

U.S. Generalized System of Preferences **GUIDEBOOK**



**Office of the United States Trade Representative
Executive Office of the President
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INTRODUCTION

The U.S. Generalized System of Preferences (GSP), a program designed to promote economic growth in the developing world, provides preferential duty-free treatment for over 3,500 products from a wide range of designated beneficiary countries (BDCs), including many least-developed beneficiary developing countries (LDBDCs).* An additional 1,500 products are GSP-eligible only when imported from LDBDCs. The GSP program was instituted on January 1, 1976, and authorized under the Trade Act of 1974 (19 USC 2461 et seq.). Current Congressional authorization of the GSP program will expire July 31, 2013.

The purpose of this Guidebook is to facilitate public understanding of the GSP program and the information contained in the basic implementing documents. The statute and implementing documents remain the controlling authorities. The legislation authorizing the GSP program can be found at 19 USC 2461-2467, and USTR's GSP regulations may be found at 15 CFR Part 2007. Both are also available on the USTR website: <http://www.ustr.gov/trade-topics/trade-development/preference-programs/generalized-system-preference-gsp>.

The GSP regulations of the Department of Homeland Security's U.S. Customs and Border Protection (CBP) may be found at 19 CFR Part 10.171 through 10.178. In addition, CBP has posted a variety of information of assistance to importers and exporters using the GSP program at http://www.cbp.gov/xp/cgov/trade/trade_programs/audits/archive/gsp.xml.

* As of July 2013, there were 127 BDCs, including 44 LDBDCs. See the GSP home page for the most up-to-date number of GSP beneficiaries: <http://www.ustr.gov/trade-topics/trade-development/preference-programs/generalized-system-preference-gsp>.

ABBREVIATIONS AND ACRONYMS

| | |
|---------|--|
| ASEAN | Association of Southeast Asian Nations |
| BDC | Beneficiary Developing Country |
| CARICOM | Caribbean Common Market |
| CBP | Department of Homeland Security's U.S. Customs and Border Protection |
| CFR | Code of Federal Regulations |
| CNL | Competitive Need Limitation |
| GNI | Gross National Income |
| GNP | Gross National Product |
| CROSS | Customs Rulings Online Search System |
| GSP | U.S. Generalized System of Preferences |
| HTSUS | Harmonized Tariff Schedule of the United States |
| IMF | International Monetary Fund |
| LDBDC | Least Developed Beneficiary Developing Country |
| NTR | Normal Trade Relations |
| SAARC | South Asian Association for Regional Cooperation |
| SADC | Southern African Development Community |
| SIC | Standard Industrial Classification |
| SITC | Standard International Trade Classification |
| SPI | Special Program Indicator |
| TPSC | Trade Policy Staff Committee |
| USC | U.S. Code |
| USITC | U.S. International Trade Commission |
| USTR | Office of the U.S. Trade Representative |
| WAEMU | West African Economic and Monetary Union |
| WTO | World Trade Organization |

GSP PROGRAM INQUIRIES

The GSP program is administered by the Office of the U.S. Trade Representative (USTR). Public inquiries about the program may be directed to the GSP Program Office at USTR, using the following contact information:

e-mail: gsp@ustr.eop.gov
Telephone: +1 (202) 395-6971
Fax: +1 (202) 395-9674

Public Documents concerning the 2013 GSP Annual Review are available online at docket number USTR-2013-0024 on www.regulations.gov

GSP Program Information is available at:

http://www.ustr.gov/Trade_Development/Preference_Programs/GSP/Section_Index.html

FREQUENTLY ASKED QUESTIONS ABOUT GSP

1. GSP-Eligible Articles
2. How to Claim GSP Benefits for Eligible Articles upon Entry into the United States
3. GSP Beneficiary Developing Countries
4. Competitive Need Limitations and Requests for Waivers
5. Graduation of a Beneficiary Country from GSP
6. Rules-of-Origin Requirements
7. "Imported Directly" Requirement
8. Handicraft Textiles
9. Other Topics

1. GSP-Eligible Articles

Which imports into the United States qualify for duty-free treatment under the GSP?

To be eligible for duty-free treatment pursuant to GSP, an import must meet the following requirements (described in more detail below):

- (1) It must be included in the list of GSP-eligible articles;
- (2) It must be imported directly from a BDC;
- (3) The BDC must be eligible for GSP treatment for that article;
- (4) The article must be the growth, product, or manufacture of a BDC and must meet the value-added requirements;
- (5) The exporter/importer must request duty-free treatment under GSP by placing the appropriate GSP Special Program Indicator (SPI) (A, A+, or A*) before the HTSUS number that identified the imported article on the appropriate shipping documents (CBP Form 7501).

Which articles are eligible for duty-free treatment?

Articles classified by CBP under approximately 3,500 eight-digit tariff rate lines are generally eligible for duty-free treatment from all GSP beneficiaries. An additional 1,500 articles are eligible for duty-free treatment when imported from LDBDCs. The combined lists include most dutiable manufactured and semi-manufactured products and also certain agricultural, fishery, and primary industrial products that are not otherwise duty-free. LDBDCs are designated as such pursuant to section 502(a)(2) of the Trade Act of 1974, as amended, and, in practice, are typically GSP beneficiaries that are on the United Nations' list of least developed countries.

How do I determine if a particular item is GSP-eligible?

Articles eligible for GSP treatment are identified in the current edition of the Harmonized Tariff Schedule of the United States (HTSUS), which is published by the U.S. International Trade Commission (USITC). The complete HTSUS can be downloaded from the USITC web site (<http://www.usitc.gov/tata/hts>) or obtained from the field offices of the U.S. Department of Commerce or at U.S. Embassies and Consulates. There is also a searchable version of the HTSUS available at the USITC website. The USITC also maintains “DataWeb,” a searchable database of import statistics and other information, including product eligibility information for GSP and other U.S. preference programs, which can be found at: <http://dataweb.usitc.gov>.

Can any article be designated as eligible for GSP?

No. Certain articles are prohibited by law (19 USC 2463) from receiving GSP treatment. These include most textiles and apparel articles, watches, footwear, handbags, luggage, flat goods, work gloves, and leather apparel. In addition, the GSP statute precludes eligibility for import-sensitive steel, glass, and electronic articles.

How is an article identified as GSP-eligible in the HTSUS?

