting, incision, appliqué, and figurative elements (such as mythological scenes, animals, festivities, and hunting). Examples include but are not limited to:

- Shallow bronze bowls bearing concentric rings of complex imagery of animals, festivities, mythological scenes, and/or militaristic vignettes on their outside (they also occur in silver and gilt silver);
- Large bronze cauldrons and cauldron stands, some of which include cast or incised decorations in the shape of bulls, griffins, or human heads;
- Ewers with bulbous bodies, long necks and handles, dating to the Sasanian and Abbasid periods; and
- Copper-alloy metalwork in the Islamic period engraved with inscriptions and elaborate floral and geometric designs, sometimes with enamel and silver inlays. Forms include bowls, ewers, candlesticks, and astrolabes.

C. *Objects of daily use*

1. Musical instruments, including trumpets, clappers, and sistra; furniture parts, such as chair legs, struts, and openwork panels, cast and hammered in copper/bronze; metal mirror backs, often incised with decoration.

2. Copper/bronze weights found in a variety of shapes, including that of a recumbent lion.

3. Architectural elements in copper/bronze, including door-pivots, knobs, and nails.

D. *Tools*—Including but not limited to axes, adzes, saws, drills, chisels, knives, hooks, pins, needles, tongs, tweezers, awls, and scientific instruments such as astrolabes. Usually in bronze and copper alloys, later joined by iron; ceremonial forms might be in gold.

E. Weapons and armor

1. Weapons include maceheads, knives, swords, curved swords, axes (including duckbill and fenestrated types), arrows, and spears. Usually in bronze and copper alloys, later joined by iron and, by the 1st millennium AD, steel as well. Later swords may have inscriptions in Arabic on the blade and/ or hilt. Ceremonial forms might be in gold. In the later Islamic periods, pistols and other firearms appear.

2. Early armor consisting of small metal scales, originally sewn to a backing of cloth or leather, later augmented by helmets, body armor, shields, and horse armor. Armor and weapons of the Islamic period can be decorated with arabesque designs and inscriptions.

F. Jewelry, amulets, and seals

1. Jewelry of gold, silver, electrum, copper, and iron for personal adornment, including necklaces, pectorals, pendants in forms such as animals and insects, spirals, wire, arm bands, rosettes, hairpins, fibulae (triangular safety pins for garments), crowns and other head-dresses, earrings, bracelets, anklets, belts, and finger rings.

2. Amulets in the shape of humans, animals, hybrids, plants, and combinations or parts thereof.

G. Liturgical objects—Including censers, crosses, chalices, Bible caskets, lamps, Kiddush cups, candelabra, and Torah pointers and finials.

H. Tablets—Usually of copper-alloy, lead, gold, and silver, inscribed with cuneiform, Phoenician, Aramaic, Greek, Latin, and Arabic scripts.

I. Coins—In copper or bronze, silver and gold.

1. Coins in Syria have a long history and exist in great variety, spanning the Achaemenid Persian, Hellenistic Seleucid and Ptolemaic, Roman, Sasanian, and Islamic periods. Coins from neighboring regions circulated in Syria as well. Some major mints for coinage that circulated in Syria in various periods include Emesa, Antioch, Apamea, Damascus, Beroea, and Laodicea.

2. Achaemenid coins include silver drachms stamped on the obverse with the head of the king and on the reverse with an altar.

3. Coin types and materials for coins minted or circulated in Syria during the Hellenistic Seleucid and Ptolemaic periods include gold and silver staters and obols, bronze or silver drachms, hemidrachms, tetradrachms, and smaller bronze and lead coins. These coins have a wide variety of decorative elements. Male and female busts (of kings, such as Seleucus, and queens, such as Cleopatra, or sometimes deities) are usually found on the front. Seated archers, seated gods such as Zeus, winged Victory, Tyche, and Herakles, other Greco-Roman mythological subjects, animals such as lions and elephants, palm

trees, and ships are usually on the reverse of the Seleucid and Ptolemaic coins, which are often inscribed in Greek.

4. Roman coins minted and circulated in Syria during the Roman period come in a variety of denominations and weights and were struck primarily in silver and bronze, though examples (sesterces) of brass also appear. The front usually has an image of the emperor; sometimes, other notable personages (*e.g.*, Julia Domna) might appear. Subjects shown on the reverse include seated and standing deities, wreaths, temples and altars, mythological scenes, and eagles. Inscriptions are usually in Latin, but sometimes also in Greek. Late Roman (Byzantine) coins are similar, but the reverse often shows Christian iconography (*e.g.*, crosses), and inscriptions are in Greek.

5. Sasanian period coins are typically silver drachms with an image of the ruler on the obverse and a religious scene with a fire altar on the reverse.

6. Islamic coins are of gold, silver, bronze, and copper and include examples from the Umayyad, Abbasid, Ghaznavid, Fatimid, Ayyubid, Seljuq (including Zengid), Timurid, Mamluk, Safavid, and Ottoman periods. Most are stamped on both sides with inscriptions in Arabic, although a few types have an image on one side and an inscription on the other.

III. Ceramic, Clay, and Faience

A. *Sculpture*

1. Terracotta figurines of humans and animals are quite common and may be highly stylized. Some examples are sculptures while others are made from molds. Also molds for making such figurines.

2. Terracotta plaques, either made from molds or sculpted, with a variety of subjects. Also terracotta molds for making such plaques.

3. Terracotta models, including furniture such as chairs and beds, chariots, boats, and buildings.

B. *Architectural decorations*

1. Bronze and Iron Age ceramic wall decorations, including cones (sometimes with the flat end painted) and decorated knobs.

2. Islamic architectural ornaments, including carved and molded brick, and glazed ceramic tile wall and floor ornaments and panels.

C. *Vessels and containers*

1. Ceramic vessels occur throughout Syria's history in a wide range of shapes, sizes, fabrics, and decorative treatments. They may be handmade or wheel-made, plain or decorated with geometric, natural, or stylized motifs, with surfaces that include but are not limited to plain, slipped, burnished, varnished, painted, combed, incised, glazed, barbotine, and/or molded relief.

2. All ceramics from the Ceramic Neolithic through the Ottoman Period. Examples include but are not limited to:

- Decorated and undecorated Pre-Classical pottery, including Halaf, Ubaid, Uruk, and local and imported Bronze and Iron Age forms;
- Greco-Roman pottery, including vessels with rilled decoration and terra sigillata, a high quality table ware made of red to reddish brown clay, and covered with a glossy slip;
- Islamic plain, glazed, molded, and painted ceramics, including Raqqa wares and lusterware;
- Bathtub, slipper-shaped, cylindrical, and rectangular coffins from all periods. Coffin lids may be modeled with human features; and
- Pilgrim flasks from all periods, characterized by flat disc-shaped sides and a single drinking spout, often flanked by stirrup handles.

D. Objects of daily use

1. Including but not limited to game pieces, loom weights, toys, and lamps.
2. Bread molds of various shapes and patterns.
3. Stamp and cylinder seals made from fired clay, faience, or a composite material related to faience.

E. Writing

1. Tablets, covered with wedge-shaped cuneiform characters or incised pictographs. They are usually unbaked and must be handled with extreme care. Shapes range from very small rounded disk forms, to small square and rectangular pillow-shaped forms, to larger rectangular tablets. They sometimes are found with an enclosing clay envelope, which is also inscribed. Both tablets and envelopes may be impressed with cylinder or stamp seals.
2. Bricks of fired clay inscribed or stamped with cuneiform inscriptions that are often placed in small frames on one of the sides. Approximately 30 × 30 × 10 cm.
3. Cones of fired clay. The large end is sometimes flat, sometimes mushroom shaped. Inscribed cuneiform characters can cover the head and/or body of the cone. Approximately 15 cm long.
4. Cylinders: Large cuneiform-inscribed objects can take the form of a multisided prism or barrel. The inscription typically covers all sides of the object. Approximately 20–30 cm high.
5. Ostraca, pottery shards used as surface for writing or drawing.

IV. Wood

A. *Architectural elements*—Including carved and inlaid wooden walls, floors, panels, screens, balconies, stages, doors, ceilings, beams, altars, and vaulting and elements thereof (*e.g.*, muqarnas), often decorated with stars, floral motifs, geometric patterns, religious iconography (*e.g.*, crosses), and Arabic script. Elements may comprise most or all of entire rooms.

B. *Religious equipment*—Including pulpits (minbars) and prayer niches (mihrabs), often intricately carved and with accompanying Arabic script decoration, and sometimes inlaid; book holders, lecterns, and cabinets; smaller objects such as cases/chests.

C. *Objects of daily use*—Including furniture such as chairs, stools, and beds, chests and boxes, writing and painting equipment, musical instruments (*e.g.*, ouds and rababa [fiddles]), utensils, and older game boxes and pieces.

D. *Tools and Weapons*—Including adzes, axes, bow drills, carpenters' levels and squares, bows, arrows, spears.

V. Glass

A. Late Bronze Age and Iron Age glass containers, including but not limited to bowls, bottles, and juglets, typically small and often elaborately decorated with multi-colored bands.

B. Roman vessels, often hand-blown, in a great variety of shapes, including but not limited to bottles, flasks, and pitchers.

C. Islamic vessels and containers in glass in a great variety of shapes, including but not limited to bowls, bottles, flasks, and glass and enamel mosque lamps.

VI. Ivory, Bone, and Shell

A. *Sculpture*

1. Ivory plaques sculpted in relief are a hallmark of Syrian sculpture. They were used in particular as parts of furniture; they may also have been components of tools/weapons and placed on walls as artistic elements. Decorative motifs include animals, humans, plants, combat, hunting, feasting, mythological creatures (*e.g.*, griffins), and mythological and religious scenes, among others. In some periods, Syrian ivories may look Egyptian ("Egyptianizing").

2. Statuettes in the round of ivory, including human, animal, and mythological figures and parts thereof.

B. *Objects of daily use*

1. Ivory, bone, shell, and mother of pearl were used either alone or as inlays in luxury objects including furniture, chests and boxes (pyxis/pyxides), writing and painting equipment, musical instru-

ments (*e.g.*, flutes), games (*e.g.*, dice), cosmetic containers, combs, jewelry, mirror backs and handles, amulets, fly whisk handles, and seals. Ivory objects from Islamic periods may have Arabic inscriptions.

2. Utilitarian objects of bone and ivory include but are not limited to utensils and tools such as awls and needles.

VII. Plaster and Stucco

A. *Plaster*—Pre-Pottery Neolithic containers were often made of plaster. In later periods, painted or gilded plaster was used for jewelry and other objects in imitation of expensive materials.

