



Overview

This provision overviews record-keeping requirements for the importer, producer, and exporter associated with a shipment seeking preferential tariff treatment under USMCA. This fact sheet highlights key changes from the North American Free Trade Agreement (NAFTA). General record-keeping requirements are in 19 CFR 163.2.

References

- **USMCA**
 - *Final Text:* Chapter 5, Article 5.8
 - *HR 5430 Citation:* Title II, Section 206
- **NAFTA**
 - *Final Text:* Chapter 5, Section B, Article 505
- **CFR:** 19 CFR 181.22

Significant Changes in USMCA

Provision	USMCA	NAFTA
Effective Period	<ul style="list-style-type: none"> • No change – Five years from date of importation for importer and five years after date on which certification of origin was completed, or longer as Party may specify. 	
Responsible Party(ies)	<ul style="list-style-type: none"> • No change – Importer claiming preferential tariff treatment and exporter/producer in its territory. 	
Requirements	<ul style="list-style-type: none"> • Certification of origin <i>or</i> written representation from producer. 	<ul style="list-style-type: none"> • Certificate of Origin (Form 434).
Medium	<ul style="list-style-type: none"> • Any, including electronic. 	<ul style="list-style-type: none"> • Not specified.
Exceptions	<ul style="list-style-type: none"> • Requirements apply even if importing Party does not require certification of origin or if a requirement for a certification of origin has been waived. 	<ul style="list-style-type: none"> • Not specified.

Detailed USMCA/NAFTA Side-by-Side

Provision	USMCA	NAFTA
Effective Period	<ul style="list-style-type: none"> • Five years from the date of importation of the good. • Five years after the date on which the certification of origin was completed, or for such longer period as the Party may specify. 	<ul style="list-style-type: none"> • Five years after the date on which the Certificate was signed or for such longer period as the Party may specify. • Five years after date of importation of the good or for such longer period as the Party may specify.
Responsible Party(ies)	<ul style="list-style-type: none"> • Importer claiming preferential tariff treatment • Exporter or producer in its territory. 	<ul style="list-style-type: none"> • Importer claiming preferential tariff treatment • Exporter or producer in its territory.
Requirements	<p>Importer</p> <ul style="list-style-type: none"> • Documentation related to importation, including certification of origin. • All records to demonstrate good is originating. • Documents necessary to demonstrate compliance with Article 5.4.1(e). <p>Exporter or Producer</p> <ul style="list-style-type: none"> • Certification of origin or written representation. • All records necessary to demonstrate that a good is originating, including: <ul style="list-style-type: none"> ○ Purchase of, cost of, value of, shipping of, and payment for, the good or material; ○ Purchase, cost of, value of, shipping of, and payment for all materials, including indirect materials, used in the production of the good or material; and ○ The production of the good in the form in which the good is exported or the production of the materials in the form in which it was sold. 	<p>Importer</p> <ul style="list-style-type: none"> • Document, such as copy of the Certificate, as the Party may require relating to the importation of the good. <p>Exporter or Producer</p> <ul style="list-style-type: none"> • Certificate of Origin. • All records relating to the origin of a good for which preferential tariff treatment was claimed, including: <ul style="list-style-type: none"> ○ Purchase of, cost of, value of, and payment for, the good that is exported from its territory; ○ Purchase of, cost of, value of, and payment of all materials, including indirect materials, used in production of good that is exported from its territory; and ○ Production of good in the form in which the good is exported from its territory.
Medium	<ul style="list-style-type: none"> • Importer, exporter, or producer in its territory may choose to maintain the records or documentation in any medium, including electronic, provided that the records or documentation can be promptly retrieved and printed. 	<ul style="list-style-type: none"> • Not specified.
Exceptions	<ul style="list-style-type: none"> • Record-keeping requirements apply even if importing Party does not require a certification of origin or if a requirement for a certification of origin has been waived. 	<ul style="list-style-type: none"> • Not specified.