The letter **A** in the “Special” tariff column of the HTSUS identifies GSP-eligible articles at an eight-digit level. The following table presents three HTSUS tariff lines to illustrate variations in the treatment given to different GSP articles. Under each entry for a GSP-eligible article in the HTSUS, the SPI code **A**, **A+**, or **A*** in the “Special” column identifies the article as GSP-eligible under certain conditions. The SPI code **A** designates articles that are GSP-eligible from any BDC. The SPI code **A+** indicates articles that are GSP-eligible only from LDBDCs. The SPI code **A*** indicates that one or more specific BDCs, listed in General Note 4(d) to the HTSUS, have lost GSP eligibility for that article.

| HTSUS Subheading | Article description | Rate of Duty (%) | | |
|-------------------|---|------------------|-------------------------|----------|
| | | Column 1 | | Column 2 |
| | | General | Special | |
| 8406.10.10 | Steam turbines for marine propulsion | 6.70% | Free (A ,...) | 20% |
| 8413.30.10 | Fuel-injection pumps for compression-ignition engines | 2.50% | Free (A* , ...) | 35% |
| 8708.92.50 | Mufflers and exhaust pipes, not for trackers | 2.50% | Free (A+ ,...) | 25% |

Can the President limit products' GSP eligibility?

Yes. The President may:

- (1) remove products from GSP eligibility in response to petitions submitted by interested parties in an annual review;
- (2) preclude certain BDCs from GSP eligibility for certain newly designated products when those products are designated;
- (3) limit the redesignation of GSP eligibility to certain BDCs when specific articles are redesignated as GSP-eligible; and
- (4) remove products for an individual BDC country which has exceeded competitive need limitations (CNLs).

How is the correct HTSUS classification determined?

CBP classifies imports under the HTSUS. A ruling on the appropriate classification of a product may be requested under Part 177 of the CBP Regulations (19 CFR Part 177) by any person who, as an importer or exporter of merchandise, or otherwise, has a direct and demonstrable interest in the question or questions presented in the ruling request, or by the authorized agent of such person. A "person" in this context includes an individual, corporation, partnership, association, or other entity or group. The rulings are provided without cost, provide certainty to make an informed business decision, and, if submitted to the New York office as an eRuling request, are provided within 30 days of receipt.

Questions concerning the appropriate classification of a particular product should be directed to CBP officers at the port of entry or to:

**Director, National Commodity Specialist Division
U.S. Customs and Border Protection
Attn: CIE/Ruling Request
One Penn Plaza-10th Floor
New York, NY 10119**

Rulings may be obtained by email or postal mail. Requirements for ruling requests may be found at: <http://www.cbp.gov/xp/cgov/trade/legal/rulings/eRulingRequirements.xml>. The eRuling template is available at: <https://apps.cbp.gov/erulings/index.asp>. The eRuling template may be used if you do not need to provide a physical sample of the goods for which you need a ruling. CBP rulings are published and available on-line in a searchable database called Customs Rulings Online Search System (CROSS) at <http://rulings.cbp.gov>.

Requests for valuation and preference program qualification rulings should be addressed to:

**The Commissioner of Customs and Border Protection
Attention: Office of Regulations and Rulings
Washington, DC 20229**

CBP also provides a compliance document to inform importers of the basic requirements of the GSP program, including guidance about establishing internal controls to document the regulatory requirements for substantiating GSP claims. This document is available at: http://www.cbp.gov/xp/cgov/trade/trade_programs/audits/archive/gsp.xml.

2. How to Claim GSP Benefits for Eligible Articles upon Entry into the United States

How does an importer request GSP treatment?

The importer is responsible for claiming the preference benefit by using the GSP's SPI code "A" or "A+", as a prefix, before the HTSUS tariff-line number when completing the shipment entry documentation. (See 19 CFR 10.172.) If GSP is not claimed on the entry summary, there are other ways to claim it. One is to file a Post Entry Amendment with Customs at least 20 working days prior to liquidation of the entry. Another method is to file a protest, as set out in 19 USC 1514. A sample of CBP Entry Form 7501, used for entry of merchandise, can be found on the CBP web site at

http://forms.cbp.gov/pdf/CBP_Form_7501.pdf.

What documents are needed to ensure GSP duty-free treatment?

The documents that CBP may request vary on a case-by-case basis. Examples of the types of documents that should be available to establish and document a GSP claim are:

- ✓ GSP Declaration (see 19 CFR 10.173)
- ✓ Bill of Materials
- ✓ Invoices
- ✓ Purchase Orders
- ✓ Production records kept in the ordinary course of business
- ✓ Payroll information to document labor costs
- ✓ Factory profile
- ✓ Affidavit with supporting documentation

The documentation necessary to substantiate a GSP claim must be kept readily accessible, should CBP request it. Records may be requested from the importer of the products for which GSP is claimed, from the foreign exporter, or both. The substantiating documentation must be kept for a period of five years.

3. GSP Beneficiary Developing Countries

Where are the official lists of GSP-eligible beneficiaries and country-specific restrictions on eligibility found?

General Note 4, found at the beginning of the HTSUS, contains information about GSP. General Note 4(a) contains the official list of GSP-eligible beneficiaries. General Note 4(b) contains the list of LDBDCs. General Note 4(d) contains the list of the imported articles that are not eligible for GSP treatment from certain GSP countries. When a BDC is first designated, or undergoes a change in GSP eligibility, a notice is published in the *Federal Register* indicating the change and the effective date of the change. The lists contained in General Note 4 are periodically modified to reflect these changes.

Are the lists of eligible articles and countries ever modified?

Yes. The GSP Subcommittee of the Trade Policy Staff Committee (TPSC), chaired by USTR and comprised of representatives of other executive branch agencies, conducts an annual review during which changes are considered to the lists of articles and countries eligible for duty-free treatment under GSP. Modifications made pursuant to the annual review are implemented by executive order, or Presidential Proclamation, and are published in the *Federal Register*. Modifications to the list typically take effect on July 1 of the calendar year after the next annual review is launched but may also be announced and become effective at other times of the year. The modifications are reflected in the electronic and hard copy versions of the HTSUS published by the USITC.

How does someone request modification of the list of GSP-eligible articles or countries?

