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EU Customs & Export Control

EU Customs

The EU practice offers experience in the key areas of EU customs practice: classification, valuation, preferential tariff regimes, and rules of origin. In addition, the customs team has solid experience on other specialized customs matters, such as:

- Binding tariff and origin information
- Tariff suspensions
- Post-clearance recovery of duties
- Self-disclosure proceedings
- Inward/outward processing
- Customs warehousing
- Compliance programs
- Third-country valuation and other customs practices

In addition, in the context of trade remedies cases, we advise producers/exporters on how to deal with eventual ‘circumvention’ proceedings.

The EU customs group works closely with Steptoe’s highly experienced US offices and a network of local customs counsel in other EU and international jurisdictions. We also have long experience working with European Commission customs service to resolve both customs policy issues and technical issues relating to enforcement, as well as substantial practical experience in problem-solving with national customs authorities across Europe.

Export Control/Embargoes

Steptoe lawyers advise on licensing under the EU dual-use and military export control regimes. Together with our US colleagues we also advise clients on US export control and embargo regulations, as well as enforcement matters relating to US provisions on economic sanctions. Iran, Syria, Sudan, and Cuba sanctions are of particular importance for European companies.

EU Customs and Export Control Group:

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EU Customs & Export Control

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Representative Matters

EU Customs

- **Classification:** The EU's antidumping case against Chinese and Vietnamese footwear has raised numerous questions over how to classify footwear having different structures, materials and end-uses, also requests to assess the most advantageous route to securing a "binding tariff information" that would definitively put certain footwear types out of reach of potential anti-dumping duties. In the same context, we have advised on 'rules of origin' issues bearing on EU treatment of imports should production be initiated in other countries.
- **Tariff suspension:** Initiative with EU and national customs authorities to secure re-classification of key high-technology product that would benefit from automatic zero tariff; Advice to Japanese importing company in Europe on procedures to counter a potential request for cancellation of an existing suspension.
- **Self-disclosure:** Advice on merits of potential voluntary self-disclosure under EU customs law following a customs re-classification on their products, and liaison with the national customs authorities.
- **Rules of origin and preferential tariff treatment:** In a review of global sourcing options, we have advised on application of the EU's preferential tariff regimes and related rules of origin to ensure that favourable EU tariff treatment is secured even if production is spread across several countries.
- **Valuation:** We have advised clients on valuation rules under the terms of the EU Customs Code and under the WTO Agreement on Customs Valuation, including recent advice to a client on strategy for responding to adverse valuation decisions in a third country.
- **Sample Sales:** We developed a strategy for a client seeking exemptions from application of normal customs and antidumping measures for sample sales to EU countries.

EU Customs & Export Control

- **Company customs audit:** We have performed self-assessment and internal company audits on various customs issues, including classification, valuation, and transfer pricing. Also we have drafted subsequent compliance programs and conducted internal trainings with a view to harmonizing company procedures over multiple jurisdictions.
- **WTO and WCO rules:** We have advised clients on strategies for using WTO and WCO rules and procedures for challenging customs decisions by national customs authorities, including advice on customs issues in WTO dispute settlement proceedings dealing with customs treatment of products.

Export Control/Embargoes

- Advising a US company in the telecommunications sector on EU, UK, Belgian, and Dutch export-control regulations with regard to exports of technology to 12 different non-EU countries.
- Advising a US software company on the EU export control regime with regard to exports to China.
- Advising numerous companies concerning compliance with EU/Iran sanctions.
- Advising various US and non-US companies on restrictions under the Iranian Transactions Regulations on sales and transactions involving Iran.
- Handling numerous encryption import / export / distribution authorisation proceedings before the French Direction Centrale de la Sécurité des Systèmes d'Information.
- Advising a UK tobacco manufacturer on the implications of the US Helms Burton and d'Amato Acts and the EU blocking statutes adopted against these laws.
- Advising a European affiliate of a US-based defense company on obligations under the US International Traffic in Arms Regulations (and associated risks under local law) associated with dual national employees.
- Advising a Japanese technology company concerning EU export control provisions relating to China.

EU Customs & Export Control

- Obtaining a license for a US-based company to export a military-specification server from the United Kingdom to the United States.