

January 7, 2009

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS

FROM: Executive Director, Trade Policy and Programs
Office of International Trade

SUBJECT: U.S. - Dominican Republic - Central America Free Trade
Agreement Implementation for Costa Rica

The U.S.-Dominican Republic-Central America Free Trade Agreement Implementation Act (“the Act”; Public Law 109-53; 119 Stat. 462; 19 U.S.C. 4001 note) was signed into law on August 2, 2005. The Act allowed for the Agreement to take effect upon a determination by the President that those countries have taken measures to comply with the requirements of the Agreement. Currently, the Agreement is in effect for goods of El Salvador entered, or withdrawn from warehouse for consumption, on or after March 1, 2006; for goods of Honduras and Nicaragua entered, or withdrawn from warehouse for consumption, on or after April 1, 2006; for goods of Guatemala entered, or withdrawn for consumption, on or after July 1, 2006; and for goods of the Dominican Republic entered, or withdrawn from warehouse for consumption, on or after March 1, 2007.

A Presidential Proclamation posted on the White House website on December 23, 2008, implements the U.S.-Dominican Republic-Central America Free Trade Agreement (CAFTA-DR) for goods of Costa Rica entered, or withdrawn from warehouse for consumption, on or after January 1, 2009. The Proclamation incorporates by reference Publication 4038 of the U.S. International Trade Commission (USITC). The Harmonized Tariff Schedule (HTS) is modified by the Annex to Publication 4038 by updating General Note 29. Additionally, the Proclamation removes Costa Rica as a beneficiary country under the Generalized System of Preferences (GSP), the Caribbean Basin Economic Recovery Act (CBERA) and the Caribbean Basin Trade Partnership Act (CBTPA).

This office issued implementation instructions for the CAFTA-DR on April 26, 2006, entitled “Amendments to the U.S.-Dominican Republic-Central America Free Trade Agreement Implementation Instructions”. Those instructions will apply for purposes of implementing the Agreement for goods of Costa Rica and can be found on the U.S. Customs and Border Protection (CBP) website at the following URL:

http://www.cbp.gov/linkhandler/cgov/trade/trade_programs/international_agreements/free_trade/dominican_republic/us_dominican.ctt/us_dominican.doc

The memorandum provides instructions on the filing and accepting of claims for preferential tariff treatment made under the CAFTA-DR. For purposes of applying the implementation instructions to importations of goods of Costa Rica, reference to a CAFTA-DR country is the U.S., El Salvador, Honduras, Nicaragua, Guatemala, the Dominican Republic, and Costa Rica. However, claims for preferential tariff treatment on goods that originate in Costa Rica may only be made on goods that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2009. These claims shall be made at the time the entry summary is filed by placing on the CBP Form 7501 the SPI "P" or "P+" as a prefix to the HTS item number for each line on which preferential tariff treatment is claimed.

The programming updates to the Automated Commercial System (ACS) allowing for automated processing have not yet been completed. Therefore, until further notice, importers claiming Costa Rica preference under the CAFTA-DR should file manual entries or file ABI entries at release with manual entry summaries.

Claims for preference under GSP, CBERA and CBTPA will no longer be allowed for goods of Costa Rica entered, or withdrawn from warehouse for consumption, on or after January 1, 2009, with the exception for textile goods that qualify for retroactive treatment under 19 CFR 10.699. Separate instructions will be issued to cover retroactive claims for textiles once USTR has published in the Federal Register that Costa Rica is an eligible country for purposes of section 205 of the Act.

Copies of this memorandum should be made available to Port Directors, Assistant Port Directors, Import and Entry Specialists, CBP Officers, Brokers, Importers and other interested parties.

Questions regarding the non-textile provisions of the CAFTA-DR should be directed to Heather Sykes, International Coordination Branch at (202) 863-6099.

Questions regarding textile and wearing apparel provisions under the CAFTA-DR, should be directed to Robert Abels, Textile Operations Branch at (202) 863-6503.

Questions regarding quota issues should be directed to Laurie Dempsey, Quota Branch at (202) 863-6509.

/s/

Brenda B. Smith