



## September 18, 2020 Volume 1, Nr. 3

As the end of the day arrives in the Eastern time zone, like Santa on Christmas Eve we know that all of our attorney members worked frantically day and night to get suits filed at the CIT to try to protect importers' rights in the event of a win on the issue of the improper application of duties to lists 3 & 4a. We hope that the case is successful and that importers can get some relief from actions which adversely impacted their cash flow on a multitude of fronts these past several years.

### Not counterfeit AirPods. They're OnePlus Buds. Totally different.

In the consumer electronics space, there are a number of brands who either get really close to, or flat out imitate, Apple products. Earlier this week, CBP seized a shipment of what they claimed were 2,000 counterfeit Apple AirPods. Turns out that a) they were wrong because they were OnePlus - a different brand and b) they got trolled on Twitter by them for their error.

"Imitation is the sincerest form of flattery..."  
- Oscar Wilde

[Read it here.](#)



### Links and stories of interest:

**The US-China tech cold war has turned hot - but would a Biden presidency change it?** With the US presidential election fast approaching, experts are debating whether a victory for Democratic nominee Joe Biden in November will reverse a building tech war that threatens to split the global technology industry in half, from semiconductors to the internet itself.

**Snake used as face mask on bus** - You can't make this stuff up

**Biden Vs Trump On Trade** 2020's U.S Presidential election cycle is exacerbating the anxieties of trade policy forecasts and projections; here is an editorial of the candidates' comparison.

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## Government Actions and Trade Compliance

**Newly Filed CIT Action Provides Opportunity for Tariff Refunds on China Section 301 List 3-Covered Products** The complaint alleges that the President's imposition of \$320 billion in List 3 tariffs exceeded authority granted by the Trade Act of 1974.

**Dulles CBP Officers Seize Nearly \$3 Million in Counterfeit Consumer Goods** - On August 22, CBP at Washington Dulles International Airport confiscated 74 boxes of various designer brand names appraised at \$2,950,479.

**FMC fires 'collusion' warning shot across the bows of transpacific carriers** US ocean regulator the Federal Maritime Commission (FMC) has fired a warning shot across the bows of container shipping lines, saying it will head to the courts if there is evidence of collusion on the transpacific trades.

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## Environmental

**Call for global measures through IMO on reducing CO2 emissions from shipping** Leading maritime figures have called for action on reducing CO2 emissions to be global and through the IMO as Europe is set to go it alone on emission trading for shipping in 2022.

**Environmental groups sue Port of LA over pollution-reduction plant** The Port of Los Angeles asserts the lawsuit by the South Coast Air Quality Management District and Natural Resources Defense Council will delay development of "one of the cleanest" terminals in the world.

## Maritime

**China Threatens U.S. Over Taiwan Visit: 'Stones May Become Torpedoes'** Undersecretary of State Keith Krach's visit discussing new weapons sales exacerbates heightened tensions between Taiwan and the much larger Chinese military.

**Architect's innovative shipping container homes could help solve Puerto Rico's housing crisis** - Repurposed shipping containers offer hope for families devastated by natural disasters. It is estimated that over half of the homes in Puerto Rico are not built to code.

**Australian shippers angered by congestion surcharges amid delays, diversions** Hapag-Lloyd, CMA CGM, ANL, and Mediterranean Shipping Co. announced plans to introduce a \$300 per TEU emergency port congestion surcharge on all containers to and from Sydney. Escalating congestion already results in delays of up to two weeks, diverting some vessels, to Melbourne, and full container storage parks.

**Cargo safely secured? Check.** International organizations collaborate on cargo-handling guide and packing checklist

**Port of LA secures record month with 961,833 TEUs** Executive Director Gene Seroka still cautious as US economy remains in 'very precarious position'

## Videos of the week

Aviation geeks know their air frames. Heck, they can even pick out US and Russian fighter jets [just by their silhouettes](#). But for most passers-by, the planes that are most recognizable are the bubble-topped 747 and the double-decker A380. Airbus and KLM recently flew a scale version of a plane that could represent an innovative leap into the future of aviation where the passengers and cargo are both carried in an aircraft with swept-back, V-shaped wings. Take a look at what led to the development and how the first flight went.



Amy K. Lehr, director and senior fellow of the Human Rights Initiative, testifies before the Ways and Means Subcommittee. Trade on "Enforcing the Ban on Imports Produced by Forced Labor in Xinjiang."



## Logistics & Trade

**EU and China sign landmark agreement protecting European Geographical Indications** - EU and China sign a bilateral agreement to protect 100 European Geographical Indications (GIs), accessing the high-growth potential Chinese market for European food and drinks.

**U.S. Violated Trade Rules With Tariffs on China, WTO Says** - The World Trade Organization undercut the main justification for President Donald Trump's trade war against China, saying that American tariffs on Chinese goods violate international rules.

