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More Chinese firms on Blacklist

The Commerce Department announced Tuesday that it would add four research institutes under a Chinese space agency, two under a state-owned military technology firm, and a satellite firm to the Entity List for acquiring and attempting to acquire U.S.-origin items in support of China's military modernization efforts. This activity is deemed contrary to national security and foreign policy interests under § 744.11(b) of the EAR.

The [statement](#) included a long list of aliases associated with the entities, bringing the possible names to screen against into the hundreds. These additions bring the number of sanctioned Chinese entities to approximately 600. For members of the Entity List, BIS imposes a license requirement for all items subject to the EAR, and will review license applications under a presumption of denial.

State of the Space Industrial Base Report

"While the United States space industrial base remains on an upward trajectory, the upward trajectory of the People's Republic of China is even steeper, with a significant rate of overtake, requiring urgent action." So concludes the "The State of the Space Industrial Base 2022 Workshop Report" the annual interagency and industry [review](#) sponsored by the Space Force, Defense Innovation Unit, and Air Force Research Laboratory.

"Specifically, the U.S. lacks a clear and cohesive long-term vision, a grand strategy for space that sustains economic, technological, environmental, social and military (defense) leadership for the next half century and beyond," the report asserts, noting limited progress on the recommendations of last year's [report](#).

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Included in the report's 110 pages are illustrations of the state of play and working group suggestions, including a call for **"review of ITAR lists, and the removal of technologies available in the international marketplace,"** and the treatment of space as a "Priority Export Activity." The recommendation is that lists of restricted exports be reviewed and updated on a one-to-three-year cadence to ensure the technology still requires controls. "If a company believes their technology is dual use, or commercially available, a two-page white paper should be adequate to force an expedient export review."

The calls for greater subsidies range from the opaque: "non-dilutive capital, procurement, advance-market commitments, and debt instruments the USG can provide and align them to the taxonomy of challenges," to the ludicrous: "designate Space as an economic opportunity zone in order to improve the economic prospects for critical space-technologies or infrastructure," and "a Homestead Act for Space." No word yet of an astral expansion of the General Mining Law of 1872 or the Pacific Railroad Acts of 1862.

USTR This Week

US India TPF. A USTR working level delegation is visiting India this week to advance the US -India Trade Policy Forum (TPF) according to [The Economic Times](#) . The next TPF is likely in November. TPF working groups on trade in goods, agriculture, services, intellectual property and investment are preparing plans of action and trade outcomes on outstanding bilateral trade issues. India's exports to the US in April-June FY23 were \$21.67 billion while imports were \$13.43 billion.

China in the WTO Report to Congress The interagency Trade Policy Staff Committee (TPSC) will seek public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to Congress on China's implementation of its obligations as a Member of the World Trade Organization (WTO) [[Last year's Report](#)]. This notice includes the schedule for the submission of comments to the TPSC for the Russia Report and a virtual public hearing. September 28, 2022: Deadline for submission of written comments. October 12, 2022: Deadline for the TPSC to pose written questions on written comments. October 26, 2022 Deadline for submission of commenters' responses to written questions from the TPSC. You can view comments at Regulations.gov by entering docket number USTR-2022-0012 in the search field on the home page

Russia in the WTO Report to Congress The interagency Trade Policy Staff Committee (TPSC) will seek public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to Congress on Russia's implementation of its obligations as a Member of the World Trade Organization (WTO). This notice includes the schedule for the submission of comments to the TPSC for the Russia Report and a virtual public hearing. *September 21:* Deadline for submission of written comments for the 2022 Russia WTO implementation report and requests to testify. *Announcement:* [\[87 FR 52102\]](#) *October 4, 2022, (Tuesday) at 9:00 a.m. EDT:* Virtual public hearing link on USTR's web page for Russia on the day of the hearing at <https://ustr.gov/countries-regions/europe-middle-east/russia-and-eurasia/russia>.

Notorious Markets List (Special 301 Review) USTR requests comments that identify online and physical markets to be considered for inclusion in the 2022 Review of Notorious Markets for Counterfeiting and Piracy (Notorious Markets List). The Notorious Markets List identifies examples of online and physical markets that reportedly engage in or facilitate substantial copyright piracy or trademark counterfeiting. The issue focus for the 2022 Notorious Markets List will examine the impact of online piracy on U.S. workers. Last year's list can be viewed [here](#). Announcement [\[87 FR 52609\]](#) *Comments by October 7, rebuttals by October 21*

Chile Environmental Ministerial

U.S. and Chile held the ninth meeting of the Environmental Affairs Council (EAC) under the United States-Chile Free Trade Agreement (FTA) and the seventh meeting of the Joint Commission for Environmental Cooperation (JCEC) under the U.S.-Chile Environmental Cooperation Agreement (ECA).

The EAC reviewed progress made by Chile and the U.S. in ensuring effective implementation of, and compliance with, the obligations in the Environment Chapter of the FTA. Ministers exchanged information and views regarding efforts to tackle the climate crisis; strengthen ocean conservation, including through combating illegal, unreported and unregulated (IUU) fishing, the recently concluded WTO Fisheries Subsidies Agreement, and enhance management of marine and coastal protected areas; circular economy approaches, including waste management and plastic pollution; and combating wildlife trafficking and supporting implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Additional priorities identified include improving water management and drought resilience; tackling the climate crisis; and advancing environmental justice.

