

CLIENT ALERT

This Month In International Trade - May 2011

May.31.2011

News and Highlights

EU Cadmium Ban

The European Commission enacted a ban on the manufacture and importation of cadmium in jewelry, plastics and brazing sticks. The ban takes effect in December 2011.

Refrigerator-Freezer Cases to Continue

The Department of Commerce will continue its countervailing duty and antidumping duty investigations on bottom mount combination refrigerator-freezers from Korea and Mexico after the International Trade Commission determined there is a reasonable indication of material injury or threat of material injury to the U.S. industry.

EU Duty Preference Scheme Reform

The European Commission adopted a proposal to reform the Generalized System of Preferences (GSP). The proposal would reduce the number of countries eligible for GSP treatment, expand the "GSP+" program, and continue the Everything But Arms scheme.

New FDA Rules Regarding Detention and Notice

The FDA issued two rules under the Food Safety Modernization Act. Under the first rule, if the agency believes imported food has been produced under insanitary or unsafe conditions, it may administratively detain the food for up to 30 days. Under the second rule, if another country refuses entry to a food product, an importer must notify the FDA before importing the same product into the United States. The interim final rules will go into effect on July 3, 2011.

ITA Presents Duty Savings Opportunities

The Information Technology Agreement ("ITA") provides for duty-free treatment by signatories for a wide range of information and communications technology ("ICT") products. The ITA's stated goal is the expansion of the global economy and in particular "to achieve maximum freedom of world trade in information technology products."

[Read more here.](#)

DDTC Amends Dual/Third Country National Regulations

The Directorate of Defense Trade Controls (DDTC) published its final rule ([76 Fed. Reg. 28174 \(May 16, 2011\)](#)) today easing its longstanding policy of requiring authorized foreign recipients of ITAR-controlled technical data or defense articles to obtain express authorization before allowing full-time employees who are dual or third-country nationals to have access to controlled items.

[Read more here](#)

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Client Victories

First Time Anti-Subsidy Duties on China

In a major precedent and a significant victory for the EU coated fine paper producers who are C&M clients, the European Commission has for the first time imposed [antidumping duties and anti-subsidy measures](#) on imports of a product from China. The measures were imposed on 14 May 2011 on imports of coated fine paper from China.

EU Melamine Trade Remedies

In recognition of the important interests of EU melamine users (C&M clients), the EU [adopted definitive antidumping duties](#) on imports of melamine from China in a form different from and less burdensome than the provisional measures. The Commission ended up proposing a minimum import price arrangement for some imports and fixed duties for others.

EU Court of Justice and VAT Refunds

The European Court of Justice, in a victory for C&M client Enel Maritsa, [issued a judgment](#) to the effect that the Bulgarian law regarding interest to be paid on excess VAT refunds violated the EU principle of proportionality.

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Crowell & Moring Speaks

Patricia Wu and John Brew participated in the Association of Corporate Counsel webcast "[Recovery Opportunities for Retailers - Global Sourcing.](#)"

Laurent Ruessmann and John Brew participated in the American Conference Institute [Forum on Import Compliance and Enforcement](#). Mr. Ruessmann discussed EU new advanced filing rules and Mr. Brew spoke on CBP focused assessment audits.

Adelicia Cliffe and Jeff Snyder participated in the 27th Annual Crowell & Moring Ounce of Prevention Seminar (OOPS). Ms. Cliffe spoke on international procurement issues and Mr. Snyder discussed export control reform.

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New Arrivals

The International Trade Group welcomes Ryan Bennett, Michael Larmoyeux, Chris Monahan, Laurent Ruessmann and D.J. Wolff.

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For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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