Any person may petition the GSP Subcommittee to request modifications to the list of countries eligible for GSP treatment. However, only an “interested party” may petition for modifications to the list of articles eligible for GSP treatment. For purposes of this provision, an interested party is any party who has significant economic interest in the subject matter of the request, or any other party representing a significant economic interest that would be materially affected by the action requested, such as a domestic producer of a like or directly competitive article, a commercial importer or retailer of an article which is eligible for GSP or for which GSP eligibility is requested, or a foreign government. In order to be considered in a particular annual review, petitions must be submitted to the GSP Subcommittee by the deadline for submissions for that review, which is typically announced in the *Federal Register* in July or August ([See suggested outlines of GSP petitions](#)). Petitions must conform to the applicable rules and regulations. Petitions accepted for review are subject to public hearings and a full review by the GSP Subcommittee.

What factors are taken into account in modifying the list of eligible articles or countries?

In modifying the GSP list of articles and countries, the following factors must be considered under the statute:

- (1) the effect such action will have on furthering the economic development of developing countries through the expansion of their exports;
- (2) the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized preferences with respect to imports of products of such countries;
- (3) the anticipated impact of such action on U.S. producers of like or directly competitive products; and
- (4) the extent of the country's competitiveness with respect to eligible products.

In addition, the statute provides mandatory and discretionary factors the President must take into account in designating a country as eligible for GSP. These factors include whether a country has taken or is taking steps to afford to workers in that country internationally recognized worker rights and the extent to which a country is providing adequate and effective protection of intellectual property rights. The full list of factors may be found at 19 USC 2462(b) and (c). Finally, the statute also provides a list of articles that may not be designated as eligible for GSP (19 USC 2463(b)).

Who makes the determinations regarding GSP product and country eligibility?

The President determines which countries and which products are eligible for GSP benefits, based on the recommendations of the U.S. Trade Representative. The GSP Subcommittee conducts the annual reviews of GSP product and country eligibility. These reviews typically involve both public hearings and a public comment period. The GSP Subcommittee reports the findings of these reviews to the TPSC and the U.S. Trade Representative. The Deputy Assistant USTR for GSP oversees the day-to-day operation of the GSP program and chairs the GSP Subcommittee.

Do all beneficiary countries receive duty-free treatment on the entire list of articles?

No. Some otherwise GSP-eligible products from particular BDCs may be ineligible because: (1) they exceed the competitive need limitations (see below); (2) the products' GSP eligibility has been removed from one or more particular countries in response to petitions submitted as part of an annual review; (3) a particular BDC has been found to be sufficiently competitive with respect to that product or products; (4) the imported articles fail to meet the statutory requirements of GSP; or (5) the imported articles fail to meet other CBP or other agency requirements.

4. Competitive Need Limitations and Requests for Waivers

What are competitive need limitations?

CNLs are quantitative ceilings on GSP benefits for each product and BDC. The GSP statute provides that a BDC is to lose its GSP eligibility with respect to a product if the CNLs are exceeded and if no waiver is granted (see below). There are two different measures for CNLs: when U.S. imports of a particular product from a BDC during any calendar year (1) account for 50 percent or more of the value of total U.S. imports of that product; or (2) exceed a certain dollar value. In accordance with the GSP statute, the dollar-value limit is increased by \$5 million annually; the limit is \$160 million in 2013 and will be \$165 million in 2014. Products from a specified beneficiary are considered “sufficiently competitive” when imports exceed one of these limits. By statute, GSP treatment for an article exceeding either CNL terminates on July 1 of the next calendar year. By statute, CNLs do not apply to LDBDCs and BDCs that are also beneficiaries of the African Growth and Opportunity Act. See Section 503(c)(2)(D).

Are the competitive need limitations ever waived?

Yes. CNLs can be waived under three circumstances:

(1) *Petitioned waivers:* The President may grant a CNL waiver for a product imported from a BDC. Interested parties may petition for a waiver during the annual review process. In deciding whether to grant a waiver, the President is required to place “great weight” on the extent to which the country is providing equitable and reasonable access to its market and basic commodity resources and the extent to which the country is providing reasonable and effective protection to U.S. intellectual property rights. If a waiver is granted, both the percentage limit and the dollar limit are waived. A waiver remains in effect until the President determines that it is no longer warranted due to changed circumstances. The statute also provides that the President should revoke any waiver that has been in effect for at least five years, if a GSP-eligible product from a specific country has an annual trade level in the previous calendar year that exceeds 150 percent of the annual dollar-value limit or exceeds 75 percent of all U.S. imports.

(2) *“504(d)” waiver:* The percentage provision is waived for certain GSP eligible articles which were not produced in the United States on January 1, 1995, as provided for in what used to be Section 504(d) of the GSP statute, now 19 USC 2463(c)(2)(E). Interested parties may petition for a waiver during the annual review process. For those products on this list, a “504(d)” waiver will automatically be granted when required each year.

(3) *De minimis waiver:* A waiver may also be provided when total U.S. imports from all countries of a product are “*de minimis*”. Like the dollar-value CNLs, the *de minimis* level is adjusted each year, in increments of \$500,000. The *de minimis* level in 2013 is \$21.5 million, and will be \$22 million in 2014. Each year, the GSP Subcommittee automatically considers *de minimis* waivers for all products from BDCs that exceeded

the percentage-based CNL. Such waivers cannot be requested by petition, but public comments are accepted following publication of a *Federal Register* notice, usually in March, announcing the products that fall in this category. Granting such waivers is a discretionary decision of the President.

What happens if the value of imports of an eligible product from a beneficiary country reaches or exceeds competitive need limitations in a given year?

GSP eligibility for articles from such countries will terminate no later than July 1 of the next calendar year unless those products and beneficiaries are granted a CNL waiver before that date.

When should an interested party petition for a CNL waiver?

Waivers may only be sought **before** a product has exceeded the calendar-year competitive need limitations for a country. This typically means that petitions for CNL waivers must be submitted in the last quarter of a calendar year, *i.e.*, **before** full-year trade data is available,* **in anticipation** of a product exceeding the CNLs for that year. This early deadline is necessary given the statutory requirement that CNL-related product exclusions take effect on July 1 of the following year and the related requirement to seek advice from the USITC on the probable economic effect of granting a waiver. Therefore, interested parties should examine the relevant trade data no later than September of a given year to determine if a product of interest is likely to exceed the limitations and should file a petition seeking a waiver before the deadline for that year's annual GSP review.

Can an interested party monitor the level of imports of an article?

Yes. Annual and monthly trade data can be downloaded from the USITC's DataWeb (<http://dataweb.usitc.gov/>). Registration is required to use the site, but it is free. Other sources include: trade data available from the U.S. Department of Commerce (http://www.export.gov/tradedata/eg_main_018547.asp) and foreign trade statistics from the Census Bureau (<http://www.census.gov/foreign-trade/statistics/index.html>)

Once an article is removed from GSP eligibility because it exceeded the CNL, can that article from the country ever be returned to GSP eligibility?

