



EIB World Trade Headlines

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Global Enforcement EAR and ITAR

Singapore Extradites Four Statement on Singapore Court's Ruling

February 10, 2012

The United States welcomes the ruling by a Singapore court today in favor of the extradition of four Singaporeans who have been charged in the United States with violations of U.S. laws relating to fraud involving the unlawful export from the United States of military antennas and radio frequency modules. We appreciate the close cooperation extended by law enforcement authorities of Singapore and the Singapore's Attorney General's Chamber in this matter.

Upon learning of this ruling, U.S. Ambassador to Singapore, David Adelman, said, "This ruling reflects the strong spirit of cooperation between the United States and Singapore in combating transnational crime, including the illicit trade in arms and equipment that can pose significant threats to the United States and the international community. Once more we offer our appreciation to the Government of Singapore for their support with this case, and we look forward to our continuing close coordination on this case and on other important law enforcement issues."

NEWSLETTER NOTES

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USITC Issues FR Notice on Investigation of U.S. Exports of Used Electronic Products

At the request of the U.S. Trade Representative (USTR), the International Trade Commission (ITC) instituted an investigation and will prepare a report that describes U.S. exports of used electronic products, such as audio and visual equipment, computers and peripheral equipment, digital imaging devices, telecommunication equipment, and component parts of these products, and such additional electronic products as the ITC deems relevant. On 07/20/11, the Environmental Protection Agency (EPA) unveiled the "National Strategy for Electronic Stewardship" - a strategy for responsible electronic design, management and recycling in order to promote the recycling market and job creation. With respect to exports, the initiative's strategy report states that the federal government will reduce harm from U.S. exports of e-waste and improve safe handling of used electronics in developing countries by taking specified actions. The ITC's report will cover 2011, or the latest year for which data are available, and, to the extent practicable, include the following:

*the type, volume, and value of, and foreign markets of significance for, exports of used electronic products from the U.S.;

*the forms and activities, with respect to used electronic products, of enterprises receiving U.S. exporters' shipments, most common end uses of exports in the foreign market (i.e., further processing, final disposal, etc.), and the extent of cross-border, intra-firm shipments by U.S. exporters;

*the characteristics of used electronic products exported from the U.S., including product condition (e.g., working, non-working, re-manufacturable, refurbishable, repairable), composition of shipments (single product type, multiple product types), and the extent to which exports are processed (broken down or stripped), or remain intact prior to exportation;

(Continued above)

*the forms, activities and characteristics of domestic exporting enterprises (e.g., original equipment manufacturers, re-manufacturers, refurbishers, brokers, recyclers, non-profits, etc.) including the extent to which the exporter is foreign-invested;

*the relative share of sales by U.S. companies of used electronic products that are (1) exported, (2) sold to firms in the U.S., (3) processed by the exporter itself, and (4) disposed of by the exporter itself; and

*the factors affecting trade in used electronic products. The ITC will hold a public hearing in connection with this report on 05/15/12. The deadline for filing requests to appear at the hearing is 04/16/12. According to the ITC, pre-hearing briefs and statements are due by 04/30/12; post-hearing briefs and statements are due by 05/22/12; and all other written submissions are due by 09/14/12.

The ITC states that it expects to transmit its report to the USTR by 02/03/13.
ITC Contacts – Laura Bloodgood (202) 708-4726 or Andrea Boron (202) 205-3433
ITC notice FR Pub 02/02/12:
<http://www.gpo.gov/fdsys/pkg/FR-2012-02-02/pdf/2012-2349.pdf>



Defense Department Issues FR Notice Proposing Amendment to Shipping Instruction Form in DFARS

The Defense Department (DoD) is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update the form used by contractors to request shipping instructions and the associated contract clause and clause prescription to cover both commercial and Government bills of lading, and to relocate the coverage within the DFARS. Comments are due by 03/30/12.

As reported, Since 1991, DoD has used the clause at DFARS 252.242-7003, Application for U.S. Government Shipping Documentation/Instructions, to instruct contractors to use the DD Form 1659, entitled "Application for U.S. Government Shipping Documentation/Instructions," to request instructions for shipment from the Transportation Officer or contract administration office. In recent years, DoD primarily uses commercial bills of lading (with some exceptions for international shipments, noncontiguous domestic trade shipments, and/or customs considerations) where use of Government bills of lading is appropriate.