B. *Stucco*—Islamic architectural decorations in stucco, including vegetal forms and sculptures of humans and animals.

VIII. Textile

A. Greco-Roman and Byzantine textiles and fragments in linen, wool, cotton and silk, including but not limited to garments, blankets, bags, and hangings.

B. Islamic textiles and fragments in wool, cotton, and silk, including garments, blankets, bags, hangings, and rugs.

IX. Parchment, Paper, and Leather

A. *Parchment*

1. Manuscripts and portions thereof from the Byzantine and Early Islamic periods, including but not limited to liturgical works and Qur'ans, either on a scroll, single leaves, or bound as a book (or "codex"), and written in Aramaic, Greek, Latin, and Arabic, sometimes with painted illustrations and gold leaf, on specially prepared animal skins, known as parchment.

2. Torahs and portions thereof: Scrolls bearing Hebrew writing in black ink, wound around two wooden rods, and originally housed in a cylindrical wooden case.

B. *Paper*

1. Qur'ans and manuscripts, and individual pages thereof, sometimes illustrated, written on paper and bound as books.

2. Rare printed books.

3. Religious, ceremonial, literary, and administrative material, including but not limited to maps, archival materials, photographs, and other rare or important documentary or historical material.

C. *Leather*

1. Armor, sandals, clothing, and horse trappings from the Islamic period.

2. Early texts written on leather. Manuscripts and rare books bound in leather.

X. Painting and Drawing

A. *Wall Painting*—These are usually painted on lime plaster in the fresco method. Syrian wall paintings come from many periods and depict a wide range of subjects. They are found in both religious and secular buildings.

1. Pre-classical paintings may show religious scenes, such as worshippers approaching standing and seated deities, sometimes with sacrificial animals, scenes with the ruler, mythological vignettes and creatures, and palm trees. Later paintings depict courtly and militaristic themes, as well as the ruler and high officials.

2. Classical period paintings generally show biblical and religious scenes. Christian paintings may show personages such as Jesus, Virgin Mary, the apostles, and angels, and include iconography such as crosses. Jewish paintings may include iconography such as menorahs. Paintings from the Roman and other polytheistic traditions may depict deities such as winged Victory and mythological scenes. Christian wall paintings continue into the Byzantine period.

3. Islamic period paintings may depict courtly themes (e.g., musicians, riders on horses) and city views, among other topics.

B. *Byzantine panel paintings (icons)*— Generally portray Jesus, Mary, Christian saints, religious images, and scenes of biblical events. Surrounding paintings may contain animal, floral, or geometric designs, including borders and bands. May be partially covered with gold or silver, sometimes encrusted with semi-precious or precious stones, and are usually painted on a wooden panel, often for inclusion in a wooden screen (iconostasis). May also be painted on ceramic.

XI. Mosaic

A. *Floor mosaics*—Greco-Roman and Byzantine, including landscapes, humans or gods, mythological scenes, and quotidian activities such as hunting and fishing. There may also be vegetative, floral, or decorative motifs. They are made from stone cut into small pieces (tesserae) and laid into a plaster matrix.

B. *Wall and ceiling mosaics*— generally portray religious images, scenes of Biblical and Qur'anic events, and views of cities and buildings. Surrounding panels may contain animal, floral, or geometric designs. Similar technique to floor mosaics, but may include tesserae of both stone and glass.

XII. Writing

On paper, parchment, leather, wood, ivory, stone, metal, textile, stucco, clay, mosaic, painting, and ceramic, in pictographic, cuneiform, Phoenician, Aramaic, Syriac, Hebrew, Greek, Latin, and Arabic scripts.

Inapplicability of Notice and Delayed Effective Date

Under section 553 of the Administrative Procedure Act (“APA”) (5 U.S.C. 553), agencies amending their regulations generally are required to publish a notice of proposed rulemaking in the **Federal Register** that solicits public comment on the proposed amendments, consider public comments in deciding on the final content of the final amendments, and publish the final amendments at least 30 days prior to their effective date. However, section 553(a)(1) of the APA provides that the standard prior notice and comment procedures do not apply to agency rulemaking that involves the foreign affairs function of the United States. CBP has determined that this final rule involves a foreign affairs function of the United States as it implements authority granted to the President under the Protect and Preserve International Cultural Property Act and section 304 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603) to impose import restrictions on archaeological or ethnological material of Syria. The Protect and Preserve International Cultural Property Act and this rule do no more than carry out the obligations of the United States under the 1970 UNESCO Convention and Chapter VII of the United Nations Charter. Accordingly, the rulemaking requirements under the APA do not apply, and this final rule will be effective upon publication.

In addition, section 553(b)(B) of the APA provides that notice and public procedure are not required when an agency for good cause finds them impracticable, unnecessary, or contrary to public interest. CBP has determined that providing prior notice and public procedure for these regulations would be impracticable, unnecessary, and contrary to the public interest because immediate action is necessary, and contemplated, in order to respond to the ongoing pillage of Syrian cultural antiquities and to avoid damage to those antiquities in Syria until hostilities have ceased. Any delay in this action will likely result in further damage to the Syrian cultural antiquities that Congress was seeking to protect with the Protect and Preserve International Cultural Property Act.

Finally, section 553(d)(3) of the APA permits agencies to make a rule effective less than 30 days after publication when the agency finds that good cause exists for dispensing with a delayed effective date. For the reasons described above, CBP finds that good cause exists to make these regulations effective without a delayed effective date.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 of September 30, 1993 (58 FR 51735, October 4, 1993), because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

Amendment to CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 continues to read, and the specific authority for § 12.104k is added to read, as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Section 12.104k also issued under Pub. L. 114–151, 130 Stat. 369; 19 U.S.C. 2612;

* * * * *

■ 2. Add § 12.104k to read as follows:

§ 12.104k Emergency protection for Syrian cultural antiquities.

(a) *Restriction.* Importation of archaeological or ethnological material of Syria is restricted pursuant to the Protect and Preserve International Cultural Property Act (Pub. L. 114–151) and section 304 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603), unless a restriction is waived pursuant to section 3(c) of the Protect and Preserve International Cultural Property Act.

(b) *Description of restricted material.* The term “archaeological or ethnological material of Syria” means cultural property as defined in section 302 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601) that is unlawfully removed from Syria on or after March 15, 2011. CBP Decision 16–10 sets forth the Designated List of Archaeological and Ethnological Material of Syria that describes the types of objects or categories of archaeological or ethnological material that are subject to import restrictions.

Dated: August 11, 2016.

R. GIL KERLIKOWSKA,
Commissioner;
U.S. Customs and Border Protection.

TIMOTHY E. SKUD,
Deputy Assistant
Secretary of the Treasury.

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DEPARTMENT OF THE TREASURY

19 CFR PART 12

RIN 1515-AE11

**IMPORTATIONS OF CERTAIN VEHICLES AND ENGINES
SUBJECT TO FEDERAL ANTIPOLLUTION EMISSION
STANDARDS**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes amendments to the U.S. Customs and Border Protection (CBP) regulations relating to the importation into the United States of certain vehicles and engines subject to federal antipollution emission standards under the Clean Air Act

(CAA). Compliance with these emission standards must be demonstrated to CBP by either filing, or retaining and producing upon request, the appropriate U.S. Environmental Protection Agency (EPA) declaration form or by establishing that the subject imports are exempt from this requirement. CBP is proposing to amend its regulations to harmonize the documentation requirements applicable to different classes of vehicles and engines that are subject to the CAA's emission standards. This document also proposes to permit the required EPA emission compliance forms to be filed with CBP electronically. CBP is proposing other non-substantive amendments to update regulatory citations and delete obsolete provisions. The proposed changes set forth in this document support consistency in the administration of CBP's vehicle and engine imports program. In addition, electronic filing of EPA declaration forms will support key modernization initiatives, expedite the entry and clearance process, enhance targeting and enforcement objectives, and connect CBP with partner government agencies and the trade community through a single window access point.

DATES: Comments on the proposed rule must be received on or before September 16, 2016.

ADDRESSES: You may submit comments, identified by docket number, by *one* of the following methods:

- *Federal eRulemaking Portal:* [http:// www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments via docket number USCBP 2016–0011.
- *Mail:* Trade and Commercial Regulations Branch, Office of Trade, Regulations and Rulings, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received will be posted without change to [http:// www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments and additional information on the proposed rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to [http:// www.regulations.gov](http://www.regulations.gov). Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Office of Trade, Regulations and Rulings, U.S.

Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: For questions related to the filing of EPA forms with CBP, please contact William Scopa, Partner Government Agencies Interagency Collaboration Division, Office of Trade, Customs and Border Protection, at *William.R.Scopa@cbp.dhs.gov*. For questions related to EPA's vehicle and engine imports program, please contact Holly Pugliese at *pugliese.holly@epa.gov*.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. If appropriate to a specific comment, the commenter should reference the specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that supports such recommended change.

Background

The Clean Air Act (CAA), as amended (42 U.S.C. 7401 *et. seq.*), is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Section 203(a) of the CAA, 42 U.S.C. 7522, prohibits, *inter alia*, importation into the United States of new motor vehicles and new motor vehicle engines unless they are covered by a certificate of conformity as prescribed by regulation authorized by the CAA. Section 203(b)(2) of the CAA provides that a new motor vehicle or new motor vehicle engine offered for importation in violation of section 203(a) will be refused admission into the United States. In this situation, however, the Secretary of the Treasury and the Administrator of the U.S. Environmental Protection Agency (EPA) may, by joint regulation, provide for a deferred final determination as to admission and authorize delivery of the goods to the importer or consignee upon such conditions (including the furnishing of a bond) as may be deemed appropriate. Section 208 of the CAA, 42 U.S.C. 7542, provides that the Administrator of the EPA may require a manufacturer to produce, among other items, all records, files, and papers necessary to demonstrate compliance with applicable CAA provisions. Section 213(d) of the CAA, 42 U.S.C. 7547, requires that

nonroad vehicle and engine standards be enforced in the same manner as those applicable to onroad vehicles and engines.

These statutory provisions are implemented in the CBP regulations at §§ 12.73 and 12.74 of title 19 of the Code of Federal Regulations (19 CFR 12.73 and 12.74). Section 12.73 provides for “[M]otor vehicle and engine compliance with Federal antipollution emission requirements.” Corresponding EPA regulations for motor vehicles and engines are promulgated at 40 CFR parts 85 and 86. Section 12.74 provides for “[N]onroad and stationary engine compliance with Federal antipollution emission requirements.” Corresponding EPA regulations for nonroad and stationary engine compliance are promulgated at 40 CFR parts 1033 through 1068.