Yes. During the annual GSP product review, interested parties will have the opportunity to comment on the possible redesignation of a product exported by a particular BDC if U.S. imports of that article from that country fall below the competitive need limitations in a subsequent year. Under the GSP statute, redesignation determinations – which are at the discretion of the President – are to be made by taking into account the factors laid out in Sections 501 and 502, *i.e.*, related to the subject country's competitiveness and its performance in meeting mandatory and discretionary country eligibility criteria. Redesignation determinations are not subject to a petition process, but the GSP subcommittee will review any possible redesignations whether or not comments are

* Full-year trade data for a given year is usually available in mid-February of the following calendar year.

received.

5. Graduation of a Beneficiary Country from GSP

What is graduation and how is it implemented?

Graduation is the removal of a country's GSP eligibility on the basis of factors related to national income or competitiveness. The President may remove a BDC from the GSP program because the country is sufficiently developed or competitive, or may suspend or limit the BDC's access to duty-free treatment with respect to one or more products.

Country graduation occurs:

(1) when the President determines that a beneficiary country is a "high-income country," as defined by the GSP statute (based on World Bank statistics) ("mandatory graduation");

or

(2) as the result of a review of a BDC's advances in economic development and trade competitiveness.

The per capita Gross National Income (GNI) limit for mandatory graduation is set at the lower bound of the World Bank's definition of a "high-income" country (which was \$12,616 in 2012). Mandatory graduation takes effect January 1 of the second year after the year in which the President makes the graduation determination, which is announced in the *Federal Register*.

What factors are considered in graduation actions?

For circumstances other than mandatory graduation, the GSP Subcommittee normally reviews: (1) the country's general level of development; (2) its competitiveness in regard to the particular product; (3) the country's practices relating to trade, investment, and worker rights; (4) the overall economic interests of the United States, including the effect continued GSP treatment would have on the relevant U.S. producers, workers and consumers; and (5) any other relevant information.

6. Rules-of-Origin Requirements

What are the rules-of-origin requirements?

For an imported article to be GSP-eligible, it must be the growth, product, or manufacture of a BDC, and the sum of the cost or value of materials produced in the BDC plus the direct costs of processing must equal at least 35 percent of the appraised value of the article at the time of entry into the United States. CBP is charged with determining whether an article meets the GSP rules of origin.

An importer, exporter or producer who is uncertain about whether a particular imported article satisfies the rules of origin requirements, may check CROSS, CBP's searchable database, <http://rulings.cbp.gov/>, to see if CBP has issued a ruling on the same or a similar product, or may contact CBP for a binding ruling. See page eight of this booklet for information on how to obtain a ruling.

Can imported materials be counted toward the 35 percent value-added requirement?

Yes, if the imported material undergoes a double substantial transformation. This means that the imported material must undergo a substantial transformation in the BDC, which means that the imported material is transformed into a new and different constituent material with a new name, character and use. Then the constituent material must be transformed in the BDC into a new and different finished article with a new name, character and use. Inputs from member countries of GSP-eligible regional associations will be treated as single-country inputs for purposes of determining origin.

The calculation of the cost or value of materials produced in the BDC is described in 19 CFR 10.177. A list of the items included in the "direct costs of processing" is provided in 19 CFR 10.178. CBP's customs value handbook may be found on CBP's web site at: http://www.cbp.gov/xp/cgov/trade/legal/informed_compliance_pubs/.

An importer, exporter or producer who is uncertain if an imported material undergoes a double substantial transformation or if a particular cost may be included in the calculation, may check CROSS (<http://rulings.cbp.gov/>) to see if CBP has issued a ruling on the same or a similar product or cost or may contact CBP for a binding ruling. See page eight of this booklet for information on how to obtain a ruling.

7. “Imported Directly” Requirement

What is meant by the requirement that the article be “imported directly”?

Generally, the imported article must either be shipped directly from the BDC to the United States without passing through the territory of any other country or, if a shipment from a BDC passes through the territory of any other country en route to the United States, the imported articles must not enter the commerce of the other country. See 19 CFR 10.175 for more information. Questions about the “imported directly” requirement may be researched in CROSS or directed to CBP for a binding ruling.

Does the GSP program make any special provisions for BDCs that are members of a regional association?

Yes. If members of regional associations request and are granted recognition as regional associations under the GSP program, the association’s member countries will be considered as one country for purposes of the GSP rules of origin. Articles produced in two or more eligible member countries of an association will be accorded duty-free treatment if the countries collectively meet the rules of origin. In addition, an article produced in an LDBDC may count inputs from LDBDCs and BDCs in its regional association towards the 35 percent domestic content requirement for satisfying the rules of origin for qualifying articles. CBP makes the final determination of rules of origin. For any question related to these matters or for a definitive ruling on whether a product produced in a regional association qualifies for duty-free treatment contact CBP (<http://www.cbp.gov/xp/cgov/toolbox/contacts/>). CNL criteria are applied only to the country of origin and not the entire association.

General Note 4 of the HTSUS has the most recent list of GSP-eligible countries, territories, and associations. There are currently six associations whose GSP-eligible beneficiary members can benefit from this provision: the South Asian Association for Regional Cooperation (SAARC) the Andean Group (or Cartagena Agreement); the Association of Southeast Asian Nations (ASEAN); the Caribbean Common Market (CARICOM); the Southern African Development Community (SADC); and the West African Economic and Monetary Union (WAEMU).

8. Handicraft Textiles

What is the certified handicraft textile agreement?

Certain textile products are eligible for GSP treatment when the GSP BDC has signed an agreement with the United States to provide certification that the items are hand-loomed folkloric products of the exporting BDC. The agreement authorizes duty-free treatment to hand-loomed and folklore wall hangings (HTSUS 6304.99.10) and hand-loomed and folklore pillow covers (HTSUS 6304.99.40) which have been certified by the BDC.

The certification process requires an official exchange of letters between the U.S. Government and the BDC government. The image of the triangular seal certifying the products' authenticity must be stamped on the commercial invoice and signed by one of the individuals identified by the BDC during the exchange of letters comprising the agreement. As with other GSP-eligible imports, the benefit is claimed by the importer of record's use of the SPI "A" before the HTSUS tariff number on the entry documents. For more information, contact CBP.

