

October 1,2003

CMP-11 FO:TCF:TEO:TO SST

TO : Directors, Field Operations

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

SUBJECT: TBT-03-028 Folklore Articles, Handloomed Fabric and Handmade
Articles From Such Handloomed Fabric Produced in Ghana Eligible
For Preferential Tariff Treatment Under the African Growth and
Opportunity Act (AGOA)

REF : TBT-01-008 AGOA Implementation Instructions
TBT-02-016 Ghana 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to direct Customs to ensure that textile and apparel articles described in Section 112 of the Act are entered, or withdrawn from warehouse, for consumption accompanied by an appropriate export visa when preferential tariff treatment is claimed with respect to such articles.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.

CITA has consulted with Ghanaian authorities. In a September 15, 2003 Federal Register Notice (68 FR 53968), CITA has determined that certain folklore articles, listed below, handloomed fabrics, handloomed articles (e.g., handloomed rugs, scarves, place mats, and tablecloths) and handmade articles made from

handloomed fabrics produced in and exported from Ghana 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 Ghana. 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.

CITA has determined that the following textile and apparel goods shall be treated as folklore articles for purposes of the AGOA. Articles must be ornamented in characteristic Ghanaian or regional folk style. An article may not include modern features such as zippers, elastic, elasticized fabrics, or hook-and-pile fasteners (such as Velcro or similar holding fabric). An article may not incorporate patterns that are not traditional or historical to Ghana, such as airplanes, buses, cowboys, or cartoon characters and may not incorporate designs referencing holidays or festivals not common to traditional Ghanaian culture, such as Halloween and Thanksgiving.

1. Kente Stole

Kente is a thin strip of handloomed fabric, usually about 4 to 6 inches wide and 3 yards long. This stole can either be composed of a single strip of such kente fabric or multiple strips of kente fabric sewn together to make a wider stole to a standard length of 6 yards for women or 12 yards for men. Designs vary from colorful to plain, intricate to simple, can be done in a patchwork style (alternating blocks), contain decorative metallic threads, and have an elaborate border. Patterns vary and are usually colorful. The handloomed kente fabric used in a stole can also be a single color, traditionally dyed with vegetable dyes.

The kente stole that consists of multiple strips of such handloomed kente strips sewn together are either hand-stitched or machine sewn.

2. Adinkra

Made of handloomed fabric, usually about 4 to 6 inches wide and 3 yards long. The cotton fabric is usually plain white or brown and woven on a traditional handloom, an adinkra is a fabric that is draped around the body. The standard length is 6 yards for women and 12 yards for men. Adinkra is usually traditionally dyed a single color with vegetable dyes.

3. Agbada

Agbadas are loose fitting garments traditionally worn by men for more formal occasions, in either 2-piece, 3-piece or 4-piece sets, consisting of some or all of the following: (a) inner tunic gown, (b) trousers, (c) outer gown, (d) cap. This garment can be made from woven fabric of any weight and vary in color and design.

(a) Loose fitting, three-quarter length, embroidered tunic inner gown. Sleeves may or may not be present, and may vary in length. Patterns and colors vary, but there

is usually intricate embroidery around the neckline. The neckline can be round or have a slit down the center front. May or may not have pockets.

(b) The trousers may be long or three-quarter length and are secured at the waist by a drawstring, are loose-fitting with extra-fullness at the thighs and may contain side seam pockets.

(c) Loose flowing, non-tailored, embroidered outer smock is three-quarter to full length, can have pockets, oftentimes located mid-way down the garment under the embroidery on the neckline, may be pleated and flare halfway down the garment. The neckline can be round, v-shaped, be asymmetrically v-shaped, or have a slit down the center front.

(d) The matching cap can be cylindrical or cone-shaped, with or without tassel, fitted or floppy.

4. Batakari/Fugu

Generally from the culture in the north of Ghana, 2-piece, 3-piece or 4-piece sets consisting of some or all of the following: (a) inner smock, (b) trousers, (c) outer smock, (d) cap. The batakari is made of handloomed strips of kente fabric, approximately 4 inches in width, sewn together, either by machine or hand-stitched. The handloomed strips of fabric tend to be plaid-patterned. A “batakari” is also called a “fugu” or a “smock” depending on the region in which it originates in the northern part of Ghana.

(a) Loose fitting, three-quarter length, embroidered inner smock. Sleeves may or may not be present, and may vary in length. Patterns and colors vary, but there is usually intricate embroidery around the neckline. The neckline can be round, v-shaped, or have a slit down the center front. May or may not have pockets. Tends to be pleated and flare halfway down the garment.

(b) The trousers may be long or three-quarter length and are secured at the waist by a drawstring, are loose-fitting with extra-fullness at the thighs and may have side seam pockets.

(c) Loose flowing, non-tailored, embroidered outer smock is three-quarter to full length, can have pockets, oftentimes located mid-way down the garment under the embroidery on the neckline, may be pleated and flare halfway down the garment. The neckline can be round, v-shaped, be asymmetrically v-shape, or have a slit down the center front. Tends to be pleated and flare halfway down the garment.

(d) The matching cap can be cylindrical or cone-shaped, with or without tassel, fitted or floppy.

5. Kaftan

One-piece, loose-fitting, straight-seamed, long or three-quarter length garment is ornamented, such as embroidered at the neckline, traditionally worn by women. The neckline can be round, v-shaped, or have a slit down the center front. Sleeves vary in length. The garment may or may not have slits on each side (from the bottom hem upwards). Can include matching strip of fabric to be worn in hair or as a shawl. This garment can be made from woven fabric of any weight and vary in color and design. May or may not have pockets.

6. Joromi (Men's shirt)

Loose fitting, straight-seamed shirt. Sleeves may or may not be present and may vary in length. Patterns and colors vary, usually with intricate ornamentation, such as embroidery, around the neckline. The neckline can be round or have a slit down the center front, but does not have a collar. May or may not have pockets. May have wooden button fastenings below the neckline.

ACTION:

Effective September 15, 2003, certain folklore articles, listed above, handloomed fabrics, handmade articles (e.g. handloomed rugs, scarves, place mats, and tablecloths) and handmade articles made from such handloomed fabrics produced in and exported from Ghana 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 Ghana. 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.

/s/

Elizabeth G. Durant