EPA requires the submission of certain documents for purposes of compliance with the CAA. EPA makes available EPA Declaration Form 3520–1 for the importation of passenger vehicles, highway motorcycles, and their corresponding engines into the United States, and EPA Declaration Form 3520–21 for the importation of heavy-duty highway engines and nonroad engines (gas, diesel, marine, stationary) into the United States, including engines already installed in vehicles or equipment. Both forms can be found in fillable .pdf format on EPA’s “Imports Program” Web site at <http://www.epa.gov/otaq/imports/forms-resources.htm>.

Current CBP Filing Requirements for Importations of Certain Vehicles and Engines Subject to Federal Antipollution Emission Standards

I. 19 CFR 12.73/EPA Declaration Form 3520–1

For importations that are covered by EPA Declaration Form 3520–1, existing § 12.73(i) of the CBP regulations (19 CFR 12.73(i)) requires importers to file the requisite information with CBP at the time of entry. An exemption from this requirement exists for motor vehicle imports that are covered by an EPA Certificate of Conformity (COC) which are labeled accordingly (*see* 19 CFR 12.73(b)(1)); for these vehicles, an importer does not have to file the EPA Declaration Form 3520–1 with CBP at the time of entry, nor is the importer required to prepare and retain the form as part of its recordkeeping obligations. Section 12.73(g) also exempts motor vehicles imported by diplomats, foreign military personnel, and nonresidents from applicable emission requirements on the condition that the vehicles are not to be resold in the United States, and provided diplomats and foreign military personnel meet applicable documentation require-

ments set forth in paragraph (i)(4) of this section. In all other instances, the form is required to be completed and filed with CBP at the time of entry.

II. 19 CFR 12.74/EPA Declaration Form 3520-21

For importations that are covered by EPA Declaration Form 3520-21, existing § 12.74(b) (19 CFR 12.74(b)) requires importers to prepare the form and keep it on file for a period of at least five years from the date of entry in accordance with § 163.4 (19 CFR 163.4). The form must be made available upon request by CBP. Unlike motor vehicle manufacturers subject to § 12.73 (19 CFR 12.73), manufacturers that import products covered by EPA Declaration Form 3520-21 are not exempt from preparing this form even if the subject goods are covered by an EPA COC; they are required to prepare EPA Declaration Form 3520-21 and keep it on file for a period of at least five years from the date of entry.

Explanation of Proposed Amendments to CBP Regulations

III. Harmonization of Filing Requirements Applicable to EPA Declaration Forms 3520-1 and 3520-21

In an effort to provide consistency in the administration of CBP's vehicle and engine imports program so that importers of both road vehicles and engines, as well as stationary and nonroad engines (including engines incorporated into vehicles or equipment), are subject to the same filing and recordkeeping requirements, CBP is proposing to conform the entry filing requirements applicable to the EPA Declaration Form 3520-21 to those that currently exist for EPA Declaration Form 3520-1. Specifically, CBP is proposing to amend 19 CFR 12.74(b) to require that importers of stationary, nonroad or heavy-duty highway engines (including engines incorporated into vehicles or equipment) file EPA Declaration Form 3520-21 at the time of entry, unless exempt. CBP is proposing to exempt an importer that manufactures nonroad or stationary engines, including engines incorporated into vehicles and equipment, from the requirement to file an EPA Declaration Form 3520-21 at the time of entry if that importer holds a valid EPA COC for those engines and the engines are labeled to show compliance with applicable emission requirements.

IV. Electronic Filing of EPA Declaration Forms 3520-1 and 3520-21

This document proposes to amend §§ 12.73 and 12.74 to permit the electronic filing of EPA Declaration Forms 3520-1 and 3520-21 to CBP in the Automated Commercial Environment (ACE) or to any

other CBP-authorized electronic data interchange system. The EPA declaration forms may also still be filed with CBP in paper with a paper entry filing at the time of entry.

The electronic filing of these forms will support key modernization and compliance initiatives of the International Trade Data System, as established by section 405 of the Security and Accountability for Every (SAFE) Port Act of 2006, Public Law 109–347, 120 Stat. 1884, by utilizing a single portal system (ACE) for the collection and distribution of standard electronic import and export data required by participating Federal agencies. The electronic transmission to CBP of EPA declaration forms will automate and enhance the interaction between the EPA and CBP by facilitating electronic collection, processing, sharing, and review of requisite trade data and documents during the cargo import and export process. Electronic filing of these EPA declaration forms at the time of entry will provide for a quicker and more efficient clearance process and enhance CBP's ability to conduct targeting and enforcement of importation requirements. Electronic filing will also permit CBP to analyze and flag problems immediately, whereas paper filings result in an ad-hoc process that requires a physical inspection by a CBP or EPA inspector. CBP is of the view that requiring EPA Declaration Forms 3520–1 and 3520–21 to be filed with every appropriate entry (with the exception of certain importing manufacturers, as described above) will expedite the clearing of vehicles and engines that are compliant with applicable emissions requirements.

V. Other Proposed Changes

CBP is proposing other changes to §§ 12.73 and 12.74 to update regulatory citations, delete provisions that are no longer relevant, and provide non-substantive re-statements of existing regulatory text to enhance readability. CBP is also updating regulatory language to ensure that electronic filing can be accommodated. The proposed changes are described below:

- CBP is proposing to amend § 12.73(a) to reflect updated EPA regulatory citations and to provide a non-substantive re-statement of the existing regulatory text to enhance readability.
- This document proposes to remove § 12.73(c)(3) from the CBP regulations. Paragraph (c)(3) sets forth requirements for vehicles participating in EPA-approved catalytic converter or oxygen sensor control programs. EPA no longer has such programs.
- This document proposes to remove § 12.73(c)(4) from the CBP regulations. Paragraph (c)(4) pertains to vehicles of United

States or foreign origin manufactured with a catalytic converter or oxygen sensor, or any previously imported vehicle subsequently modified with a catalytic converter or oxygen sensor. Under this provision, these vehicles are not considered to be in compliance with applicable emission requirements if used outside of the United States, Canada, Mexico, or other countries as EPA may designate, until the catalytic converter and/or oxygen sensor is replaced. This provision was intended to address vehicles that may have traveled to countries where only leaded fuel was available, which could have a detrimental effect on catalytic converters and/or oxygen sensors. Since leaded fuel is no longer available in most countries, it is proposed to delete this provision.

- CBP is proposing amendments to § 12.73(d) that further clarify the role of an Independent Commercial Importer, re-designate “working” days as “business” days, and provide a re-statement of existing regulatory text for enhanced readability.
- CBP is proposing amendments to § 12.73(e), in the introductory paragraph and paragraph (e)(4), that enhance readability and clarify that motorcycles are “highway” vehicles.
- CBP is proposing to amend § 12.73(f) by requiring that the designated motor vehicles be “new” in order to conform to the EPA regulatory requirements set forth in 40 CFR 85.1709. CBP also proposes editorial changes to enhance readability.
- In § 12.73(g)(2), CBP is proposing to change the existing reference to paragraph “(i)(4)” to “(i)(6)” to reflect that provision’s proposed redesignation.
- The proposed amendments to § 12.73(h) enhance readability, reflect updated regulatory citations, and remove the word “motor” from the introductory text and from the regulatory text in paragraph (h)(5) pertaining to racing cars.
- CBP is proposing to amend § 12.73(i) by adding new paragraphs that prescribe methods of filing the EPA declaration forms and set forth applicable recordkeeping requirements, and by redesignating existing paragraph (i)(4) as new paragraph (i)(6).
- CBP is proposing to amend existing § 12.73(i)(4), redesignated in this proposed rule as paragraph (i)(6), by removing the requirement that diplomats and foreign military personnel must submit the emission declarations specified in existing 19 CFR 12.73(i)(2) (redesignated as 19 CFR 12.73(i)(3) in this proposed rule) with

their entry, a copy of the motor vehicle importer's official orders or the name of the embassy to which the importer is accredited, if applicable. Pursuant to 19 CFR 148.82, the baggage and effects of diplomatic, consular, and other privileged personnel representing foreign governments are admitted free of duty without the filing of an entry upon the request of the Department of State. As State Department policy is to require that importation occur through the DS-1504 ("Request for Customs Clearance of Merchandise") process and not through the entry process, it is proposed to amend existing § 12.73(i)(4)—redesignated as proposed 19 CFR 12.73(i)(6)—to no longer require the submission of emission documentation, official orders, or embassy information. Instead, it is proposed that a claim by diplomats and foreign military personnel for exemption from § 12.73(g)(2) emission requirements must be supported by a Department of State-approved form DS-1504 or its electronic equivalent.

- Section 12.73(m) is proposed to be amended to reflect updated EPA regulatory citations.
- CBP is proposing to amend §§ 12.73(j) and 12.74(c)(1) by adding language stating that bonds may be submitted to CBP electronically and may be filed by a surety.
- This document proposes to remove § 12.74(a)(1)–(3) from the CBP regulations as these paragraphs refer to obsolete EPA regulatory sections, and to add language clarifying the scope of the applicable EPA emission regulations.
- This document proposes to remove § 12.74(c)(3)(iv) from the CBP regulations. Paragraph (c)(3)(iv) prescribes precertification for vehicles, engines and equipment. This provision refers to obsolete requirements found in EPA regulation 40 CFR 89.611(b)(3) regarding Independent Commercial Importers. EPA will make conforming amendments to its regulations to delete this provision.
- CBP is proposing to amend § 12.74(c)(3) to add exemptions that conditionally allow for the importation of nonconforming vehicles, engines, and equipment. Exemptions for diplomatic and military personnel (40 CFR 1068.325(e)), partially complete engines (40 CFR 1068.325(f)), and delegated assembly (40 CFR 1068.325(g)) were codified in EPA regulations since changes were last made to 19 CFR 12.74(c)(3) and are being proposed to be added to 19 CFR 12.74(c)(3) to ensure consistency with EPA regulations.

- CBP is proposing editorial amendments to § 12.74(d) to enhance readability.

