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The Office of Trade (OT) has been hard at work since the last issue of the Snapshot. The office successfully implemented the next round of Section 301 duties related to the Large Civil Aviation aircraft dispute. We issued a new withhold release order against tobacco products from Malawi due to evidence suggesting that the goods were produced by forced labor. We also hosted the Border Interagency Executive Council (BIEC) Principals meeting on Nov. 18, and was pleased to confirm Aurelia Skipwith, Deputy Assistant Secretary, Fish, Wildlife and Parks, Department of the Interior, as the new vice chair. As we close out 2019, I would like to applaud Office of Trade staff for their hard work and look forward to continuing our important mission in 2020.

*-Brenda Smith, Executive Assistant Commissioner, Office of Trade*

### CBP Issues Withhold Release Order on Tobacco from Malawi

On Nov. 1, U.S. Customs and Border Protection (CBP) issued a withhold release order on tobacco from Malawi and products containing tobacco from Malawi. The products will be detained at all U.S. ports of entry. CBP issued the order based on information collected by the agency that reasonably indicates the tobacco from Malawi is produced using forced labor and forced child labor. "CBP wants to ensure the business community is compliant with the law requiring clean supply chains with no use of forced labor of any kind," said Brenda Smith, Executive Assistant Commissioner of CBP's Office of Trade.

While the order will require detention of tobacco from Malawi at all U.S. ports of entry, it is not a ban. Rather, importers may offer proof that their tobacco and tobacco-containing products do not include tobacco from Malawi that was produced with labor prohibited under U.S. law. Importers of shipments detained under this order are also provided an opportunity to export their shipments under certain circumstances.

So far this year, CBP has issued seven withhold release orders, showing the agency's commitment to identifying and preventing the import of products made with the use of forced labor. Any goods made, in whole or in part, by forced labor, including convict labor, forced child labor, and indentured labor may not be imported into the United States. CBP issues withhold release orders when information available reasonably indicates that merchandise is, or is likely to be, imported in violation of this statute. Read more at [www.cbp.gov/newsroom](http://www.cbp.gov/newsroom).

### Additional Duty on Products of the Countries of the European Union Under Large Civil Aircraft Section 301 Trade Remedy Action

The U.S. Trade Representative (USTR) has determined that the European Union and certain of its member states have denied U.S. rights under the World Trade Organization (WTO) Agreement, and have failed to implement the organization's Dispute Settlement Body recommendations concerning certain subsidies to the EU large civil aircraft industry.

On Oct. 9, the U.S. Trade Representative published in the [Federal Register 84 FR 54245](https://www.federalregister.gov/documents/2018/10/09/2018-24245), a Notice of Determination and Action Pursuant to Section 301: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute. The notice announces the U.S. Trade Representative's determination to impose additional duties on products of the EU or certain member states. The Large Civil Aircraft Section 301 duties only apply to products of the countries set forth in 84 FR 54245, and are based on the country of origin, not country of export. Additional duties imposed are effective on or after 12:01 a.m. eastern daylight time on Oct. 18. These products are subject to either 10% or 25% additional duties. For additional information, see the [trade statistics page](#) and [CSMS message](#).

### New on @CBPTradeGov

- 11/5: @CBP encourages the trade community to closely examine their supply chains to ensure goods imported into the United States are not mined, produced or manufactured by forced labor. Learn more about how you can help: <https://t.co/RXYqnsCM0J>
- 11/19: Purchasing fake goods and replicas may seem harmless, but the consequences of counterfeits are real. Learn more about the #TruthBehindCounterfeits at <http://bit.ly/2yDGkds> #holidayshopping #blackfriday #CBPTrade
- 11/27: In FY2018, counterfeit personal care products and pharmaceuticals were some of the most seized items by @CBP. Check out the new @Netflix docuseries "Broken" and learn more about how these products put you at risk. CBP is featured in Episode 1, "Makeup Mayhem." #TradeMatters <https://t.co/AeqwEfCcov>

### CBP Trade in the News

- ◆ [Does Zimbabwe have forced labour in its diamond mines? – BBC News – 10/20](#)
- ◆ [US Customs Officials Seize Millions Worth of Counterfeit Purses from China – Epoch Times – 11/10](#)
- ◆ [Border Interagency Executive Council Confirms New Vice-Chair – CBP – 11/22](#)

The Trade News Snapshot is a monthly newsletter from the Office of Trade highlighting important programs, information, and updates for our trade partners and the public.