Customs eCERT Update

CBP announced the transition of the Electronic Certification System (eCERT) to an updated version, eCERT 2.0, which will become the sole method for participating in the eCERT process. The updated version includes three new features that will enhance the existing system by implementing additional validations that verify the authorized use of quota certificates. The use of eCERT 2.0 will allow for the decrementing of quota certificates to prevent those certificates from being overused. Participating countries will have enhanced querying capabilities to query and track actual certificate usage. Additionally, importers will be able to query their usage of the quota certificates via the Automated Broker Interface.

In order to participate in eCERT 2.0, importers must provide the participating country with the Importer of Record (IOR) number in advance of filing an entry, and, in turn, the participating country must submit the IOR number as an additional data element of information within the transmission for eCERT 2.0. The transition to eCERT 2.0 will not change the tariff-rate quota or tariff preference level filing process or requirements. Importers will continue to provide the export certificate or certificate of eligibility numbers from the participating countries in the same manner as when currently filing entry summaries with U.S. Customs and Border Protection. The format of the export certificate and certificate of eligibility numbers will remain the same for the corresponding eCERT transmissions. [\[87 FR 52015\]](#). The transition to eCERT 2.0 will be operational as of September 25, 2022.

Justice Puts Kibosh on Reefer Combo

China International Marine Containers Group Co. Ltd. (CIMC) has abandoned its intended acquisition of Maersk Container Industry A/S and Maersk Container Industry Qingdao Ltd. (collectively, MCI) in the face of Justice Department objections. MCI's headquarters, including R&D and engineering test facilities, are located in Denmark; their production facilities are in China.

The proposed transaction would have combined two of the world's four suppliers of insulated container boxes and refrigerated shipping containers. It would also have consolidated control of over 90% of insulated container box and refrigerated shipping container production worldwide in Chinese state-owned or state-controlled entities. Chinese government entities already control over 90 percent of the uninsulated shipping container market.

According to Justice the deal would have "substantially increased the risk of coordination among the remaining suppliers in the marketplace, most of whom would have been aligned through common ownership and related alliances." MCI's parent, AP Moeller Maersk has its own problems with allegations of collusion, and was subpoenaed by Justice this Spring as part of a probe into "supply chain collusion," according to [Loadstar](#).

State Debars Three for Cyber Job Hop.

Three Cybersecurity contractors were [debarred](#) for ITAR violations after their U.S. employer lost a contract with the UAE government and they continued their work for the foreign incumbent. The services performed constituted furnishing defense services under U.S. Munitions List (USML) Category XI(d) because: (a) the relevant systems were electronic systems, equipment, or software that were specially designed for intelligence purposes that collect, survey, monitor, exploit, analyze, or produce information from the electromagnetic spectrum as described in USML Category XI(b); and (b) Assisting foreign persons in the use, design, development, engineering, production, modification, testing, maintenance, processing, or operation of the relevant systems. Respondents did not have a license or other approval to furnish such ITAR-controlled defense services.

*** Briefs ***

ITA Commerce [initiated proceedings](#) to determine whether imports of **4017 alloy aluminum sheet** [HTS 7607.12.3096] from China are circumventing the antidumping (AD) and countervailing duty (CVD) orders on common alloy sheet. Petition filed by the association's Common Alloy Aluminum Sheet Trade Enforcement Working Group. The Department is expected to issue a preliminary determination in late January 2023.

OFAC refreshed Iranian Transactions and Sanctions Regulations 31 CFR Part 560 Authorizing the *Exportation of Certain Graduate Level Educational Services and Software*. Effective August 25, 2022, General License M-1, dated August 24, 2021, is replaced and superseded in its entirety by this [General License M-2](#).

OFAC issued Russian Harmful Foreign Activities Sanctions Regulations 31 CFR part 587 [General License 50](#), *Authorizing the Closing of Individual Accounts at Financial Institutions Blocked Pursuant to Executive Order 14024*

OFAC Tornado Cash Sanctions Explained. FTI Consulting has published a readable [explainer](#) on the sanctions on the notorious crypto mixed and implications of the novel action: for the first time, Treasury has sanctioned a smart contract and a tool, substantially increasing the degree of technical engagement with the industry by the Department.

CBP 2022 ACE Customer Satisfaction Survey is now OPEN! CBP encourages all importers, brokers, carriers, and other trade community users of ACE to take the 5 minutes survey. To access the survey, please click on link: <https://www.surveymonkey.com/r/F3SJRN3>

*** Calendar ***

Materials and Equipment Technical Advisory Committee will meet on September 8, 2022, 10:00 a.m., Eastern Daylight Time, via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov, no later than September 1, 2022.

Regulations and Procedures Technical Advisory Committee will meet September 13, 2022, at 10:00 a.m., Eastern Daylight Time, via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov, no later than September 6, 2022.