VI. *Conforming Changes to EPA Regulations*

EPA regulations at 40 CFR parts 85 and 1068 also contain provisions related to the importation of vehicles, engines, and equipment. To the extent necessary to reflect the changes to the CBP regulations proposed in this document, EPA will make conforming amendments to its regulations in a separate action.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed this regulation.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires agencies to assess the impact of regulations on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This rule proposes modifications to the requirements for the submission of EPA Declaration Form 3520–21. Currently, importers are required to fill out the form, but are only required to submit it to CBP upon request. This proposed rule, if finalized, would require importers to file EPA Declaration Form 3520–21 with CBP at the time of entry, unless the importer is a manufacturer of nonroad or stationary engines, including engines incorporated into vehicles and equipment, and holds a valid EPA certificate of conformity for those engines and the engines are labeled to show compliance with applicable emission requirements. As this form is already complete at the time of entry, the cost of submitting it to CBP is negligible. This rule would also explicitly add electronic filing as an accepted method of form submission. Importers will still be able to file the form by paper if they so

choose. This change will affect all importers who are covered by EPA Declaration Form 3520–21, including small importers. Therefore, it is likely to have an impact on a substantial number of small entities. However, the only costs to the public are the negligible costs of submitting the already completed form to CBP along with other required entry documents. These costs do not rise to the level of significance. Therefore, CBP certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The collection of information contained in this proposed rule was previously reviewed and approved by OMB in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) under control numbers OMB 2060–0104 (EPA Declaration Form 3520–1, “Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Standards”), OMB 2060–0320 (EPA Declaration Form 3520–21, “Importation of Engines, Vehicles and Equipment Subject to Federal Air Pollution Standards”), and OMB 1405–0105 (Department of State form DS–1504, “Request for Customs Clearance of Merchandise”). As importers are already required under existing regulations to complete the EPA declaration forms and either submit them to CBP or retain them in their records, and the burden estimates in the above-identified OMB approved information collection requests presume the forms are submitted to CBP, there are no new collections of information proposed in this document. In this regard, it is noted that although existing 19 CFR 12.73 does not expressly require the submission of the EPA Declaration Form 3520–1, it does require that the same information captured by that form be submitted to CBP. Similarly, shipments sent from abroad to foreign diplomatic or consular missions in the U.S., or their personnel, currently must be cleared by respondents submitting to CBP a Department of State-approved form DS–1504; therefore, this document does not impose any new collections of information by requiring the DS–1504 to be presented to CBP for purposes of claiming an exemption from emission documentation requirements.

Signing Authority

This proposed regulation is being issued in accordance with 19 CFR 0.1(a)(1) pertaining to the Secretary of the Treasury’s authority (or that of his delegate) to approve regulations related to certain customs revenue functions.

List of Subjects in 19 CFR Part 12

Air pollution control, Customs duties and inspection, Entry of merchandise, Imports, Labeling, Reporting and recordkeeping requirements, Restricted merchandise, Vehicles.

Proposed Amendments to Part 12 of the CBP Regulations

For the reasons set forth in the preamble, CBP proposes to amend 19 CFR part 12 as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12, and the specific authority citation for sections 12.73 and 12.74, continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1624.

* * * * *

Sections 12.73 and 12.74 also issued under 19 U.S.C. 1484, 42 U.S.C. 7522, 7601;

* * * * *

■ 2. Revise the undesignated center heading preceding § 12.73 to read as follows:

Entry of Motor Vehicles, Engines, and Equipment Containing Engines Under the Clean Air Act, as Amended

■ 3. Section 12.73 is amended by:

■ a. Revising the section heading;

■ b. Revising paragraph (a);

■ c. Removing in paragraph (b)(1) the word “shall” and adding in its place the word “will”; removing the word “Customs” and adding in its place the term “CBP”, and; removing the term “ICI’s” and adding in its place the words, “Independent Commercial Importers”;

■ d. Removing in paragraph (b)(2) the word “Customs” and adding in its place the term “CBP”;

■ e. Removing paragraphs (c)(3) and (4);

■ f. Revising paragraphs (d), (e) introductory text, (e)(4), and (f);

- g. Removing in paragraph (g)(2) the reference “(i)(4)” and adding in its place the reference “(i)(6)”;
- h. Removing in paragraph (h) introductory text the word “motor”;
- i. Removing in the first sentence of paragraph (h)(1) the word “Any” and adding in its place the words “A motor vehicle imported for repairs is any”;
- j. Removing in the first sentence of paragraph (h)(2) the word “Any” and adding in its place the words, “A test vehicle is any”;
- k. Removing in the first sentence of paragraph (h)(3) the word “Any” and adding in its place the words, “A prototype vehicle is any”, in the second sentence, removing the word “shall” and adding in its place the word “will”, and removing the words “paragraph (1)” and adding in its place the words “paragraph (1)”;
- l. Removing in the first sentence of paragraph (h)(4) the word “Any” and adding in its place the following words, “A display vehicle is any”;
- m. Revising paragraphs (h)(5) through (7);
- n. Revising paragraphs (i) through (k);
- o. Removing in paragraph (l) the word “shall” and adding in its place the word “will”, and; removing the word “Customs” and adding in its place the word “CBP”; and
- p. Revising paragraph (m).

The revisions read as follows:

§ 12.73 Importation of motor vehicles and motor vehicle engines.

(a) *Applicability of EPA requirements.* This section is ancillary to the regulations of the U.S. Environmental Protection Agency (EPA) issued under the Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*), and found in 40 CFR parts 85, 86, 1036, 1037, and 1068. The EPA regulations should be consulted for more detailed information concerning EPA emission requirements. This section applies to imported motor vehicles; this section also applies to separately imported engines only if they will be installed in heavy-duty motor vehicles. All references in this section to “motor vehicles” include these heavy-duty

engines. Nothing in this section should be construed as limiting or changing in any way the applicability of the EPA regulations.

* * * * *

(d) *Importation of vehicles by an Independent Commercial Importer (ICI).* An ICI is generally an importer that does not have a contract with a foreign or domestic motor vehicle manufacturer for distributing products into the United States market (see 40 CFR 85.1502). ICIs act independently of motor vehicle manufacturers, but are required to bring motor vehicles into compliance with all applicable emissions requirements found in 40 CFR part 86 and any other applicable requirements of the Clean Air Act. Before the vehicle is deemed to be in compliance with applicable emission requirements and finally admitted into the United States, the ICI must keep the vehicle in storage for a 15-business day period. This period follows notice to EPA of completion of the compliance work to give EPA the opportunity to conduct confirmatory testing and inspect the vehicle and records. The 15-business day period is part of the 120-day period in which an ICI must bring the vehicle into compliance with applicable emission requirements. A motor vehicle may also be conditionally admitted by an ICI if it meets the requirements in 40 CFR 85.1505 or 85.1509. Individuals and businesses not entitled to enter nonconforming motor vehicles may arrange for their importation through an ICI certificate holder. In these circumstances, the ICI will not act as an agent or broker for CBP transaction purposes unless it is otherwise licensed or authorized to do so.

(e) *Exemptions and exclusions from emission requirements based on age of vehicle.* The following motor vehicles may be imported by any person and do not have to be shown to be in compliance with emission requirements before they are entitled to admissibility:

* * * * *

(4) Highway motorcycles manufactured before January 1, 1978;

* * * * *

(f) *Exemption for exports.* A new motor vehicle intended solely for export to a country not having the same emission standards applicable in the United States is not required to be covered by an EPA certificate of conformity if both the vehicle and its container bear a label or tag indicating that it is intended solely for export. 40 CFR 85.1709.

* * * * *

(h) * * *

(5) *Racing cars.* A racing car is any vehicle that meets one or more of the criteria found at 40 CFR 85.1703(a), and that will not be registered or licensed for use on or operated on public roads or highways in the United States. *See also* 40 CFR 85.1511(e).

(6) *National security importations.* A national security importation includes any motor vehicle imported for purposes of national security by a manufacturer. 40 CFR 85.1511(c)(1), 85.1702(a)(2) and 85.1708; and

(7) *Hardship exemption.* A hardship exemption includes any motor vehicle imported by anyone qualifying for a hardship exemption. 40 CFR 85.1511(c)(2).

(i) *Documentation requirements—(1) Exception for certain companies that manufacture and import motor vehicles.* The special documentation requirements of this paragraph (i) do not apply to the importation of motor vehicles by the company that manufactures the motor vehicles if the motor vehicles are covered by a valid EPA Certificate of Conformity (COC) held by the manufacturer and the motor vehicles are labeled to show compliance with applicable emission requirements pursuant to paragraph (b)(1) of this section.

(2) *Release.* CBP will not release a motor vehicle from custody unless the importer has submitted all documents necessary to demonstrate compliance with all applicable laws and regulations.

(3) *Required EPA documentation.* Unless otherwise exempt, importers of motor vehicles must submit one of the following EPA declaration forms to CBP at the time of entry:

(i) For heavy-duty motor vehicle engines, whether they are installed in a vehicle or separately imported as loose engines, submit EPA Declaration Form 3520–21, “Importation of Engines, Vehicles, and Equipment Subject to Federal Air Pollution Regulations;”

(ii) For all other motor vehicles, submit EPA Declaration Form 3520–1, “Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Regulations.”

(4) *Filing method.* The EPA declaration forms required to be submitted to CBP pursuant to paragraph (i)(3) of this section may be filed with CBP electronically in the Automated Commercial Environment (ACE) or via any other CBP-authorized electronic data interchange system, or as a paper filing at the time of entry.

(5) *Recordkeeping.* Documents supporting the information required in EPA Declaration Form 3520–1 must be retained by the importer for a period of at least five (5) years in accordance with § 163.4 of this chapter and must be provided to CBP upon request.

(6) *Documentation for diplomatic or foreign military personnel exemption.* In order for a diplomat or foreign military personnel to

claim an exemption pursuant to paragraph (g)(2) of this section, CBP must receive a Department of State-approved form DS-1504 (“Request for Customs Clearance of Merchandise”) or its electronic equivalent.

(j) *Release under bond.* If an EPA declaration form filed in accordance with paragraph (i)(3) of this section states that the entry is being filed under circumstances described in either paragraphs (h)(1), (2), (3) or (4) of this section, the entry will be accepted only if the importer, consignee, or surety, as appropriate, files a bond containing the bond conditions set forth in § 113.62 of this chapter, or files a bond electronically in ACE or via any other CBP-authorized electronic data interchange system, for the production of an EPA document stating that the vehicle or engine is in conformity with Federal emission requirements. The importer or consignee must deliver to the port director documentation of EPA approval before the exemption expires, or before some later deadline specified by the port director based on good cause. If the EPA statement is not delivered to the port director within the specified period, the importer or consignee must deliver or cause to be delivered to the port director those vehicles which were released under a bond required by this paragraph. In the event that the vehicle or engine is not redelivered within five (5) days following the date the exemption expires or any later deadline specified by the port director, whichever is later, liquidated damages will be assessed in the full amount of the bond, if it is a single entry bond, or if a continuous bond is used, in the amount that would have been assessed under a single entry bond.

(k) *Notices of inadmissibility or detention.* If a motor vehicle is determined to be inadmissible before or after release from CBP custody, the importer or consignee will be notified in writing of the inadmissibility determination and/or redelivery requirement. However, if a motor vehicle cannot be released from CBP custody merely because the importer has failed to attach to the entry the documentation required by paragraph (i) of this section, the vehicle will be held in detention by the port director for a period not to exceed 30-calendar days after filing of the entry at the risk and expense of the importer pending submission of the missing documentation. An additional 30-calendar day extension may be granted by the port director upon application for good cause shown. If the requisite EPA declaration form required pursuant to paragraph (i)(3) of this section has not been filed within this deadline, which must not exceed 60 days from the date of entry, CBP will issue a notice of inadmissibility.