Therefore, DoD's preferred term is "bill(s) of lading," which includes both commercial and Government bills of lading. According to DoD, there are no substantive changes being made by the proposed rule. It proposes only to delete the word "Government" in front of "Bill(s) of Lading" in the DD Form 1659 and the associated clause in DFARS 252.247.70XX (previously DFARS 252.242.7003) in order to clarify that the DD Form 1659 can be used to request a bill of lading that inputs these shipments into the Defense Transportation System. The purpose of the form is to obtain shipping instructions, and does not impose an additional hardship on any entity. DoD FR Pub 01/30/12:

<http://www.gpo.gov/fdsys/pkg/FR-2012-01-30/pdf/2012-1494.pdf>

Census Posts Updated List of Export Conferences

Census recently posted to its Web site, its 2012 schedule for its upcoming meetings and presentations on the Automated Export System (AES) and other export issues. Export Compliance and AES Webinars - Census does not currently list any Export Compliance or AES Webinars on its schedule. Export Conferences - Census' current schedule for export conferences is as follows:

***February 28-29** - Export Conference - San Antonio, TX

Flyer: <http://www.census.gov/foreign-trade/aes/meetingsandpresentations/pres-flyer-sanantonio-feb28-29-2012.pdf>

Registration Form:
<http://www.regonline.com/Register/Checkin.aspx?EventID=1041780>

***March 7-8** - Export Conference - Savannah, GA

Flyer: <http://www.census.gov/foreign-trade/aes/meetingsandpresentations/pres-flyer-savannahmarch-7-8.pdf>

Registration Form:
<http://www.regonline.com/Register/Checkin.aspx?EventID=1019297>

***April 3-4** - Export Conference - Houston, TX

Flyer: <http://www.census.gov/foreign-trade/aes/meetingsandpresentations/pres-flyer-texasapril2012.pdf>

Registration Form:
<http://www.regonline.com/builder/site/?eventid=1047271>

***May 9-10** - TBA

Census notice:
<http://www.census.gov/foreign-trade/aes/meetingsandpresentations/index.html#in-person>

USTR Posts Information on Progress with Japan on Trade/Regulatory Issues

Recently the U.S. Trade Representative (USTR) announced that the U.S. had made important progress with Japan on a range of trade and regulatory issues, including improved access for U.S. autos, pharmaceuticals, and agriculture, as well as strengthened intellectual property rights protection. The USTR noted that work would continue on certain services issues, including improved access for international express carrier services. The U.S. and Japan also agreed to trade principles for digital products, transparency. USTR notes, the U.S.-Japan Economic Harmonization Initiative (EHI) began in February 2011 with an exchange of issues of interest to both Governments, and a first round of working group meetings was held on these issues in Tokyo, Japan during late February – early March 2011. Subsequent working group meetings were held in July 2011. In addition, a High-Level Officials meeting took place in October 2011.

EHI Record of Discussion (summarizes key areas of engagement and outcomes of talks): http://www.mofa.go.jp/mofaj/press/release/24/1/pdfs/0127_01_3.pdf

Full text of the bilateral Trade Principles for Information and Communication Technology Services: <http://www.mac.doc.gov/japan-korea/EHI/2012-01-27%20EHI%20ICT%20Services.pdf>

USTR notice: <http://www.ustr.gov/about-us/press-office/press-releases/2012/january/us-trade-representative-ron-kirk-announces-progres>

BIS Posts Public Comments

*February 13, 2012

BIS posts public comments received on proposed rule to add to the Commerce Control List surface vessels of war and related articles that the President determines no longer warrant control under the United States Munitions List. [Public Comments](http://www.bis.doc.gov/) <http://www.bis.doc.gov/>

*February 13, 2012

BIS posts public comments received on proposed rule to add to the Commerce Control List submersible vessels, oceanographic equipment and related articles that the President determines no longer warrant control under the United States Munitions List. [Public Comments](http://www.bis.doc.gov/) <http://www.bis.doc.gov/>

*February 13, 2012

BIS posts public comments concerning its retrospective regulatory review being conducted pursuant to Executive Order 13653. [Public Comments](http://www.bis.doc.gov/) <http://www.bis.doc.gov/>

“Finish every day and be done with it. You have done what you could; some blunders and absurdities no doubt crept in; forget them as soon as you can. Tomorrow is a new day; you shall begin it serenely and with too high a spirit to be encumbered with your old nonsense.”