Transportation and Related Equipment Technical Advisory Committee schedule shows a meeting September 7th. No formal announcement. Confirm with BIS.

Loyal readers,

[The Washington Tariff & Trade Letter](#) will take a summer's end break for Labor Day, September 5th, and will return the following week. September 12th.

Thank you.

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International Trade Commission (ITC) Blotter

- [Institution of Investigation; Certain Soft Projectile Launching Devices, Components Thereof, Ammunition, and Products Containing Same](#)
Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 21, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of Hasbro, Inc. of Pawtucket, Rhode Island and Spin Master, Inc. of Los Angeles, California.
- [Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest](#) Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled Certain Outdoor and Semi- Outdoor Electronic Displays, Products Containing Same, and Components Thereof, DN 3636; the Commission is soliciting comments
- [Certain High-Density Fiber Optic Equipment and Components Thereof; Notice of a Commission Determination To Adopt an Initial Advisory Opinion and not To Review an Initial Determination Terminating the Advisory Opinion Proceeding Based on a Joint Stipulation; Termination of the Advisory Opinion Proceeding](#)
Commission has determined to adopt the presiding administrative law judge's ("ALJ") initial advisory opinion ("IAO") and not to review the initial determination ("ID") (Order No. 8), terminating the advisory opinion proceeding based on a joint stipulation.
- [Lemon Juice From Brazil and South Africa, Scheduling of the Final Phase of Anti-Dumping Duty Investigations](#) The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation Nos. 731-TA-1578-1579 (Final) pursuant to the Tariff Act of 1930 ("the Act") to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United...

Commerce AD/CVD Blotter

- [Monosodium Glutamate From the Republic of Indonesia: Final Results of Changed Circumstances Review](#) On July 6, 2022, the U.S. Department of Commerce (Commerce) published its notice of initiation and preliminary results of a changed circumstances review (CCR) of the antidumping duty (AD) order on monosodium glutamate (MSG) from the Republic of Indonesia (Indonesia).
- [Certain Welded Carbon Steel Standard Pipes and Tubes From India: Preliminary Negative Determinations of Circumvention of the Antidumping Order](#) The U.S. Department of Commerce (Commerce) preliminarily determines that imports of certain welded carbon steel standard pipes and tubes (pipe and tube), completed in Oman and the United Arab Emirates (UAE) from hot-rolled steel (HRS) produced in India, are not circumventing the antidumping duty (AD) order on pipe and tube from India.
- [Common Alloy Aluminum Sheet From the People's Republic of China: Initiation of Circumvention Inquiry of the Antidumping and Countervailing Duty Orders-4017 Aluminum Sheet](#) In response to a circumvention inquiry request from the Aluminum Association Common Alloy Aluminum Sheet Working Group and its individual members, the U.S. Department of Commerce (Commerce) is initiating a country-wide circumvention inquiry
- [Notice of Scope Rulings](#) The Department of Commerce (Commerce) hereby publishes a list of scope rulings and anti-circumvention determinations made during the period April 1, 2022-June 30, 2022. We intend to publish future lists after the close of the next calendar quarter.
- [Cold-Rolled Steel Flat Products From Brazil, China, India, Japan, the Republic of Korea, and the United Kingdom: Continuation of Antidumping Duty Orders \(China, Japan, Korea, and UK\), Continuation of Antidumping and Countervailing Duty Orders \(India\), and Revocation of Antidumping and Countervailing Duty Orders \(Brazil\)](#) As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International

Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on certain cold-rolled steel flat products (cold-rolled steel) from the People's Republic of China (China), India, Japan, the Republic...

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- [Truck and Bus Tires From the People's Republic of China: Amended Final Results of Countervailing Duty Administrative Review in Part; 2020](#) The U.S. Department of Commerce (Commerce) is amending the final results of the administrative review of the countervailing duty (CVD) order on truck and bus tires from the People's Republic of China (China), covering the period of review (POR) January 1, 2020, through December 31, 2020, to correct ministerial errors.
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- [Antidumping Duty Order on Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof From the People's Republic of China: Final Results of Changed Circumstances Review](#) The U.S. Department of Commerce (Commerce) continues to determine that Honda Power Products (China) Co., Ltd. (Honda) is the successor-in-interest to Jialing-Honda Motors Co., Ltd. (Jialing) and is entitled to the same cash deposit rate as Jialing under the antidumping duty (AD) order on certain vertical shaft engines between 225cc and 999cc and...
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- [Wooden Cabinets and Vanities and Components Thereof From the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2019-2020](#) The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to the producers and exporters subject to the administrative review of wooden cabinets and vanities and components thereof (cabinets) from the People's Republic of China (China) during the period of review (POR) August 12, 2019, through...
- [White Grape Juice Concentrate From Argentina: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation](#)
- [Certain Stilbenic Optical Brightening Agents From Taiwan: Final Results of Antidumping Duty Administrative Review; 2020-2021](#) The U.S. Department of Commerce (Commerce) determines that the sole producer and/or exporter subject to this review made sales of subject merchandise in the United States at less than normal value during the period of review (POR), May 1, 2020, through April 30, 2021.