(m) *Prohibited importations.* The importation of motor vehicles other than in accordance with this section and the EPA regulations in 40 CFR parts 85, 86, 600, 1036, 1037, and 1068 is prohibited.

■ 4. Section 12.74 amended by:

■ a. Revising the section heading and paragraphs (a) through (d); and

■ b. In paragraph (e) removing the word “shall” and adding in its place the word “must”.

The revisions read as follows:

§ 12.74 Importation of nonroad and stationary engines, vehicles, and equipment.

(a) *Applicability of EPA regulations.* The requirements governing the importation of nonroad and stationary engines subject to conformance with applicable emission standards of the U.S. Environmental Protection Agency (EPA) are contained in 40 CFR parts 1033 through 1068. These EPA regulations should be consulted for detailed information as to the admission requirements for subject nonroad and stationary engines. EPA emission regulations also apply to vehicles and equipment with installed engines and all references in this section to nonroad or stationary engines include the vehicles and equipment in which the engines are installed. Nothing in this section may be construed as limiting or changing in any way the applicability of the EPA regulations.

(b) *Documentation requirements*—(1) *Exception for certain companies that manufacture and import nonroad or stationary engines, including engines incorporated into vehicles and equipment.* The special documentation requirements of this paragraph (b) do not apply to the importation of nonroad or stationary engines, including engines incorporated into vehicles or equipment, by the company that manufactures the engines, provided that the engines are covered by a valid EPA Certificate of Conformity (COC) held by the importing manufacturer and bear the manufacturer’s label showing such conformity and other EPA-required information.

(2) *Release.* CBP will not release engines, vehicles, or equipment from custody unless the importer has submitted all required documents to demonstrate that the engines, vehicles, or equipment meet all applicable requirements.

(3) *Required EPA documentation.* Importers of nonroad or stationary engines, including engines incorporated into vehicles and equipment, must submit EPA Declaration Form 3520–21, “Importation of

Engines, Vehicles, and Equipment Subject to Federal Air Pollution Regulations,” to CBP at the time of entry.

(4) *Filing method.* EPA Declaration Form 3520–21 may be filed with CBP electronically in the Automated Commercial Environment (ACE) or via any other CBP-authorized electronic data interchange system, or as a paper filing at the time of entry.

(5) *Recordkeeping.* Documents supporting the information required in EPA Declaration Form 3520–21 must be retained by the importer for a period of at least five (5) years in accordance with § 163.4 of this chapter and must be provided to CBP upon request.

(c) *Release under bond*—(1) *Conditional admission.* If the EPA declaration form states that the entry for a nonconforming nonroad engine is being filed under one of the exemptions described in paragraph (c)(3) of this section, under which the engine may be conditionally admitted under bond, the entry will be accepted only if the importer, consignee, or surety, as appropriate, files a bond containing the bond conditions set forth in § 113.62(c) of this chapter, or files a bond electronically in ACE or via any other CBP-authorized electronic data interchange system, for the production of an EPA statement that the vehicle or engine is in conformity with Federal emission requirements.

(2) *Final admission.* Should final admission be sought and granted pursuant to EPA regulations for an engine conditionally admitted initially under one of the exemptions described in paragraph (c)(3) of this section, the importer or consignee must deliver to the port director the prescribed statement. The statement must be delivered within the period authorized by EPA for the specific exemption, or such additional period as the port director of CBP may allow for good cause shown. Otherwise, the importer or consignee must deliver or cause to be delivered to the port director the subject engine, either for export or other disposition under applicable CBP laws and regulations (see paragraph (e) of this section). If such engine is not redelivered within five (5) days following the allotted period, liquidated damages will be assessed in the full amount of the bond, if a single entry bond, or if a continuous bond, the amount that would have been assessed under a single entry bond (see 40 CFR 1068.335).

(3) *Exemptions.* The specific exemptions under which a nonconforming nonroad engine may be conditionally admitted, and for which a CBP bond is required, are as follows:

- (i) Repairs or alterations (see 40 CFR 1068.325(a)).
- (ii) Testing (see 40 CFR 1068.325(b)).
- (iii) Display (see 40 CFR 1068.325(c)).
- (iv) Export (see 40 CFR 1068.325(d)).

- (v) Diplomatic or military (*see* 40 CFR 1068.325(e)).
- (vi) Delegated assembly (*see* 40 CFR 1068.325(f)).
- (vii) Partially complete engines, vehicles, or equipment (*see* 40 CFR 1068.325(g)).

(d) *Notice of inadmissibility or detention.* If an engine is found to be inadmissible either before or after release from CBP custody, the importer or consignee will be notified in writing of the inadmissibility determination and/or redelivery requirement. If the inadmissibility is due to the fact that the importer or consignee did not file the EPA Declaration Form 3520–21 at the time of entry, the port director may hold the subject engine in detention at the importer’s risk and expense for up to 30 days from the entry filing date. The port director may grant the importer’s request for a 30-day extension for good cause. The port director will issue a notice of inadmissibility if documentation is still incomplete after this deadline, which must not exceed 60 days from the filing date for importation.

* * * * *

Dated: August 3, 2016.

R. GIL KERLIKOWSKA,
Commissioner.

TIMOTHY E. SKUD,
*Deputy Assistant
Secretary of the Treasury.*

[Published in the Federal Register, August 17, 2016 (81 FR 54763)]

**QUARTERLY IRS INTEREST RATES USED IN
CALCULATING INTEREST ON OVERDUE ACCOUNTS AND
REFUNDS ON CUSTOMS DUTIES**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will remain the same from the previous quarter. For the calendar quarter beginning July 1, 2016, the interest rates for overpayments will be 3 percent for corporations and 4 percent for non-corporations, and the interest rate for underpayments will be 4 percent for both corporations and non-corporations. This notice is

published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

EFFECTIVE DATE: July 1, 2016.

FOR FURTHER INFORMATION CONTACT: Kara N. Welty, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 614-4614.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: One for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2016-12, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2016, and ending on September 30, 2016. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%). For overpayments made by non-corporations, the rate is the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%). These interest rates are subject to change for the calendar quarter beginning October 1, 2016, and ending December 31, 2016.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate over-payments (Eff. 1-1-99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate over-payments (Eff. 1–1–99) (percent)
100104	033105	5	5	4
040105	093005	6	6	5
100105	063006	7	7	6
070106	123107	8	8	7
010108	033108	7	7	6
040108	063008	6	6	5
070108	093008	5	5	4
100108	123108	6	6	5
010109	033109	5	5	4
040109	123110	4	4	3
010111	033111	3	3	2
040111	093011	4	4	3
100111	033116	3	3	2
040116	093016	4	4	3

Dated: August 8, 2016.

R. GIL KERLIKOWSKE,
Commissioner.

[Published in the Federal Register, August 12, 2016 (81 FR 53496)]

**NATIONAL CUSTOMS AUTOMATION PROGRAM (NCAP)
TEST CONCERNING ELECTRONIC FILING OF PROTESTS
IN THE AUTOMATED COMMERCIAL ENVIRONMENT
(ACE)**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP's) plan to conduct a National Customs Automation Program (NCAP) test to assess new functionalities related to the electronic filing and processing of protests and new notification procedures for protests filed electronically in the Automated Commercial Environment (ACE). During the test, participants will be able to submit additional arguments and supporting information electronically, with their electronic protest in ACE. In addition, participants will be able to submit requests for further review, requests for accelerated disposition, requests to set aside denial of further review, and requests to void denial of a protest electronically in ACE. This notice

also announces the testing of electronic protest status notifications from CBP. The test will be known as the ACE Protest Test.

DATES: The ACE Protest Test will commence on August 29, 2016, and will continue until concluded by a notice published in the **Federal Register**. Comments concerning this notice and any aspect of the test may be submitted at any time during the test to the address set forth below.

ADDRESSES: Comments concerning this notice and any aspect of the ACE Protest Test may be submitted at any time during the testing period via email to Josephine Baiamonte, ACE Business Office (ABO), Office of Trade at *josephine.baiamonte@cbp.dhs.gov*. In the subject line of your email, please indicate, “Comment on ACE Protest Test FRN.”

FOR FURTHER INFORMATION CONTACT: For technical questions related to the application or requests for an ACE Portal Account, including ACE Protest Filer Accounts, contact the ACE Account Service Desk by calling 1-866-530-4172, selecting option 1, then option 2, or by emailing *ACE.Support@cbp.dhs.gov* for assistance.

SUPPLEMENTARY INFORMATION:

I. The National Customs Automation Program

The National Customs Automation Program (NCAP) was established by Subtitle B of Title VI—Customs Modernization in the North American Free Trade Agreement Implementation Act (Customs Modernization Act) (Pub. L. 103-182, 107 Stat. 2057, 2170, December 8, 1993) (19 U.S.C. 1411). Through NCAP, the thrust of customs modernization was on trade compliance and the development of the Automated Commercial Environment (ACE), the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for U.S. Customs and Border Protection (CBP) and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP’s business functions and the information technology that supports those functions. CBP’s modernization efforts are accomplished through phased releases of ACE component functionality designed to replace specific legacy ACS functions and add new functionality.

Sections 514 and 515 of the Tariff Act of 1930, as amended (19 U.S.C. 1514 and 1515), provide procedures for protesting certain decisions made by CBP. Section 645 of the Customs Modernization Act amended section 514(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1514(c)(1)) to permit the transmission of such protests to CBP electronically. The CBP regulations governing protests are found in part 174 of Title 19 of the Code of Federal Regulations (19 CFR part 174).

II. Authorization for the ACE Protest Test

The Customs Modernization Act authorizes the Commissioner of CBP to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. The ACE Protest Test is authorized pursuant to 19 CFR 101.9(b) which provides for the testing of NCAP programs or procedures. *See* Treasury Decision (T.D.) 95–21.

III. Electronic Protest Program

A. ACS Protest Filing

The electronic filing and status of protests is a planned component of the NCAP, authorized by section 411 of the Tariff Act of 1930, as amended by section 631 of the Customs Modernization Act. *See* 19 U.S.C. 1411(a)(2)(A). The U.S. Customs Service, the legacy agency of CBP, previously tested and deployed electronic protest filing using the Automated Broker Interface (ABI) to transmit a protest to ACS. *See, e.g.*, 65 FR 39224 (June 23, 2000).

On January 14, 2011, CBP published a Final Rule in the **Federal Register** (76 FR 2573) making technical corrections to the protest regulations in 19 CFR part 174 and related provisions in Title 19 of the CFR. The rule amended section 174.12(b) to conform to section 514(c)(1) of the Tariff Act of 1930, as modified by the Customs Modernization Act, allowing a protest to be transmitted electronically to the electronic data interchange system authorized by CBP for that purpose.