**Tear down your barriers, EU says after summit with China's Xi** – European Union leaders told Chinese President Xi Jinping on Monday to open up markets, respect minorities and step back from a crackdown in Hong Kong, also asserting that Europe would no longer be taken advantage of in trade.

**UK secures agreement with Japan on first post-Brexit trade deal** – Britain secured its first big post-Brexit trade deal on Friday, an agreement with Japan which it hailed as “historic” as it struggles to agree on trade with its closest trading partners in the European Union.

**Capacity crunch gives shippers a headache as US-Mexico trucking rates soar** - US-Mexico trucking is no smoother since USMCA, the revised trade agreement between the US and its neighbors that replaced the NAFTA framework on 1 July, was roundly welcomed by trade groups.

Interested in becoming a member of the Foreign Trade Association?

FTA would like to offer 50% on the corporate and one company representative memberships for new members from now to the end of December.

Corporate = \$300 (Regularly \$600)

One Company Rep = \$150 (Regularly \$300)

Conditions and restrictions apply. Visit our website to learn more and join today.

JOIN TODAY

## Editorials - Opinions

Editors Note: FTA editorials and opinions are intended as fact-based opinions. The authors do their own research on issues and then present an opinion that is consistent with the FTA's mission and objectives. Our goal is to provide FTA members with an informed point of view that will let them shape their own opinions on the issues of the day.

### **TikTok goes the clock...by Scott Case, Founder, Position : Global**

*This morning, the United States awoke to the news from Commerce Secretary Wilbur Ross that the US was taking action on WeChat and Tik Tok, [banning both apps from mobile app stores beginning Sunday](#) and prohibiting them from operating in the US at all in the very near future.*

*You likely heard two collective GASPS - the first was from a class of [creators who can make a living on TikTok](#) that is pretty impressive (let's call them 'influencers'). The second was from people whose children are tweens, teens or their demographic wondering what the future holds.*

*While their concerns may surround monetization or just having fun, US technology companies and other businesses in China should probably start asking themselves, "What happens if China reciprocates and refuses to allow my product or service?" For Google, Facebook and Twitter, The Great Firewall already makes that a reality.*

*For companies like Apple or Microsoft or hardware manufacturers like Cisco, what happens if the market is suddenly closed to their applications or products?*

*Understandably, the US is concerned with the exfiltration of data and the national security concerns surrounding it. Democratic Presidential nominee Joe Biden's campaign has [banned TikTok from staff devices](#) and Congress passed a law [banning it on federal devices](#).*

*What American technology companies need to be ready for is what happens when trade barriers aren't financial in the form of duties, but are outright prohibitions? With a hobbled WTO, the escalations will continue until one side blinks first - if they blink at all.*

## Upcoming FTA Events

FTA Webinar: CTPAT Security  
Criteria and CTPAT Portal Updates



**Meeting the New CTPAT Security Criteria and Doing Updates in the CTPAT Portal at the 11th Hour**

This 90 minute webinar will provide an overview of CIP's new minimum security criteria (MSC) that all CTPAT members are required to meet in 2020 and beyond. Since CIP only updated the CTPAT portal in June, existing CTPAT members are just now (or at least they aren't getting around to updating) their supply chain security profiles. While CIP first published the new criteria in the fall of 2018, most CTPAT members are dealing with the new criteria NOW, meaning if they did not previously start the hard to follow implementation to CIP as part of the annual CTPAT certification process.

Aside from providing an overview of the new MSC, the webinar will discuss what to do when implementing the new criteria at the proverbial 11th hour.

**Michael Roll,**  
Roll & Harris LLP  
Moderator

**Cindy Hazlett,**  
Belkin-BCO

**Carlton A. Roe,**  
G4S Corporate Risk Services  
CPAT Consultant

**Date:**  
Monday, September 21, 2020

**Time:**  
1:00 pm - 2:30 pm PT

**Location:** Webinar

**Ticket Price:**  
\$25 for nonmembers/\$45 for CIP members  
\$300 sponsorship rate.

**FTA**  
4208 S. Pacific Coast Hwy.  
Long Beach, CA 90803

[Register Here](#)

Sponsored by:



Join us on Monday, September 21st from 1:00 - 2:30 PM PT for a webinar panel discussion moderated by Michael Roll, Partner in the firm of Roll & Harris and featuring Cindy Hazlett of Belkin and Carlton Roe of G4S Corporate Risk Services.

Sponsored by [Yusen Logistics](#).

**REGISTER TODAY**

## Other Upcoming Events

**September 22nd**

LA Chamber of Commerce's World Trade Week – Fueling Innovation and Economic Growth

**October 22nd - 23rd**

WESCCON – Looking into the Future of Trade in a Virtual World