— *Ralph Waldo Emerson*

Upcoming Webinars and Events -2012-

What: Doing Business in the Nordics
(Webinar)

Where: Your Computer

When: February 16, 2012; 11:00 AM EST

To Register:

<https://emenuapps.ita.doc.gov/ePublic/newWebinarRegistration.jsp?SmartCode=2Q5G>

This webinar discusses short and medium term export sales opportunities in the Nordic region, featuring U.S. Ambassador to Sweden Mark Francis Brzezinski. Senior Commercial Officer Frank Carrico from the U.S. Embassy in Stockholm, Sweden will discuss best prospects, commercial climate, business “do’s and don’ts,” and what to look out for in the way of representation. Frank will be joined by representatives from the U.S. Department of Commerce’s Market Access and Compliance office as well as by representatives of several U.S. Embassies throughout the region.

The Nordic region is comprised of some of the most stable, open, competitive economies in the world. It is home to some of the world’s largest and most successful “green” and technology-friendly firms. The region is also known for its high regard for U.S. products, innovation, and technology. Key sectors to be discussed include environmental technologies; computers and software; life sciences, medical equipment, and pharmaceuticals; oil and gas; consumer goods; and telecommunications services and equipment. There will be a brief question and answer session following the presentation.

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Webinars and Events Cont’d

What: Realities and Benefits of Columbia and Panama Free Trade Agreements (Webinar)

Where: Your Computer

When: February 23, 2012; 2:00 - 3:00 pm Eastern

Fee: \$15

Learn more/register:

<https://emenuapps.ita.doc.gov/ePublic/newWebinarRegistration.jsp?SmartCode=2Q5F>

This is a one-hour webinar packed with information on the business climate, market opportunities and how to finance them in both Colombia and Panama. Free Trade Agreements with these countries were recently signed for good reasons: Colombia is the 3rd largest economy in Central and South America and Panama is not only a maritime and air transport hub, but an international trading, banking and services center par excellence. Senior Commercial Officers of the US Embassies in Bogotá and Panama City will pinpoint potential opportunities.

Hear first-hand experience from Caterpillar Latin America offering their perspective on doing business in the region. Learn about how to finance your exports with the help of our speaker from the Export Import Bank of the United States offering suggestions on how to optimize your business deals in the region. For more information, please contact Wanda.Barquin@trade.gov or Linda.Abbruzzo@trade.gov.

(Continued below)

Webinars and Events Cont'd

Event: Hot Market Watch Conference: Selling to Brazil, China, South Korea & Vietnam/ASEAN

Where: Cincinnati, OH

When: March 21-22, 2012

To Register:

<http://export.gov/ohio/southernohio/tradeevents/index.asp>

The "Hot Market Watch" Conference is an annual event organized by the U.S. Commercial Service in Cincinnati. This year's conference will focus on the "hot markets" of Brazil, China, South Korea and ASEAN region and will provide market updates, tools, & resources for U.S. companies interested in selling to or expanding further into these countries & regions. There will also be an evening networking reception the night before (March 21). Presenters will include U.S. Department of Commerce Commercial Officers from the U.S Commercial Service, who will also be available for one-on-one meetings to discuss your company's market potential in Brazil, China, South Korea and/or ASEAN region.

In addition to plenary sessions, there will be several break-out sessions to choose from! Selected topics for each country/region include: market overviews; corporate perspectives; economic outlooks; customs, tariffs and logistics; financial considerations; legal considerations; taxation/accounting; and more. For more information, please contact Marcia.Brandstadt@trade.gov or telephone: 513-684-2944

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Webinars and Events Cont'd

Event: Addressing Business and Personal Security Issues Threatening U.S. Companies Working in Mexico

Where: Spellman Center, Lindenwood University, St. Louis, Missouri

When: March 1, 2012

To Register:

http://export.gov/missouri/build/groups/public/@eg_us_mo/documents/webcontent/eg_us_mo_041484.pdf

For U.S. companies doing business in Mexico, physical and personal security should be a major priority. General street crime and criminal groups specifically targeting foreign companies have drastically increased over recent years and these threats should be addressed in every company's business plan. Companies who are currently operating in Mexico should assess their operations including facilities, logistics and the security of their employees. Those companies considering start-up operations in Mexico should have a security risk assessment as part of their consideration when identifying a venue. Companies can significantly decrease security threats against their operations and employees by taking the time to identify risks and proactively addressing them.

