

September 10, 2004

CMP-11 FO:TCF:TEO:TO SST

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS

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

SUBJECT: TBT-04-029 Folklore Articles, Handloomed Fabric and
Handmade Articles From Such Handloomed Fabric
Produced in Tanzania Eligible For Preferential Tariff
Treatment Under the African Growth and Opportunity Act
(AGOA)

REFERENCE: TBT-01-008 AGOA Implementation Instructions
TBT-02-007 Tanzania 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to direct Customs to ensure that textile and apparel articles described in Section 112 of the Act are entered, or withdrawn from warehouse, for consumption accompanied by an appropriate export visa when preferential tariff treatment is claimed with respect to such articles.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 Tanzanian authorities. In a September 8, 2004 Federal Register Notice (69 FR 54268), 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 Tanzania 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 Tanzania. 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 if made in Tanzania and certified by a competent authority. Articles must be ornamented in characteristic Tanzanian 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 Tanzania, such as airplanes, buses, cowboys, or cartoon characters and may not incorporate designs referencing holidays or festivals not common to traditional Tanzanian culture, such as Halloween and Thanksgiving.

Kikoi (also spelled Kikoy)

Kikoi is a traditional Tanzanian multipurpose fabric of the East African coast, varying in size depending on use. Kikoi is a 100 percent cotton fabric, either handloomed or machine-made. Kikoi has distinct striped or plaid patterns and usually has knotted or unknotted tassels along each hem. If striped, the stripes are vertical along the selvedge edges in bright colors, such as red, yellow, orange, green, or blue for garments. Folklore articles made of Kikoi fabric eligible for treatment as folklore articles are currently limited to the Mgolole, the Traditional Kikoi Shirt, and the Traditional Kikoi Boubou, as described below. Handloomed Kikoi fabric and handmade articles of such fabric may be eligible for preferential AGOA treatment as handloomed or handmade articles, but not as folklore articles.

Eligible folklore articles:

(a) Mgolole (Body Wrap, Scarf)

Made of Kikoi fabric, these traditional garments are worn as a wrap around garment by both men and women all over the East African coast, similar to the sarong of South East Asia. This traditional garment is draped over one shoulder and held in place with a knot. The Kikoi Mgolole can also be thrown over one shoulder for decoration or treated as a normal scarf. Dimensions for the Mgolole are approximately 45 x 80 inches long for wraps and 12 x 80 inches for scarves. The unfinished top and lower hems are knotted or unknotted tassels along each hem.

(b) Traditional Kikoi Shirt

Made of Kikoi fabric, the article is a loose-fitting, straight-seamed shirt. Sleeves are half to three-quarter in length. The neckline is rounded or v-shaped, without collar.

The shirt may or may not have square-shaped breast and lower front pockets. It may have wooden button fastenings below the neckline. Kikoi striped-trim typically decorates the neckline, pockets and each arm opening. The bottom hem and/or pockets may be finished or left unfinished with fringe or knotted tassels hanging.

(c) Traditional Kikoi Boubou (long tunic)

A loose flowing, straight-seamed, non-tailored, full-length outer tunic, made of Kikoi fabric. The neckline is rounded or v-shaped, without collar. Kikoi striped-trim decorates the neckline and each arm opening, which extend down the full length of the garment. There are no discernable sleeves. The garment is rectangular in shape. The bottom hem can be finished or left unfinished with fringe knotted tassels hanging.

ACTION:

Effective September 13 2004 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 Tanzania 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 Tanzania. 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) 344-3719 or Mr. Robert Abels, at (202) 344-1959.

/s/

Elizabeth G. Durant