B. ACE Protest

CBP has developed the ACE Protest Module to replace electronic protest filing in ACS. The ACE Protest Module is an internet-based processing module, which allows any person with a Protest Filer Account in the ACE Portal to file a protest and supporting documentation electronically, monitor the status of the filer's electronic protest, and receive CBP notifications and messages regarding the protest. CBP has modified the ACE Portal Account Test to establish the

Protest Filer Account. *See* 81 FR 52453 (August 8, 2016). Parties wishing to file an electronic protest will need to establish and maintain an ACE Portal Account, as specified in that notice.

In addition, on July 28, 2016, CBP published a notice in the **Federal Register** announcing that the ACE Protest Module will be the sole electronic method authorized by the Commissioner of CBP for filing electronic protests. *See* 81 FR 49685 (July 28, 2016). That notice also announced that CBP will no longer accept protests filed through ABI to ACS. Upon the effective date of that notice, ACE will replace ACS as the authorized electronic data interchange system for filing protests electronically. Pursuant to 19 CFR 174.12(b), protest filers are authorized to transmit their protest electronically to ACE.

IV. Test Participation Criteria

CBP is conducting a test of the ACE Protest Module, to assess new functionalities related to the electronic filing and processing of protests and new notification procedures for protests filed electronically in ACE. Any party who wishes to participate in this test may do so as long as it has a Protest Filer Account. Participation in this test is not confidential information and CBP may disclose the name(s) of participants. When a participant in the ACE Protest Test files a protest in ACE, the entire protest process will be fully automated and must be completed in ACE, with the exception of a request for accelerated disposition, which must be sent by registered or certified mail as required under 19 U.S.C. 1515(b). Once a test participant files a protest as part of this test, the protest filer agrees to the test procedures below for all subsequent actions regarding the protest. For test participants, CBP will waive certain regulations pertaining to protest filing, as described below. Except where otherwise specified by this notice, the CBP regulations concerning the filing of a protest remain the same.

A. *Power of Attorney and Certification*

The regulations governing the ability to file a protest on behalf of another person are codified at 19 CFR 174.3. For participants in the ACE Protest Test, rather than submitting a power of attorney, the protest filer will be required to check a box affirming the following statement:

I certify that I am authorized to file this protest, that such authority has been granted by a duly and properly executed Power of Attorney where one is required, that all the information, statements and assertions herein are true and correct to the best of my knowledge and belief, and that this protest complies with all applicable regulations.

A protest filer will not be able to submit a protest electronically unless the box next to the certification statement is checked. The protest filer must maintain a copy of the power of attorney to provide to CBP upon request.

B. Identity of Filer

The CBP regulations require that a protest include the name of the person filing the protest, or his agent or attorney. *See* 19 CFR 174.12(c). Participants in the ACE Protest Test should identify the person filing the protest through the Protest Filer Account. Information identifying the filer of the protest, as required by section 174.12(c), will be collected at the time the protest filer establishes an account. In addition, the Protest Filer will be required to enter the capacity in which it is filing, by selecting a “filer type” (*e.g.*, attorney, broker, importer/ consignee, or surety).

C. Place of Filing

The CBP regulations require a protest to be filed with the port director whose decision is being protested. *See* 19 CFR 174.12(d). Delegation Order Number 14–004, effective on September 11, 2014, delegates concurrent trade authority to the port directors and the directors of the Centers of Excellence & Expertise (CEE). As a result, a protest may be submitted to either the port director or the director of the filer’s assigned CEE. For participants in the ACE Protest Test, electronic protests will be filed in the ACE Protest Module instead. Protests filed electronically through the module will be routed to the CBP port, CEE, or other office responsible for the decision that is the subject of the protest.

D. Date of Filing

The CBP regulations state that the date of filing of a protest is the date on which the protest is received by the Customs officer with whom it is required to be filed. *See* 19 CFR 174.12(f). For electronic filings, the date of filing for claims or information (including a protest, protest amendment, request to set aside denial of further review, and request to void denial of a protest) will be the date on which the protest is received by the ACE Protest Module. The date of filing in the ACE Protest Module will be determined based on midnight Eastern Standard Time (EST). This means that, to be considered timely, an electronic filing in the ACE Protest Module must be received by 11:59 p.m. (EST) on the final day of the filing period. The protest filer and any other designated parties will receive an electronic message confirming receipt of a protest filing in ACE.

E. Amendment of Protests

The Protest Filer may amend an electronic protest according to the requirements set forth in section 174.14. As required under 19 CFR 174.14(b), when a Protest Filer files a protest electronically, any amendment to such protest must be made electronically through the ACE Protest Module. As a result, for participants in the ACE Protest Test, the place of filing of an amendment to a protest filed in ACE will be the ACE Protest Module, rather than the port director with whom the protest was filed. *See* 19 CFR 174.14(e). The date of filing of an amendment to an ACE Protest will be the date on which the protest amendment is received by the ACE Protest Module. The date of filing in the ACE Protest Module will be determined by the time of receipt of the amendment in ACE based on midnight Eastern Standard Time. The Protest Filer and any other designated parties will receive an electronic message confirming receipt of an amendment made to an electronic protest.

F. Accelerated Disposition

Under 19 U.S.C. 1515(b), a request for accelerated disposition must be sent by registered or certified mail. If the Protest Filer intends to request accelerated disposition for a protest, the request must be sent by registered or certified mail to the port director or other CBP officer whose decision is protested. *See* 19 CFR 174.12(d) and 174.22(a). Test participants are also required to check a box in the ACE Protest Module indicating a request was properly mailed. When making a request for accelerated disposition the Protest Filer must check a box affirming that the Protest Filer has filed the request for accelerated disposition by registered or certified mail:

I certify that I have sent a request for Accelerated Disposition by Certified or Registered United States Mail, and I understand that by requesting accelerated disposition this protest will be deemed denied within 30 days of the request if it is not decided by CBP before the end of the 30 day period, and that any lawsuit filed in the United States Court of International Trade contesting the deemed denial of this protest is barred unless commenced within 180 days of the date of the deemed denial.

The date of the request for accelerated disposition will be based on the date of the mailing. The Protest Filer may electronically withdraw a request for accelerated disposition of a protest filed through the ACE Protest Module any time prior to the 30 days after the date of the request or the CBP decision on the protest, whichever comes first.

G. Further Review

In lieu of filing an application for further review (AFR) on Customs Form 19, pursuant to 19 CFR 174.25, test participants may submit an AFR concurrently with the protest in the ACE Protest Module. When a protest is filed through the ACE Protest Module, the Protest Filer must use the module to submit the AFR. When a Protest Filer applies for further review, the filer must check a box to answer “yes” or “no” to the following questions:

Have you made prior request of a port director for a further review of the same claim with respect to the same or substantially similar merchandise?

Have you received a final adverse decision from the U.S. Court of International Trade on the same claim with respect to the same category of merchandise or do you have an action involving such a claim pending before the U.S. Court of International Trade?

Have you previously received an adverse administrative decision from the Commissioner of CBP or his designee or have you presently pending an application for an administrative decision on the same claim with respect to the same category of merchandise?

The ACE Protest Module will not accept a protest with an AFR unless the Protest Filer answers these three questions and provides a written justification. The written justification must be entered in the text box provided or uploaded separately.

H. Additional Arguments

A reviewing officer may consider alternative claims and additional grounds or arguments submitted by the protesting party. *See* 19 CFR 174.28. For purposes of the ACE Protest Test, participants may use the ACE Protest Module to submit alternative claims and additional grounds or arguments any time prior to the disposition of the protest. When a protest is filed through the ACE Protest Module, the Protest Filer must use the module to submit additional arguments unless such information is incapable of electronic submission, *e.g.*, samples of imported merchandise.

I. Submission of Additional Information and Protest Withdrawal

When a protest is filed through the ACE Protest Module, the Protest Filer must use the module to submit additional information requested by CBP unless such information is incapable of electronic submission, *e.g.*, samples of imported merchandise. Any request to withdraw a protest submitted through the ACE Protest Module must be submitted electronically through the module.

J. Request To Set Aside Denial of Further Review

A Protest Filer seeking to file a request to set aside CBP's denial of further review under 19 U.S.C. 1515(c) must use the ACE Protest Module when the underlying protest was filed through the ACE Protest Module. A request will be considered filed with the appropriate CBP officer if it is filed in the ACE Protest Module within 60 days after the date of the protest denial. As noted above, the date of filing in the ACE Protest Module will be determined by the time of receipt of the request for setting aside of the denial of further review in ACE based on midnight Eastern Standard Time. If CBP fails to act on the request to set aside the denial of further review within 60 days from the time of filing, the request will be considered denied and the Protest Filer will receive a courtesy electronic notification.

K. Request To Void Denial of a Protest

A Protest Filer seeking to file a request to void the denial of a protest under 19 U.S.C. 1515(d) must use the ACE Protest Module when the underlying protest was filed through the ACE Protest Module. A request will be considered filed with the appropriate CBP office if it is filed in the ACE Protest Module within 90 days after the date of the protest denial. The date of filing of a request will be the date on which the request is received by the ACE Protest Module. As noted above, the date of filing in the ACE Protest Module will be determined by the time of receipt of the request in ACE based on midnight Eastern Standard Time.

L. Messaging

ACE will generate and send automated messages to notify the Protest Filer and any other designated parties of changes in the status of the protest and decisions made by CBP regarding the protest. These messages will advise the parties when CBP has received the: Protest; request for accelerated disposition; additional arguments; application for further review; protest amendment; request to set aside denial of further review; request to withdraw a protest; or request to void the denial of a protest. In addition, rather than mailing a notice of denial of the protest pursuant to 19 CFR 174.30, for protests filed electronically, ACE will notify designated parties of actions taken by CBP electronically, including CBP's decision to suspend, grant, or deny a protest.

V. Comments

All interested parties are invited to comment on any aspect of this ACE Protest Test for the duration of the test. CBP requests comments

and feedback on all aspects of this test in order to determine whether to modify, alter, expand, limit, continue, end, or fully implement this test.

VII. Development of ACE Prototypes

A chronological listing of **Federal Register** publications detailing ACE test developments is set forth below.