The program will feature leading security experts who will discuss current and future security threats of which businesses and travelers should be aware of. Attendees will learn more about how the U.S. Embassy, FBI, State Department, U.S. Department of Commerce and State of Missouri can assist you with both proactive and reactive approaches to your company and employee needs. In addition, a major global U.S. company will provide a case study on addressing risks in Mexico. Allied Intelligence, along with other private sector service companies, will be offering advice based on years of experience supporting companies.

ID Card Program Trims Border Wait

By JUAN CARLOS LLORCA, Associated Press
Posted: 02/12/2012 01:10:37 PM MST

EL PASO, Texas (AP) - Under the desert sun at the Paso del Norte bridge between Ciudad Juarez in Mexico and El Paso, Texas, hundreds of pedestrians stand in line for up to two hours to reach the immigration booths.

Not Veronica Escobar. She, like almost a third of the nearly 14,000 people who walk daily across the bridge that connects the border towns' downtown areas, uses a radio frequency-equipped ID (RFID) card to access the ready lanes installed last November for pedestrians.

The program - implemented by Customs and Border Protection to make it quicker for pedestrians to enter the U.S. from Mexico - has reduced wait times by 26 percent at this West Texas crossing. Travelers swipe their cards or machine-readable documents, such as a U.S. passport, and as they wait, their personal information is retrieved from a database and sent to immigration agents. The process can trim up to 6 seconds per person. Escobar, 41, crosses from Juarez every other week to go shopping.

"Before, when I didn't know that I could use these lanes, I would stand in line for up to three hours. Today, it was just 20 minutes," Escobar said.

Jesus del Rio, 48, made the same discovery Friday. He was recently issued a RFID visa card, but didn't know about the new quick lanes. After a two-hour wait, he was informed he could have walked to the gates inside the Point of Entry main building.

"This is the last time I stand in the long line," he said after a CBP officer showed him how to use the gate.

Customs and Borders Protection spokesman Roger Maier said Friday that future studies will determine whether the project at the Paso del Norte bridge expands to other U.S. border crossings.

In an effort to further expedite the process, high-visibility LED signs were installed in November over vehicle lanes in the El Paso area and, on Friday, short-distance AM radio stations started broadcasting traveler information near the El Paso and Laredo bridges.

CBP Stops Thousands of Unsafe Hair Dryers

(Monday, February 13, 2012)

Washington — U.S. Customs and Border Protection (CBP) seized thousands of hair dryers recently that were determined to constitute a "substantial product hazard" under U.S. law, for failing to have adequate immersion protection. The potentially dangerous hair dryers were identified through a nationwide targeting operation by the CBP Import Safety Commercial Analysis and Targeting Center (CTAC).

As a result of the targeting operation, CBP officers in the port of Los Angeles seized an entire shipment of 9,768 hair dryers that lacked shock protection for consumers. Lack of proper shock protection could lead to an electrocution if contact is made with a water source. The port of Miami had a notable seizure of 3,614 hair dryers that also lacked proper shock protection for consumers. These two shipments, containing a total of 13,382 hair dryers, had an estimated domestic value of approximately \$229,998 with a manufacturer's suggested retail price of \$2,506,517.

"Ensuring the safety of imported merchandise is a top priority for CBP," said Allen Gina, CBP's assistant commissioner for international trade. "The concerted targeting efforts of CTAC and the vigilance of CBP officers at our ports of entry will help ensure that products like hair dryers are safe for consumers and that substandard product from overseas does not reach store shelves."

The joint targeting operation with the U.S. Consumer Product Safety Commission (CPSC) concentrated on identifying and stopping the importation of unsafe hair dryers intended for consumer use. CPSC reports that since adoption of industry voluntary standards for immersion protection in its regulations, there has been a significant decline in electrocutions or electrical shock incidents.

(Continued below)

"This is another example of how U.S. consumers benefit from the close collaboration between CPSC investigators and CBP officers at some of the largest U.S. ports of entry," said Carol Cave, CPSC's Director of the Office of Import Surveillance. "Using data provided by CBP, CPSC is able to target and interdict dangerous and violative consumer goods before they enter the stream of commerce."