To date, such agreements have been signed with the following beneficiaries: Afghanistan, Botswana, Cambodia, Egypt, Jordan, Mongolia, Nepal, Pakistan, Paraguay, Thailand, Timor-Leste, Tunisia, Turkey, and Uruguay.

9. Other Topics

If the GSP program authorization expires and is later renewed retroactively by Congress, how does an importer arrange to be reimbursed for tariffs paid during the period after the expiration and before the reauthorization of GSP?

In the past, CBP has instructed importers who file their entries electronically to continue to use the appropriate SPI (*e.g.*, "A") as a prefix to the tariff numbers of articles that would qualify for GSP if GSP were in effect at the time of the entry. When GSP has been reauthorized retroactively, CBP has automatically processed refunds of duties deposited on these GSP-eligible entries without requiring further action by the importer. Use of the SPI, in effect, constituted the importer's request for a refund of duties. For entries made without using the SPI, refunds of duties deposited must be requested in writing. For further information on CBP procedures during a lapse of GSP coverage, contact CBP (www.cbp.gov).

Do other countries maintain GSP programs?

Yes. More than 25 other industrialized nations maintain their own GSP programs. The beneficiaries, products, and types of preferences granted vary for each program country.

Where may I find Federal Register notices pertinent to the GSP program?

Relevant *Federal Register* notices may be accessed via the USTR website (http://www.ustr.gov/Trade_Development/Preference_Programs/GSP/Section_Index.html) and are also available at <http://www.regulations.gov>.

COUNTRIES ELIGIBLE FOR GSP

GSP-Eligible Beneficiaries (as of July 2013)

Independent countries

The following independent countries are GSP-eligible beneficiary developing countries:

| | | | | |
|--------------------------|---------------------|-------------|--------------------------------|----------------------|
| Afghanistan | Congo (Brazzaville) | Jamaica | Nepal | Sri Lanka |
| Albania | Congo (Kinshasa) | Jordan | Niger | St. Kitts and Nevis* |
| Algeria | Côte d'Ivoire | Kazakhstan | Nigeria | Suriname |
| Angola | Djibouti | Kenya | Pakistan | Swaziland |
| Armenia | Dominica | Kiribati | Papua New Guinea | Tanzania |
| Azerbaijan | Ecuador | Kosovo | Paraguay | Thailand |
| Bangladesh* | Egypt | Kyrgyzstan | Philippines | Timor-Leste |
| Belize | Eritrea | Lebanon | Republic of Yemen | Togo |
| Benin | Ethiopia | Lesotho | Russia | Tonga |
| Bhutan | Fiji | Liberia | Rwanda | Tunisia |
| Bolivia | Gabon | Macedonia** | Saint Lucia | Turkey |
| Bosnia and Herzegovina | Gambia, The | Madagascar | St. Vincent and the Grenadines | Tuvalu |
| Botswana | Georgia | Malawi | Samoa | Uganda |
| Brazil | Ghana | Maldives | Sao Tomé and Príncipe | Ukraine |
| Burkina Faso | Grenada | Mali | Senegal | Uruguay |
| Burundi | Guinea | Mauritania | Serbia | Uzbekistan |
| Cambodia | Guinea-Bissau | Mauritius | Seychelles | Vanuatu |
| Cameroon | Guyana | Moldova | Sierra Leone | Venezuela |
| Cape Verde | Haiti | Mongolia | Solomon Islands | Zambia |
| Central African Republic | India | Montenegro | Somalia | Zimbabwe |
| Chad | Indonesia | Mozambique | South Africa | |
| Comoros | Iraq | Namibia | South Sudan | |

* Per Presidential Proclamation 8997, July 2, 2013, Bangladesh's GSP eligibility will be suspended effective September 3, 2013. Per Presidential Proclamation 8921, December 20, 2012, St. Kitts and Nevis has become a "high income" country and its designation as a BDC for purposes of the GSP, will be terminated effective Jan. 1, 2014.

** Appears in HTSUS as "Macedonia, Former Yugoslav Republic of"

Non-independent countries and territories

The following non-independent countries and territories are GSP-eligible beneficiaries:

| | | | |
|-----------------------------------|--------------------------------------|------------------------------|-----------------------------|
| Anguilla | Falkland Islands (Islas Malvinas) | Norfolk Island | Virgin Islands, British |
| British Indian Ocean Territory | Gibraltar* | Pitcairn Islands | Wallis and Futuna |
| Christmas Island (Australia) | Heard Island and McDonald Islands | Saint Helena | West Bank and Gaza Strip |
| Cocos (Keeling) Islands | Montserrat | Tokelau | Western Sahara |
| Cook Islands | Niue | Turks and Caicos Islands* | |

* Presidential Proclamation 8840, June 29, 2012, announced that Gibraltar and the Turks and Caicos Islands have become "high income" countries and their designations as beneficiary developing countries for purposes of the GSP, will be terminated effective January 1, 2014.

Please see General Note 4 of the HTS
<http://www.usitc.gov/tata/hts/bychapter/index.htm>
for the most current lists of countries, territories and associations.

Least-developed beneficiary developing countries

| | | | |
|--------------------------|------------------|--------------------------|-------------------|
| Afghanistan | Congo (Kinshasa) | Malawi | Solomon Islands |
| Angola | Djibouti | Mali | Somalia |
| Bangladesh* | Ethiopia | Mauritania | South Sudan |
| Benin | Gambia, The | Mozambique | Tanzania |
| Bhutan | Guinea | Nepal | Timor-Leste |
| Burkina Faso | Guinea-Bissau | Niger | Togo |
| Burundi | Haiti | Rwanda | Tuvalu |
| Cambodia | Kiribati | Samoa | Uganda |
| Central African Republic | Lesotho | Sao Tomé and Príncipe | Vanuatu |
| Chad | Liberia | Senegal | Republic of Yemen |
| Comoros | Madagascar | Sierra Leone | Zambia |

* Per Presidential Proclamation 8997, July 2, 2013, Bangladesh's GSP eligibility will be suspended effective September 3, 2013.