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## CBP and Department of Commerce Announce AD/CVD ACE Deployment

On Oct. 8, CBP Office of Trade and the Department of Commerce (Commerce) Office of Enforcement and Compliance announced a newly redesigned Antidumping and Countervailing Duties – or AD/CVD - case management module within the Automated Commercial Environment. The new module deployed on Oct. 5.

This yearlong joint effort will streamline the AD/CVD case messages and case reference data functions, resulting in more user-friendly navigation for the trade community. This deployment of the enhanced AD/CVD module provides a more secure and transparent system and will contribute to the efforts by Commerce and CBP to level the playing field for domestic industries injured by unfair trade practices. Read more [here](#).

## EAPA Final Determination of Evasion

On Oct. 9, CBP posted a final determination of evasion to Prime Stainless Products, LLC (“Prime Stainless”) and H & H Machine Co. (“H& H”), which determined that they companies entered into the customs territory of the United States through evasion merchandise covered by the antidumping duty order A-570-0641 and the countervailing duty order C-570-065.2. There was substantial evidence to demonstrate that Prime Stainless and H & H imported stainless steel flanges made in China were transhipped through the Philippines and falsely declared that as the country of origin. As a result, no cash deposits were posted. In light of this determination, CBP will continue to suspend the liquidation for any entry imported by Prime Stainless or H & H, assembled, shipped or otherwise processed, that has entered on or after Aug. 30. Read more on [cbp.gov](#).



## Office of Trade Discussing Data Pilots at World Customs Org.

On Oct. 31 and Nov. 1, Executive Director of Trade Policy and Programs, John P. Leonard, attended the Permanent Technical Committee of the World Customs Organization, or WCO. While there, Leonard provided an overview of CBP’s two e-commerce pilots to inform the ongoing work of the WCO on the Cross-Border E-Commerce Framework of Standards, specifically the annex involving E-Commerce Reference Data Set. Alongside Branch Chief Dan Randall from Office of Field Operations, Leonard described the path leading to the development of the [Section 321 Data Pilot and the Entry Type 86 Pilot](#), as well as an overview of how each pilot will further inform CBP’s work on e-commerce. Overall, both pilots were designed to give CBP greater insight into the e-commerce supply chain and identify potential process

changes to better utilize resources and mitigate risk. CBP hopes to use the real-world experience gained in these pilots to help create a better data set for the Framework, one that will benefit both customs administrations and the private sector. Leonard and Randall were well received by the group, and their presentation sparked a lively conversation among the delegates.

CBP’s Section 321 Data pilot will test the utility of accepting advance data from online marketplaces, carriers, brokers, and freight forwarders to better segment risk in the e-commerce environment. The data pilot is the culmination of months of close discussion with the private sector to map e-commerce business models, identify supply chain roles and responsibilities, and explore data sharing opportunities.

Section 321 Entry Type 86 Test was implemented to address the Trade Facilitation Trade Enforcement Act –or TFTEA - of 2015. TFTEA provisions raised the de minimis value amount from \$200 to \$800, which had a significant impact on the data collection and trade enforcement capabilities of CBP and other government agencies.

## CBP Collects \$3,320,425 for Customs Violations from Importer

On Nov.19, CBP issued a [press release](#) stating that the agency had collected \$3,320,425 from Satisloh, an importer of machinery used in the production of optical lenses after CBP pursued action pursuant to §19 U.S.C. 1592 for customs violations. The company provided false descriptions, tariff classification numbers, and/or duty rates to CBP for the entries of certain machinery and repair parts. The matter was resolved when CBP accepted an offer in compromise submitted by the importer. An offer in compromise is a written offer and deposit of funds to settle civil liability relating to a government claim arising under customs laws.

“CBP is firmly committed to protecting national economic security by enforcing U.S. trade laws,” said EAC Brenda Smith.

### Latest Trade Federal Register Notices

- ◆ 84 FR 55251: [Enforcement of Copyrights and the Digital Millennium Copyright Act](#)
- ◆ 84 FR 62548: [Agency Information Collection Activities: 321 E-Commerce Data Pilot](#)
- ◆ 84 FR 57832: [Disclosure of Information Regarding Abandoned Merchandise](#)
- ◆ 84 FR 65400: [Customs Broker User Fee Payment for 2020](#)

### New Cargo System Messaging Service Updates

- ◆ #40564257 - [GUIDANCE: Section 301 \\$200B-Tranche 3 Third Round of Product Exclusions from China](#)
- ◆ #40451413 - [GUIDANCE: Presidential Proclamation Modifying Duty-Free Treatment under The Generalized System of Preferences \(GSP\) and for Other Purposes for Ukraine and for Thailand and Modifying Preferential Treatment under The African Growth And Opportunity Act \(AGOA\) for Republic Of Mali](#)