- ACE Portal Accounts and Subsequent Revision Notices: 67 FR 21800 (May 1, 2002); 69 FR 5360 and 69 FR 5362 (February 4, 2004); 69 FR 54302 (September 8, 2004); 70 FR 5199 (February 1, 2005).
- ACE System of Records Notice: 71 FR 3109 (January 19, 2006).
- Terms/Conditions for Access to the ACE Portal and Subsequent Revisions: 72 FR 27632 (May 16, 2007); 73 FR 38464 (July 7, 2008).
- ACE Non-Portal Accounts and Related Notice: 70 FR 61466 (October 24, 2005); 71 FR 15756 (March 29, 2006).
- ACE Entry Summary, Accounts and Revenue (ESAR I) Capabilities: 72 FR 59105 (October 18, 2007).
- ACE Entry Summary, Accounts and Revenue (ESAR II) Capabilities: 73 FR 50337 (August 26, 2008); 74 FR 9826 (March 6, 2009).
- ACE Entry Summary, Accounts and Revenue (ESAR III) Capabilities: 74 FR 69129 (December 30, 2009).
- ACE Entry Summary, Accounts and Revenue (ESAR IV) Capabilities: 76 FR 37136 (June 24, 2011).
- Post-Entry Amendment (PEA) Processing Test: 76 FR 37136 (June 24, 2011).
- ACE Announcement of a New Start Date for the National Customs Automation Program Test of Automated Manifest Capabilities for Ocean and Rail Carriers: 76 FR 42721 (July 19, 2011).
- ACE Simplified Entry: 76 FR 69755 (November 9, 2011).
- National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS): 77 FR 20835 (April 6, 2012).
- National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Simplified En-

try: Modification of Participant Selection Criteria and Application Process: 77 FR 48527 (August 14, 2012).

- Modification of NCAP Test Regarding Reconciliation for Filing Certain Post-Importation Preferential Tariff Treatment Claims under Certain FTAs: 78 FR 27984 (May 13, 2013).
- Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE): 78 FR 44142 (July 23, 2013).
- Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE); Correction: 78 FR 53466 (August 29, 2013).
- Modification of NCAP Test Concerning Automated Commercial Environment (ACE) Cargo Release (formerly known as Simplified Entry): 78 FR 66039 (November 4, 2013).
- Post-Summary Corrections to Entry Summaries Filed in ACE Pursuant to the ESAR IV Test: Modifications and Clarifications: 78 FR 69434 (November 19, 2013).
- National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Environmental Protection Agency and the Food Safety and Inspection Service Using the Partner Government Agency Message Set Through the Automated Commercial Environment (ACE): 78 FR 75931 (December 13, 2013).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Ocean and Rail Carriers: 79 FR 6210 (February 3, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release to Allow Importers and Brokers to Certify From ACE Entry Summary: 79 FR 24744 (May 1, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Truck Carriers: 79 FR 25142 (May 2, 2014).

- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Document Image System: 79 FR 36083 (June 25, 2014).
- Announcement of eBond Test: 79 FR 70881 (November 28, 2014).
- eBond Test Modifications and Clarifications: Continuous Bond Executed Prior to or Outside the eBond Test May Be Converted to an eBond by the Surety and Principal, Termination of an eBond by Filing Identification Number, and Email Address Correction: 80 FR 899 (January 7, 2015).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Document Image System Relating to Animal and Plant Health Inspection Service (APHIS) Document Submissions: 80 FR 5126 (January 30, 2015).
- Modification of National Customs Automation Program (NCAP) Test Concerning the use of Partner Government Agency Message Set through the Automated Commercial Environment (ACE) for the Submission of Certain Data Required by the Environmental Protection Agency (EPA): 80 FR 6098 (February 4, 2015).
- Announcement of Modification of ACE Cargo Release Test to Permit the Combined Filing of Cargo Release and Importer Security Filing (ISF) Data: 80 FR 7487 (February 10, 2015).
- Modification of NCAP Test Concerning ACE Cargo Release for Type 03 Entries and Advanced Capabilities for Truck Carriers: 80 FR 16414 (March 27, 2015).
- Automated Commercial Environment (ACE) Export Manifest for Air Cargo Test: 80 FR 39790 (July 10, 2015).
- National Customs Automation Program (NCAP) Concerning Remote Location Filing Entry Procedures in the Automated Commercial Environment (ACE) and the Use of the Document Image System for the Submission of Invoices and the Use of eBonds for the Transmission of Single Transaction Bonds: 80 FR 40079 (July 13, 2015).
- Modification of National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Partner Government Agency (PGA) Message Set Regarding Types of Transportation Modes and Certain Data Required by the National Highway Traffic Safety Administration (NHTSA): 80 FR 47938 (August 10, 2015).

- Automated Commercial Environment (ACE) Export Manifest for Vessel Cargo Test: 80 FR 50644 (August 20, 2015).
- Modification of National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Food and Drug Administration (FDA) Using the Partner Government Agency Message Set through the Automated Commercial Environment (ACE): 80 FR 52051 (August 27, 2015).
- Automated Commercial Environment (ACE) Export Manifest for Rail Cargo Test: 80 FR 54305 (September 9, 2015).
- Modification of the National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Document Image System (DIS) Regarding Future Updates and New Method of Submission of Accepted Documents: 80 FR 62082 (October 15, 2015).
- Modification of the National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Cargo Release for Entry Type 52 and Certain Other Modes of Transportation: 80 FR 63576 (October 20, 2015).
- Modification of the National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Entry Summary, Accounts and Revenue (ESAR) Test of Automated Entry Summary Types 51 and 52 and Certain Modes of Transportation: 80 FR 63815 (October 21, 2015).
- Modification of the National Customs Automation Program Test Concerning the Automated Commercial Environment Portal Account to Establish the Exporter Portal Account: 80 FR 63817 (October 21, 2015).
- Modification of National Customs Automation Program Test Concerning the Automated Commercial Environment Partner Government Agency Message Set Regarding the Toxic Substances Control Act Certification Required by the Environmental Protection Agency: 81 FR 7133 (February 10, 2016).
- Notice Announcing the Automated Commercial Environment (ACE) as the Sole CBP-Authorized Electronic Data Interchange (EDI) System for Processing Certain Electronic Entry and Entry Summary Filings: 81 FR 10264 (February 29, 2016).
- Modification of the National Customs Automation Program (NCAP) Tests Concerning the Partner Government Agency Mes-

sage Set for Certain Data Required by the Environmental Protection Agency (EPA): 81 FR 13399 (March 14, 2016).

- Cessation of National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Food and Drug Administration (FDA) Using the Partner Government Agency (PGA) Message Set Through the Automated Commercial Environment (ACE): 81 FR 18634 (March 31, 2016).
- Automated Commercial Environment (ACE); Announcement of National Customs Automation Program Test of the In-Transit Manifest Pilot Program: 81 FR 24837 (April 27, 2016).
- Announcement of National Customs Automation Program (NCAP) Test Concerning the Submission Through the Automated Commercial Environment (ACE) of Certain Import Data and Documents Required by the U.S. Fish and Wildlife Service: 81 FR 27149 (May 5, 2015).
- Notice Announcing the Automated Commercial Environment (ACE) as the Sole CBP-Authorized Electronic Data Interchange (EDI) System for Processing Certain Electronic Entry and Entry Summary Filings Accompanied by Food and Drug Administration (FDA) Data: 81 FR 30320 (May 16, 2016).
- Notice Announcing the Automated Commercial Environment (ACE) as the Sole CBP-Authorized Electronic Data Interchange (EDI) System for Processing Electronic Entry and Entry Summary Filings: 81 FR 32339 (May 23, 2016).
- Notice Announcing the Automated Commercial Environment (ACE) Protest Module as the Sole CBP-Authorized Method for Filing Electronic Protests: 81 FR 49685 (July 28, 2016).
- Modification of the National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Portal Accounts to Establish the Protest Filer Account and Clarification that the Terms and Conditions for Account Access Apply to All ACE Portal Accounts: 81 FR 52453 (August 8, 2016).

Dated: August 9, 2016.

BRENDA B. SMITH,
*Executive Assistant Commissioner,
Office of Trade.*

**DATES AND DRAFT AGENDA OF THE FIFTY-EIGHTH
SESSION OF THE HARMONIZED SYSTEM COMMITTEE OF
THE WORLD CUSTOMS ORGANIZATION**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security, and U.S. International Trade Commission.

ACTION: Publication of the dates and draft agenda for the fifty-eighth session of the Harmonized System Committee of the World Customs Organization.

SUMMARY: This notice sets forth the dates and draft agenda for the next session of the Harmonized System Committee of the World Customs Organization.

DATES: August 16, 2016

FOR FURTHER INFORMATION CONTACT: Joan A. Jackson, Paralegal Specialist, Tariff Classification and Marking Branch, U.S. Customs and Border Protection (202–325–0010), or Dan Shepherdson, Attorney Advisor, Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission (202–205–2598).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The United States is a contracting party to the International Convention on the Harmonized Commodity Description and Coding System (“Harmonized System Convention”). The Harmonized Commodity Description and Coding System (“Harmonized System”), an international nomenclature system, forms the core of the U.S. tariff, the Harmonized Tariff Schedule of the United States. The Harmonized System Convention is under the jurisdiction of the World Customs Organization (established as the Customs Cooperation Council).

Article 6 of the Harmonized System Convention establishes a Harmonized System Committee (“HSC”). The HSC is composed of representatives from each of the contracting parties to the Harmonized System Convention. The HSC’s responsibilities include issuing classification decisions on the interpretation of the Harmonized System. Those decisions may take the form of published tariff classification opinions concerning the classification of an article under the Harmonized System or amendments to the Explanatory Notes to the Harmonized System. The HSC also considers amendments to the legal text of the Harmonized System. The HSC meets twice a year in Brussels, Belgium. The next session of the HSC will be the fifty-eighth and it will be held from September 28, 2016 to October 7, 2016.

In accordance with section 1210 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418), the Department of Homeland Security, represented by U.S. Customs and Border Protection, the Department of Commerce, represented by the Census Bureau, and the U.S. International Trade Commission (“ITC”), jointly represent the U.S. The Customs and Border Protection representative serves as the head of the delegation at the sessions of the HSC.

Set forth below is the draft agenda for the next session of the HSC. Copies of available agenda-item documents may be obtained from either Customs and Border Protection or the ITC. Comments on agenda items may be directed to the above-listed individuals.

IEVA K. O’ROURKE,
Chief
Tariff Classification and Marking Branch

Attachment



WORLD CUSTOMS ORGANIZATION
 ORGANISATION MONDIALE DES DOUANES
 Established in 1952 as the Customs Co-operation Council
 Créée en 1952 sous le nom de Conseil de coopération douanière

HARMONIZED SYSTEM
 COMMITTEE

NC2239E1b

58th Session

O. Fr.

Brussels, 12 August 2016.

DRAFT AGENDA FOR THE 58TH SESSION OF THE HARMONIZED SYSTEM COMMITTEE

From : Wednesday 28 September 2016 (10.00 a.m.)