To ensure the safety of imported electrical products, CPSC is working closely with CBP to identify potentially unsafe shipments for CBP to check at ports of entry. CPSC has established permanent staffing at the CTAC in Washington, DC, and is working with CBP at ports to stop unsafe imports from entering the commerce of the U.S.

The CTAC combines resources and personnel from various government agencies to protect the American public from harm caused by unsafe imported products. The center accomplishes this through better communication, information-sharing, and by reducing redundant inspection activities.

Freight Forwarder Pleads Guilty to Conspiracy For Facilitating Export of Goods to Iran

U.S. Department of Justice
United States Attorney's Office

NEWARK, N.J. – A former manager of a Netherlands-based freight-forwarding company pleaded guilty today for conspiring to defraud the United States by facilitating the illegal export of goods to Iran, New Jersey U.S. Attorney Paul J. Fishman announced.

(Continued above)

Ulrich Davis, 50, a Dutch citizen of Pumerend, The Netherlands, pleaded guilty to Information charging him with conspiracy to defraud the United States through the violation of a U.S. Department of Commerce Temporary Denial Order ("TDO"). Davis entered his guilty plea before U.S. District Judge Claire C. Cecchi in Newark federal court. According to the Information to which Davis pleaded guilty, other documents filed in this case and statements made in court: Davis was the sales and business development manager for a company described in the Information as the "Netherlands Freight Forwarding Company" in 2007 and 2008. The Netherlands Freight Forwarding company was affiliated with a New York-based freight-forwarding company. During that time, Davis facilitated shipments to be made to Iran without the necessary authorization from the United States government and in violation of the law.

In October 2007, an assistant secretary of commerce for export enforcement – at the behest of the U.S. Department of Commerce, Bureau of Industry and Security ("BIS") through its Office of Export Enforcement – issued a Temporary Denial Order (TDO) denying export privileges to the company of Davis' co-conspirator under the Export Administration Regulations ("EAR"). The TDO prohibited any person, which included Davis, from directly or indirectly exporting or re-exporting to or on behalf of the coconspirator, among others. The co-conspirator, who was located in another country, purchased U.S. origin goods from a New Jersey company, among other companies, for businesses and governmental agencies of Iran. The New Jersey company was in the business of reselling chemicals, lubricants, sealants and other products used in the aircraft industry.

As part of the conspiracy, Davis and his coconspirator directed the New York Freight Forwarding company to arrange for a trucking company to pick up commodities from the New Jersey company and transport them to New York on behalf of the coconspirator's company.

Davis admitted that in November 2007, he completed an air waybill that represented certain acrylic adhesives and spray paint coatings obtained from a New Jersey company were to be forwarded on behalf of the co-conspirator's company to a company in Iran after issuance of the TDO.

In a January 2008 e-mail regarding the shipments, Davis noted that, "99% of these goods were destined to be send [sic] to Teheran [sic]/Iran, which was and still is a very difficult destination due to political reasons. We have handled shipments to Teheran [sic] for various customers who had to shut down their operation because they were doing business with Teheran [sic]/Iran and inspite [sic] of the risk we take we always handled your shipments in a good manner." Davis acknowledged that at no time was any relief, exception, or other authorization sought from the TDO.

The count to which Davis pleaded guilty carries a maximum penalty of five years in prison and a \$250,000 fine. Sentencing is currently scheduled for May 15, 2012.

U.S. Attorney Fishman credited special agents of BIS, Office of Export Enforcement, Boston Field Office, under the direction of Special Agent in Charge John McKenna, and New York Field Office, under the direction of Special Agent in Charge Sidney Simon, with the investigation. He also thanked the Department of Homeland Security's Immigration and Customs Enforcement, Homeland Security Investigations, Boston Field Office, under the direction of Special Agent in Charge Bruce Foucart, and Newark Field Office, under the direction of Acting Special Agent in Charge Andrew M. McLees; and Defense Criminal Investigative Service, New Haven Resident Office, under the direction of Resident Agent in Charge Kathryn Feeney, for their assistance.

The government is represented by Assistant U.S. Attorney Joyce Malliet of the U.S. Attorney's Office National Security Unit in Newark and Trial Attorneys Jonathan Poling and Elizabeth Cannon of the Counterespionage Section of the Justice Department's National Security Division.

Defense counsel: Gerald M. Saluti Esq., Newark