Associations of countries (treated as one country for GSP rule-of-origin requirements)

Member Countries of the Cartagena Agreement (Andean Group):

Bolivia
Ecuador
Venezuela

Qualifying Member Countries of the Southern Africa Development Community (SADC):

Botswana
Mauritius
Tanzania

Member Countries of the West African Economic and Monetary Union (WAEMU):

Benin
Burkina Faso
Côte d'Ivoire
Guinea-Bissau
Mali
Niger
Senegal
Togo

Qualifying Member Countries of the South Asian Association for Regional Cooperation (SAARC):

Afghanistan
Bangladesh
Bhutan
India
Nepal
Pakistan
Sri Lanka

Qualifying Member Countries of the Association of South East Asian Nations (ASEAN):

Cambodia
Indonesia
Philippines
Thailand

Qualifying Member Countries of the Caribbean Common Market (CARICOM):

Belize
Dominica
Grenada
Guyana
Jamaica
Montserrat
St. Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines

Criteria for Country Eligibility under GSP

Mandatory criteria

19 USC 2462(b)(2) of the GSP statute sets forth the criteria that each country must satisfy before being designated a GSP beneficiary. These criteria are summarized below for informational purposes only. Please see the GSP statute for the complete text.

- 1) A GSP beneficiary may not be a Communist country, unless such country receives Normal Trade Relations (NTR) treatment, is a World Trade Organization (WTO) member and a member of the International Monetary Fund (IMF), and is not dominated or controlled by international communism;
- 2) A GSP beneficiary may not be a party to an arrangement of countries nor participate in actions the effect of which are (a) to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level and (b) to cause serious disruption of the world economy;
- 3) A GSP beneficiary may not afford preferential treatment to products of a developed country that has, or is likely to have, a significant adverse effect on U. S. commerce;
- 4) A beneficiary may not have nationalized, expropriated or otherwise seized property of U.S. citizens or corporations without providing, or taking steps to provide, prompt, adequate, and effective compensation, or submitting such issues to a mutually agreed forum for arbitration;
- 5) A GSP beneficiary may not have failed to recognize or enforce arbitral awards in favor of U.S. citizens or corporations;
- 6) A GSP beneficiary may not aid or abet, by granting sanctuary from prosecution, any individual or group that has committed an act of international terrorism;
- 7) A GSP beneficiary must have taken or is taking steps to afford internationally recognized worker rights, including 1) the right of association, 2) the right to organize and bargain collectively, 3) a prohibition on the use of any form of forced or compulsory labor, 4) a minimum age for the employment of children, and a prohibition on the worst forms of child labor, and 5) acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health.
- 8) A GSP beneficiary must implement any commitments it makes to eliminate the worst forms of child labor.

Discretionary criteria

19 USC 2462(c) of the GSP statute sets forth the following criteria that the President must take into account in determining whether to designate a country as a beneficiary country for purposes of the GSP program. These criteria are summarized below for informational purposes only; please see the GSP statute for the complete text.

- 1) An expression by a country of its desire to be designated as a GSP beneficiary country;
- 2) The level of economic development, including per capita Gross National Product (GNP), the living standards of the inhabitants and any other economic factors that the President deems appropriate;
- 3) Whether other major developed countries are extending generalized preferential tariff treatment to such country;
- 4) The extent to which such country has assured the United States that it will provide equitable and reasonable access to its markets and basic commodity resources and the extent to which it has assured the United States it will refrain from engaging in unreasonable export practices;
- 5) The extent to which such country provides adequate and effective protection of intellectual property rights;
- 6) The extent to which such country has taken action to reduce trade distorting investment practices and policies, including export performance requirements, and to reduce or eliminate barriers to trade in services; and
- 7) Whether such country has taken or is taking steps to afford internationally recognized worker rights, including 1) the right of association, 2) the right to organize and bargain collectively, 3) freedom from compulsory labor, 4) a minimum age for the employment of children, and 5) acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health.

INFORMATION ON GSP-ELIGIBLE PRODUCTS

Articles Not Produced in the United States on January 1, 1995

19 USC 2463(c)(2)(E) exempts from CNLs certain articles if like or directly competitive articles were not produced in the United States on January 1, 1995. The CNL provisions set forth in section 19 USC 2463(c)(2)(A)(i) mandate the termination of duty-free treatment of an article by July 1 of the calendar year following the one in which imports of that article by a beneficiary exceeded 50 percent of all U.S. imports of the article or a dollar value set by a formula described in 19 USC 2463(c)(2)(A)(ii) (\$160 million in 2013, increasing by \$5 million each year), unless a waiver is granted. If an article is included in the list below, it is exempt from the 50 percent import share CNL.

In implementing the GSP program, the TPSC (per Presidential determinations) considers the articles in the following HTSUS subheadings as not being produced in the United States on January 1, 1995.

| | | | | |
|------------|------------|------------|------------|------------|
| 0406.10.02 | 1504.30.00 | 2904.10.04 | 4602.12.16 | 7615.20.00 |
| 0406.10.04 | 1515.50.00 | 2908.99.09 | 4602.19.16 | 8446.21.50 |
| 0501.00.00 | 1604.19.25 | 2912.49.60 | 5301.21.00 | 8447.20.30 |
| 0502.10.00 | 1904.30.00 | 2912.50.50 | 6304.99.10 | 9101.99.40 |
| 0505.90.20 | 1904.90.01 | 2918.23.10 | 6304.99.40 | 9102.91.20 |
| 0510.00.20 | 2001.90.10 | 2922.39.14 | 6802.91.30 | 9102.99.20 |
| 0709.99.10 | 2001.90.33 | 2922.50.11 | 7004.20.50 | 9102.99.40 |
| 0710.90.11 | 2001.90.42 | 2924.29.65 | 7004.90.50 | 9102.99.60 |
| 0712.90.15 | 2001.90.50 | 2926.90.17 | 7006.00.20 | 9102.99.80 |
| 0714.90.41 | 2008.30.48 | 3205.00.15 | 7013.10.10 | 9105.99.10 |
| 0803.10.20 | 2008.91.00 | 3301.29.10 | 7016.10.00 | 9202.90.20 |
| 0807.19.50 | 2008.99.15 | 3301.29.20 | 7103.10.40 | 9405.91.10 |
| 0811.90.25 | 2008.99.63 | 3806.20.00 | 7103.99.50 | 9617.00.40 |
| 0908.22.20 | 2008.99.65 | 3808.91.10 | 7104.10.00 | |
| 1207.91.00 | 2306.60.00 | 3817.00.15 | 7116.20.30 | |
| 1211.90.60 | 2402.20.10 | 3926.90.70 | 7116.20.35 | |
| 1302.12.00 | 2402.20.90 | 4206.00.13 | 7116.20.40 | |
| 1401.20.40 | 2805.19.10 | 4602.11.09 | 7202.50.00 | |

Articles and Countries Granted Waivers of Competitive Need Limitations (Current as of July 1, 2013)