To : Friday 7 October 2016

N.B. : From Monday 26 September 2016 (9.30 a.m.) to Tuesday 27 September 2016: Presessional Working Party (to examine the questions under **Agenda Item V**)

The report has been approved.

I. ADOPTION OF THE AGENDA

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|----|-----------------|-----------|
| 1. | Draft Agenda | NC2239E1b |
| 2. | Draft Timetable | NC2240B1a |

II. REPORT BY THE SECRETARIAT

- | | | |
|----|--|-----------------------|
| 1. | Position regarding Contracting Parties to the HS Convention, HS Recommendations and related matters and progress report on the implementation of HS 2017 | NC2241E1a |
| 2. | Report on the last meetings of the Policy Commission (75 th Session) and the Council (127 th /128 th Sessions) | NC2242E1a |
| 3. | Approval of decisions taken by the Harmonized System Committee at its 57 th Session | NG0227E1
NC2238E1b |
| 4. | Capacity building activities of the Nomenclature and Classification Sub-Directorate | NC2243E1a |
| 5. | Co-operation with other international organizations | NC2244E1a |
| 6. | New information provided on the WCO Web site | NC2245E1a |
| 7. | Progress report on the use of working languages for HS-related matters | NC2246E1a |
| 8. | Other | |
| | - Presentation on a possible update to the Harmonized System Database | |

III. GENERAL QUESTIONS

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| 1. Implementation of HS 2017 - Status and challenges | NC2247E1a |
| 2. Amendment of the Compendium of Classification Opinions consequential to the Article 16 Council Recommendations of 27 June 2014 and 11 June 2015 | NC2248E1a |
| 3. Draft corrigendum amendments to the Harmonized System | NC2249E1a |
| 4. Draft amendments to the Explanatory Notes and correction of editorial errors | NC2250E1a |
| 5. Procedure for the adoption of the Committee's Reports | NC2251E1a |
| 6. Retention or deletion of the list of questions which might be examined at a future session | NC2252E1a |

IV. REPORT OF THE HS REVIEW SUB-COMMITTEE

- | | |
|---|-----------|
| 1. Report of the 50 th Session of the HS Review Sub-Committee | NR1120E1c |
| 2. Matters for decision | NC2253E1a |
| 3. Possible amendment of headings 29.07, 34.02, 38.22 and 94.04 (Proposal by Japan) | NC2254E1a |
| 4. Classification of "needle roller bearings" | NC2255E1a |

V. REPORT OF THE PRESESSIONAL WORKING PARTY

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|---|----------------------|
| 1. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify coconut water in heading 20.09 (subheading 2009.89) | NC2256E1a
Annex A |
| 2. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify rose hip juice concentrate in heading 21.06 (subheading 2106.90) | NC2256E1a
Annex B |
| 3. Possible amendment to the Compendium of Classification Opinions to reflect the decisions to classify a product containing more than 99.2 % of sodium sulphate (Product 2) in heading 25.30 (subheading 2530.90) and a product containing more than 98.5 % of sodium sulphate (Product 1) in heading 28.33 (subheading 2833.11) | NC2256E1a
Annex C |
| 4. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a product called "Antiblocking Masterbatch additive code 901300-CX" in heading 39.01 (subheading 3901.40) (HS 2017) | NC2256E1a
Annex D |
| 5. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a perforated tube called "Tif Drip" used for conducting water in irrigation systems in heading 39.17 (subheading 3917.21) | NC2256E1a
Annex E |
| 6. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a collection bin in the form of a bucket of plastics in heading 39.24 (subheading 3924.90) | NC2256E1a
Annex F |

7. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify certain “artificial fingernails of plastics” in heading 39.26 (subheading 3926.90) NC2256E1a Annex G
8. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a colour, thin film transistor liquid crystal display (TFT LCD) module (Product B) in heading 84.73 (subheading 8473.30) NC2256E1a Annex H
9. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify an assembly incorporating a gesture sensor and infrared signal generator, to be mounted into a cellular (mobile) telephone, in heading 85.17 (subheading 8517.70) NC2256E1a Annex IJ
10. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify an assembly incorporating a vibrating motor, speaker, microphone and earphone connector, to be mounted into a cellular (mobile) telephone, in heading 85.17 (subheading 8517.70) NC2256E1a Annex K
11. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a set of electrically propelled railway coaches (ELECTRIC RAILWAY COACH), also known as an “Electric multiple Unit (EMU)”, in heading 86.03 (subheading 8603.10) NC2256E1a Annex L
12. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify two “Xinshui” machines, models “XS950” and “XS1050” with the propelling unit in heading 87.01 (subheading 8701.10) and the tilling machine in heading 84.32 (subheading 8432.29) NC2256E1a Annex M

VI. REQUESTS FOR RE-EXAMINATION (RESERVATIONS)

1. Re-examination of the classification of a product called “Thai Chicken Red Curry” (Request by Norway) NC2257E1a
2. Re-examination of the classification of a dairy product called “DANONE VITALINEA PRO JORDGUBB” (Request by Japan) NC2258E1a
3. Re-examination of the classification of a “SHARP thin-film solar module, model NA-F GK” (Request by Mexico) NC2259E1a
4. Re-examination of the classification of certain titanium screws for medical applications (implants) (Request by Colombia) NC2260E1a
5. Re-examination of the classification of “seat covers for motor vehicles” (request by Colombia and Thailand) NC2261E1a
6. Re-examination of the deletion of the square brackets in the new Explanatory Note to heading 69.07 regarding ISO Standard 10545-3 (Request by the United States) NC2262E1a
7. Re-examination of the classification of a “Hall Element Device” (Request by Japan) NC2263E1a

VII. FURTHER STUDIES

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| 1. Possible amendment to the Explanatory Note to heading 20.09 to clarify the classification of coconut water | NC2264E1a |
| 2. Classification of a product referred to as “Crab flavour” (Request by the Russian Federation) | NC2207E1a
(HSC/57) |
| 3. Classification of blanched ground-nuts (Request by South Africa) | NC2265E1a |
| 4. Possible amendment to the Explanatory Note to heading 27.10 (classification of three products presented by the Russian Federation during the 31 st Session of the Scientific Sub-Committee) | NC2266E1a |
| 5. Classification of certain biological safety cabinets | NC2267E1a |
| 6. Possible alignment of the HS with the international standards for fruit juices applied by industry (IFU Recommendations) | NC2268E1a |
| 7. Possible amendment of the Explanatory Notes to headings 13.02 and 20.09 | NC2269E1a |
| 8. Classification of certain outdoor cabinets (Request by Egypt) | NC2270E1a |
| 9. Classification of “bilberry and bergamot extracts” (Request by the United States) | NC2225E1a
(HSC/57) |
| 10. Classification of “instant photoresists” used in the manufacture of semiconductor materials (Request by the United States) | NC2226E1a
(HSC/57) |
| 11. Classification of three “women’s garments designed to cover the upper part of the body” (request by Norway) | NC2229E1a
(HSC/57) |
| 12. Classification of “Gandock floating structures” (Request by South Africa) | NC2271E1a
NC2230E1a
(HSC/57) |
| 13. Classification of certain glass shower enclosures and doors (Request by South Africa) | NC2272E1a
NC2232E1a
(HSC/57) |
| 14. Classification of certain “hub unit bearings and parts thereof” (Request by Japan) | NC2273E1
NC2234E1a
(HSC/57) |

VIII. NEW QUESTIONS

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| 1. Classification of easels (e.g., for blackboards or paintings) (Request by the Secretariat) | NC2274E1a |
| 2. Classification of two types of silos (Request by Egypt) | NC2275E1a |
| 3. Classification of certain seaweed products (Request by Thailand) | NC2276E1a |
| 4. Possible amendment to the Explanatory Note to heading 94.01 (Request by Thailand) | NC2277E1a |
| 5. Possible amendment to the Explanatory Note to heading 84.15 to clarify the scope of subheading 8415.10 (Request by the Secretariat) | NC2278E1a |

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| 6. Possible amendment to the Explanatory Notes to headings 22.02 and 22.03 to clarify the scope of the terms “non-alcoholic beer” and “beer made from malt” (Request by the Secretariat) | NC2279E1a |
| 7. Classification of solvents based on aromatic substances (Request by Ukraine) | NC2280E1a |
| 8. Classification of quinoa which has undergone the removal of the saponin layer (Request by Korea) | NC2281E1a |
| 9. Classification of blanched green shell mussels (<i>Perna canaliculus</i>) (Request by the Secretariat) | NC2282E1a |
| 10. Possible amendment to the Explanatory Note to heading 95.03 (Request by the Secretariat) | NC2283E1a |
| 11. Possible amendment to the Nomenclature in respect of the classification of a product named “chilli stew containing dark chocolate and cocoa” (Request by the EU) | NC2284E1a |
| 12. Classification of certain herbal preparations and mixtures (Request by Japan) | NC2285E1a |
| 13. Possible amendment to the Explanatory Note to heading 28.18 (Request by the Russian Federation) | NC2286E1a |
| 14. Classification of a product called “ R WOVEN FABRICS ” (Request by Madagascar) | NC2287E1a |
| 15. Classification of ceramic inks for inkjet technology (Request by the EU) | NC2288E1a |
| 16. Classification of certain confectionary and plastic articles, of the brand name “ M&M’s ” (Request by the Russian Federation) | NC2289E1a |
| 17. Classification of an Insulated Gate Bipolar Transistor (IGBT) module (Request by Korea) | NC2290E1a |
| 18. Classification of certain virtual reality headsets (Request by Korea) | NC2292E1a |
| 19. Classification of a product called “ Conjex Cough and Throat tablets” (Request by Malawi) | NC2293E1a |
| 20. Classification of an electric hoverboard (Request by Saudi Arabia) | NC2294E1a |
| 21. Possible amendment to the Explanatory Notes to headings 33.04 and 39.26 to clarify the classification of artificial fingernails (Request by the United States) | NC2295E1a |
| 22. Classification of pepper seeds of the genus <i>Capsicum</i> , for sowing (Request by the United States) | NC2296E1a |

IX. ADDITIONAL LIST

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| 1. Classification of a tube bundle container (Request by Indonesia) | NC2297E1a |
| 2. Classification of devices called “ Cotton Handy Washer ” and “ Ultrasonic Washer ” (Request by Indonesia) | NC2298E1a |
| 3. Classification of a product called “ Amomnium Nitrate Emulsion Grade (AN-E) ” (Request by Burkina Faso) | NC2299E1a |

4. Classification of a product called “Amomnium Nitrate Porous Prill (ANPP)” (Request by Burkina Faso) NC2300E1a
- X. OTHER BUSINESS
 1. List of questions which might be examined at a future session NC2291E1a
- XI. DATES OF NEXT SESSIONS