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Voluntary Public

Date: 3/16/2018

GAIN Report Number: TS1809

Tunisia

Post: Tunis

Export Declaration Trade Barrier Removed

Report Categories:

Oilseeds and Products

Grain and Feed

Tree Nuts

FAIRS Subject Report

SP2 - Prevent or Resolve Barriers to Trade that Hinder

U.S. Food and Agricultural Exports

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Report Highlights:

In a new [online](#) joint communique, dated March 13, 2018, Tunisia formally removed the remaining barrier to U.S. exports which have been thus far unable to comply with providing Tunisia a copy of the U.S. export declaration, otherwise punishable under U.S. law. While amendments and exceptions have been made since the measure's initial enforcement in late 2017, it initially blocked \$163.9 million or 79% of U.S. agricultural exports to Tunisia, based on 2016 trade figures, primarily including soybeans, almonds, walnuts, and animal feed.

Tunisia Removes Export Declaration Barrier

Following USG engagement, the Ministry of Commerce and the Ministry of Finance, posted a new joint communique [online](#) on March 13, 2018, formally removing the remaining barrier to U.S. exports which have been thus far unable to comply with providing Tunisia a copy of the U.S. export declaration. Per section 30.60(c) (4) of the U.S. Foreign Trade Regulations, U.S. companies are barred by U.S. law from sharing the Automated System Electronic Export Information (AES/EEI) form with foreign government entities for any purposes.

Since the list of affected products, which was initially published in a Note Circulaire, dated October 21, 2017, the list of products as well as the list of exceptions has been modified, both formally and informally, including shortly after coming into force. The original measure initially blocked \$163.9 million or 79% of U.S. agricultural exports to Tunisia, based on 2016 trade figures, primarily including soybeans, almonds, walnuts, and animal feed.

An unofficial translation of the current regulation is included below, with the applicable statement excepting all remaining U.S. products emboldened.

----- *Begin Unofficial Translation* -----

3/13/2018

Joint Communiqué

In the context of strengthening the control of customs declaration procedures in accordance with the exchange rules, the Ministry of Commerce and the Ministry of Finance inform importers of the products annexed to this press release that they are required to provide the document of the customs declaration of the country of export (or any equivalent document issued by the official authorities of the exporting country other than the transit declaration), at the time of customs clearance of imported goods destined to consumption.

Any file deposited at the customs offices, at the time of customs clearance of the goods, not containing the document of the customs declaration of the exporting country or an equivalent document, is considered incomplete.

Official authorities of exporting goods countries, which do not provide declarations in Arabic, French or English, are invited to provide to the authorized services of the Ministry of Commerce a specimen of the export declaration, issued by its customs authorities, translated into one of the languages mentioned above for reference in the analysis of the data contained in the export declarations.

Export declarations translated into one of the abovementioned languages (Arabic / French / English) by a sworn translator in the exporting country or in Tunisia are exceptionally accepted. This measure is applicable for a period not exceeding three (3) months from the date of publication of this press release. This period is granted to the official authorities of the exporting countries in order to comply with the provisions of paragraph 3 of this Communiqué.

If a country's regulations advise confidentiality on export declarations, the Tunisian authorities must be formally informed and provided with the necessary supporting documents. Imports from the concerned country will thus be exempted from the provisions of this release.

The following imports are excluded from the scope of this release:

- State imports, public enterprises and institutions and local public authorities;
- Imports of raw materials, semi-finished products, equipment and spare parts for the agricultural sector, the tourism sector and the craft sector;
- Raw materials, semi-finished products, equipment and spare parts imported by industrialists and which are necessary for their activities;
- Imports without payment or without transfer of currency;
- Imports benefiting from tax advantages such as imports by embassies and similar bodies, imports from totally exporting companies and imports by Tunisians residing abroad as part of creation or participation in projects;
- Exempt imports of foreign trade procedures in accordance with the provisions of Decree No. 94-1743 of 29 August 1994;
- Postal parcels for which the owners justify that they are within the limit of the exempted values of the presentation of the customs declarations to the country of export.

The list of products concerned by this procedure may be modified by correspondence from the Minister of Commerce addressed to the Director General of Customs.

This release cancels and replaces the joint communiqué issued on September 25, 2017 by the Ministry of Commerce, the Central Bank of Tunisia and the General Directorate of Customs.

[Download the list of products concerned.](#)

----- *End Unofficial Translation* -----