(* indicates 2012 HTS nomenclature changes; prior HTS number listed with year of action)

| HTSUS 8-Digit | Product Description | Country | Year of Action |
|--------------------------|--|----------------|---------------------------|
| *16043100 | Caviar | Russia | 1998 - 16043020 |
| *17011305 | Cane sugar, raw, specified in subheading 2 to chapter 17, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS | Philippines | 1989 - 17011105 |
| *17011310 | Cane sugar, raw, specified in subheading 2 and subject to add'l note 5 to this chapter, in solid form, w/o added flavoring or coloring | Philippines | 1989 - 17011110 |
| *17011320 | Cane sugar, raw, specified in subheading 2 to chapter 17, to be used for certain polyhydric alcohols | Philippines | 1989 - 17011120 |
| *17011405 | Other cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS | Philippines | 1989 - 17011105 |
| *17011410 | Other cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to add. US 5 to Ch.17 | Philippines | 1989 - 17011110 |
| *17011420 | Other cane sugar, raw, in solid form, to be used for certain polyhydric alcohols | Philippines | 1989 - 17011120 |
| 20011000 | Cucumbers including gherkins, prepared or preserved by vinegar or acetic acid | India | 2008 |
| 20089915 | Bananas, other than pulp, otherwise prepared or preserved | Philippines | 1989 |
| 28499050 | Carbides, nesoi | South Africa | 1999 |
| 29091914 | Methyl tertiary-butyl ether. (MTBE) | Venezuela | 1997 |
| 29157001 | Palmitic acid, stearic acid, their salts and esters | Philippines | 1989 |
| 29159010 | Fatty acids of animal or vegetable origin, nesoi | Philippines | 1989 |
| 29211960 | Other acyclic monoamines and their derivatives | Philippines | 2012 |
| 29333925 | Herbicides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring | Brazil | 1997 |
| 29334930 | Pesticides of heterocyclic compounds with nitrogen hetero-atom(s) & a quinoline or isoquinoline ring-system | Brazil | 1997 |

| HTSUS 8-Digit | Product Description | Country | Year of Action |
|--------------------------|---|--------------------|---------------------------|
| 29337100 | 6-Hexanelactam (epsilon-Caprolactam) | Russia | 1998 |
| 29350032 | Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium | Croatia | 1991 |
| 29350032 | Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium | Bosnia-Hercegovina | 1991 |
| 29350032 | Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium | Macedonia | 1991 |
| 33074100 | "Agarbatti" and other odoriferous preparations which operate by burning, to perfume or deodorize rooms or used during religious rites | India | 2012 |
| 38231920 | Industrial monocarboxylic fatty acids or acid oils from refining derived from coconut, palm-kernel, or palm oil | Philippines | 2005 |
| 40151910 | Seamless gloves of vulcanized rubber other than hard rubber, other than surgical or medical gloves | Thailand | 2012 |
| 41071940 | Buffalo leather, wi/o hair on, parchment-dressed or prepared after tanning, o/than full grains & grain splits | Thailand | 1997 |
| 41079940 | Buffalo leather, w/o hair on, parchment-dressed or prepared after tanning, o/than full grains & grain splits | Thailand | 1997 |
| 41139060 | Leather of animals, nesi, without hair on, not including chamois, patent, patent laminated or metalized, fancy | South Africa | 1997 |
| 42032120 | Batting gloves, of leather or of composition leather | Indonesia | 1997 |
| 44123140 | Plywood sheets n/o 6 mm thick, with specified tropical wood outer ply, with face ply nesoi, not surface-covered beyond clear/transparent | Indonesia | 2005 |
| 46021216 | Baskets and bags of rattan or palm leaf other than wickerwork | Philippines | 1989 |
| 46021918 | Baskets and bags of vegetable material, nesoi | Philippines | 1989 |
| 46021980 | Basketwork and other articles, nesoi, of vegetables materials, nesoi | Philippines | 1989 |
| 67029065 | Artificial flowers/foilage/fruit & pts thereof; articles of artif. flowers, etc.; all the foregoing of materials o/than plast./feath./mmf | Thailand | 1995 |
| 69051000 | Ceramic roofing tiles | Venezuela | 1997 |
| 71131120 | Silver articles of jewelry and parts thereof, nesoi, valued not over \$18 per dozen pieces or parts | Thailand | 1995 |

| HTSUS 8-Digit | Product Description | Country | Year of Action |
|-----------------------------------|---|--------------------------------|---------------------------|
| 71131929 | Gold necklaces and neck chains (o/than of rope or mixed links) | Turkey | 2003 |
| 72025000 | Ferrosilicon chromium | Russia | 2000 |
| 72025000 | Ferrosilicon chromium | Zimbabwe | 1993 |
| 7202.99.20 | Calcium silicon ferroalloys | Brazil | 2013 |
| 74130010 | Stranded copper wire | Turkey | 2009 |
| 74130050 | Copper, cables, plaited bands and the like, not fitted with fittings and not made up into articles | Turkey | 2008 |
| *74181000 | Copper & copper alloy table, kitchen, household articles & parts; scouring & polishing pads, gloves | India | 1999 - 74181910 |
| *74181000 84022000 | Copper & copper alloy table, kitchen, household articles & parts; scouring & polishing pads, gloves Super-heated water boilers | India Philippines | 2001 - 74181921 |
| *74181000 84022000 84073418 | Copper & copper alloy table, kitchen, household articles & parts; scouring & polishing pads, gloves Super-heated water boilers Spark-ignition reciprocating piston engines for vehicles of 8701.20 or 8702-8704, cylinder cap. over 1000 cc to 2000 cc, new | India Philippines Brazil | 2003 - 74181951 |
| | | | 1994 |
| | | | 1994 |
| 84073448 | Spark-ignition reciprocating piston engines for vehicles of 8701.20 or 8702-8704, cylinder capacity over 2000 cc, new | Brazil | 1994 |
| 84099130 | Aluminum cylinder heads for spark-ignition internal combustion piston engines for vehicles of 8701.20 or 8702-8704 | Brazil | 1994 |
| 84145130 | Ceiling fans for permanent installation, with a self-contained electric motor of an output not exceeding 125 W | Thailand | 2003 |
| 84159080 | Parts for air conditioning machines, nesi | Thailand | 2012 |
| 84433920 | Electrostatic photocopying apparatus, operating by reproducing the original image via an intermediate onto the copy (indirect process) | Thailand | 2005 |
| 84831030 | Camshafts and crankshafts nesi | Brazil | 1999 |

