



News In Brief

BIS Asks for Comments on Cuba Licensing Program

The Bureau of Industry and Security (BIS) has issued a Federal Register Notice (FRN) asking for comments on foreign policy based export controls in the Export Administration Regulations (EAR). Foreign policy based export controls deal with microprocessors for military end-users, encryption devices and crime control and protection devices. BIS seems to be planning to continue the current controls up to January 2018. With the easing of export restrictions to Cuba, exporters may want to look at the FRN to get a sense of BIS's approach. The FRN can be found at:

<https://www.gpo.gov/fdsys/pkg/FR-2016-09-08/pdf/2016-21607.pdf>

CBP Requires Exportation Date

U.S. Customs and Border Protection (CBP) has issued a ruling on the new classification status of returned goods. HTS 9801.0010 was changed to include goods not of U.S. origin that are exported and returned to the United States within 3 years of exportation. The ruling states that the importer must have evidence of the exportation date in order to qualify for this provision. Export records should be available to support the fact that the item was returned within the 3 year requirement. A copy of the ruling can be found on CBP's website at:

<http://rulings.cbp.gov/index.asp?ru=h274355&qu=H274355&vw=detail>

Hanjin Vessels

As you may already know, Hanjin Shipping Co. filed for bankruptcy protection in Seoul, South Korea, on August 31, 2016. As a result of this filing, shippers and consignees with cargo booked with or on Hanjin's ships will be impacted.

Hanjin's vessels may be seized by its creditors. In addition, the entities responsible for handling the cargo may decide to not move it due to the likelihood that they will not get paid. Demurrage or detention or other damage may occur.

For its customers' cargo on Hanjin's ships or on other ocean carriers' vessels or booked with Hanjin, Carmichael International Service ("CI CONTAINER LINE") acts as a non-vessel-operating-carrier ("NVOCC") and issued house bills of lading.

Given Hanjin's current situation, Carmichael International Service will try to assist its customers with resolving the problems as they become known. Carmichael will take all reasonable steps to minimize the cost and/or damages to its customers' cargo which may be caused by Hanjin's insolvency.

China Eases Zika Certificates

China has eased its Zika virus prevention requirements for exports from the United States. According to the Foreign Agricultural Service, China will no longer require a certificate stating container has been treated for insects. The rule has been changed for containers exported from the entire United States. A certificate requirement will cover only shipments loaded or unloaded in Florida. If mosquitos and/or eggs are found in a shipment, that container will be directed to a third-party who will perform the fumigation. For more information you can visit the FAS website:

<http://www.fas.usda.gov/data/chinas-requirements-shipments-zika-infected-countries>

Reminder: NMFS Moving to a New Electronic Permit

The National Marine Fisheries Service (NMFS) is moving from its current paper-based documentation programs to an electronic reporting system. This new system will create electronic permits for two current programs and add a new permit requirement for a third program.

The two programs changing are the Highly Migratory Species International Trade Permit (HMS ITP) and the Antarctic Marine Living Resources Dealer Permit (AMLR Dealer Permit). They will both be replaced by the National Marine Fisheries Service's Trade Permit (IFTP). The third program that will be changed is NOAA Form 370 Tuna Tracking and Verification Program (TTVP). Importers that currently report tuna under the NOAA Form 370 will now be required to obtain the IFTP.

All importers who deal with HMS ITP, AMLR, and TTVP programs will need to establish an NFMS national account to obtain the new electronic IFTP permit. This new rule goes into effect on **September 20, 2016**. There is a fee of \$30.00 to apply for the IFTP application and the applications should be processed quickly. More information on this new regulation can be found in a Federal Register Notice at:

www.gpo.gov/fdsys/pkg/FR-2016-08-03/pdf/2016-18401.pdf

The site to register for the national permit is at:

<https://fisheriespermits.noaa.gov/npspub>

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