

April 3, 2003

CMP-11 FO:TCF:TEO:TO SST

TO : Interim Directors, Field Operations

FROM : Executive Director, Trade Compliance and Facilitation
Office of Field Operations

SUBJECT: TBT-03-009 Handloomed Fabric and Handmade Articles
From Such Handloomed Fabric Produced in Swaziland
Eligible For Preferential Tariff Treatment Under the African
Growth and Opportunity Act (AGOA)

REF : TBT-01-008 AGOA Implementation Instructions
TBT-01-035 Swaziland Visa Arrangement

BACKGROUND:

The Trade and Development Act of 2000 ("the Act"), which was signed into law on May 18, 2000, authorized a new trade and investment policy for sub-Saharan Africa. The Act provides for duty-free treatment for imports of certain textile and apparel products of beneficiary sub-Saharan African countries, including handloomed, handmade, or folklore articles that are certified as such by competent authorities of the beneficiary country. Executive Order 13191 dated January 17, 2001 authorized the Committee for the Implementation of Textile Agreements (CITA) to consult with beneficiary countries and to determine which particular textile and apparel goods shall be treated as handloomed, handmade, or folklore articles.

Per a January 25, 2001 Federal Register Notice (66 FR 7837), the President delegated the Office of the United States Trade Representative (USTR) the authority to direct Customs to ensure that textile and apparel articles described in Section 112 of the Act are entered, or withdrawn from warehouse, for consumption accompanied by an appropriate export visa when preferential tariff treatment is claimed with respect to such articles. Grouping 9 of this visa arrangement is for handmade, handloomed, or folklore articles. Please note that the quantity shown on the visa for grouping 9 will be the normal reporting quantity for the type of imported merchandise. For example, if rugs or handloomed fabric are imported, the reported quantity will be in square meters; if bedspreads, towels or other household furnishings are imported, the reported quantity will be in kilos; and if it is wearing apparel, it will be reported as in groupings 1 to 8.

On March 5, 2003, CITA held consultations with the Government of Swaziland. In a March 31, 2003 Federal Register Notice (68 FR 15438), CITA has determined that handloomed fabrics and handmade articles made from such handloomed fabrics produced in and exported from Swaziland are eligible for preferential tariff treatment under section 112(a) of the AGOA if accompanied by an AGOA export visa for Grouping 9 issued by the Government of Swaziland. An AGOA claim may be filed for such articles under Harmonized Tariff Schedule (HTS) provision 9819.11.27 when accompanied by an appropriate export visa.

Please note that no folklore items have been designated at this time. CITA may extend this preferential tariff treatment to additional products following future consultations with the Government of Swaziland.

ACTION:

Effective April 14, 2003, handloomed fabrics and handmade articles made from such handloomed fabrics produced in and exported from Swaziland are eligible for preferential tariff treatment under section 112(a) of the AGOA if accompanied by an AGOA export visa for Grouping 9 issued by the Government of Swaziland. Such products are classifiable under HTS provision 9819.11.27 when accompanied by an appropriate export visa.

Please pass this memorandum to Port Directors, Assistant Port Directors, Import Specialists, Inspectors, Entry Specialists, Brokers, Importers and Other Interested Parties.

INFORMATION:

For additional information, please contact Ms. Susan Thomas, at (202) 927-3719 or Mr. Robert Abels, at (202) 927-1959.

(signed Janet L. Labuda)
for Elizabeth G. Durant