| HTSUS 8-Digit | Product Description | Country | Year of Action |
|--------------------------|--|----------------|---------------------------|
| 85258050 | Still image video cameras (other than digital) and other video camera recorders | Indonesia | 2004 |
| 85272110 | Radio-tape player combinations not operable without external power source, for motor vehicles | Brazil | 1997 |
| 85279140 | Radiobroadcast receiver combinations incorporating tape players, nesi | Indonesia | 1997 |
| 85279915 | Radiobroadcast receivers not combined with sound recording apparatus or clock | Indonesia | 1999 |
| 85279940 | Reception apparatus for radiotelegraphy, radiotelephony, radio broadcasting, nesoi | Philippines | 1997 |
| 85287228 | Non-high definition color television reception app., non-projection, w/CRT, video display diag. over 35.56 cm, incorporating a VCR or player | Thailand | 2003 |
| 85299001 | Printed circuit assemblies for television tuners | Indonesia | 1994 |
| 85299029 | Tuners for television apparatus, other than printed circuit assemblies | Indonesia | 1994 |
| 85443000 | Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships | Thailand | 2003 |
| 90013000 | Contact lenses | Indonesia | 2005 |
| 90328960 | Automatic regulating or controlling instruments and apparatus, nesi | Philippines | 1997 |
| 94055020 | Non-electrical incandescent lamps designed to be operated by propane or other gas, or by compressed air and kerosene or gasoline | India | 2003 |
| 94055040 | Non-electrical lamps and lighting fixtures nesoi, not of brass | India | 2003 |
| 96131000 | Cigarette lighters and similar lighters, gas fueled, not refillable, for the pocket | Philippines | 1989 |

Information on Submitting a GSP Petition

General instructions*

The most important source for instructions on submitting a GSP petition is the *Federal Register*. Each year, announcements are published in the *Federal Register* for annual Product and Country Practice Reviews. These announcements include specific instructions—which *must* be followed—regarding a petition’s format, timing, and method of submission to the GSP Subcommittee. The following descriptions are general guidelines to the petition submission process.

Format

The following provides an indicative list of information that should be included in a GSP petition. It is intended (1) to help ensure that interested parties meet the information requirements of the GSP regulations for requesting modifications in GSP eligibility for products and countries; and (2) to serve as a guide for interested parties requesting modifications. Such parties should review the official U.S. GSP statute and regulations (which can be found at: <http://www.ustr.gov/trade-topics/trade-development/preference-programs/generalized-system-preference-gsp/gsp-program-inf>) before submitting the information requested below.

All information requested in the list below is required by the regulations governing the GSP program. Petitions that do not include the required information may be rejected, unless the petitioner demonstrates that a good-faith effort was made to obtain the required information. Information that is submitted in confidence should be marked as such (following the guidelines on submitting business confidential information provided in the relevant *Federal Register* notice and summarized below), with a written explanation on a separate sheet stating the reason(s) the material should be treated as confidential and should not be available for public inspection.

General information required of all petitioners per 15 CFR 2007.1 (a)

- Provide the name of the petitioner, and the person, firm, or association represented by the petitioner. Describe briefly how the GSP program affects the petitioner’s interests.
- Identify the product or products of interest, including a detailed description of the product and the eight-digit tariff number (i.e., subheading) for the item in the HTSUS. (This is the level of product description at which the rate of duty is indicated.) If the product or products of interest are included with other products in a basket category of the HTSUS, provide a detailed description of the specific product or products of interest.
- Describe the action requested, together with a statement of the reasons for the action, and any supporting information.

* Except where indicated, the following instructions apply not only to petitions but to responses, pre- and post-hearing briefs, and any other written submissions or testimony presented to the GSP Subcommittee.

- Indicate whether, to the best of the petitioner’s knowledge, the reasons for the action and information in the request have been previously presented to the TPSC by the petitioner or any other party. If the petitioner knows that the request has been made previously and rejected, the petitioner must include information that indicates that changed circumstances exist such that the petition should be granted. (Requests for a product addition will not be considered if a previous request as to that product was formally accepted for a full review within the preceding three calendar years.)
- Provide a statement of the benefits the petitioner anticipates if the request is granted.

Supporting information

The following sections outline the information that must accompany requests:

1. Request to withdraw, limit, or suspend eligibility for designated articles

Per 15 CFR 2007.1 (b), in order to request that eligibility for designated articles be withdrawn, limited, or suspended, petitioners must provide the specific information on the relevant U.S. industry for the most recent three calendar years such as production, capacity, employment, and sales data and the competitive situation of the U.S. domestic industry. For the list of required information see 15 CFR 2007.1 (b) at http://www.ustr.gov/webfm_send/1169. The information should be submitted for each article that is the subject of a request, both for the party making the request and, to the extent possible, for the industry to which the petition pertains.

2. Request to designate new articles or for waiver of competitive need limitations

Per 15 CFR 2007.1 (c), petitioners must provide certain information on producers in the beneficiary country on whose behalf the request is being made, including actual production, capacity, employment, exports, and sales data as well as the estimated future changes in these data if GSP eligibility is granted. This information should be provided for the most recent three calendar years for the beneficiary developing country on whose behalf the request is being made and, to the extent possible, other principal beneficiary developing country suppliers. For the list of required information see 15 CFR 2007.1 (c) at http://www.ustr.gov/webfm_send/1169.

3. Suggested outline of a country practice petition

Provide the following information, at a minimum, on the pertinent beneficiary country:

- The name, address, phone and fax numbers, and e-mail address of the person or interested party submitting the request;
- *The request:* that the duty-free treatment accorded to eligible articles under the GSP be (withdrawn, suspended, or the application of the duty-free treatment be limited) with respect to (types of, including referencing HTSUS codes), imports to the United States from (country);
- The specific factors upon which the request for the country practice review is being made. These factors are listed in 19 USC 2461 and 2462;
- Statement of reasons why the beneficiary country’s status should be reviewed and possibly changed, if the petition is accepted, along with available supporting information; and

- If the subject matter of the request has been reviewed pursuant to a previous request, the request must include substantial new information warranting further consideration of the issue.

Public versus Business Confidential versions

If a petition or other submission contains business confidential information, a non-confidential version of the submission must also be submitted that indicates where confidential information was redacted by inserting asterisks where material was deleted.

For example, suppose a petitioner wants to report that “In 2001, International Widgets suffered losses of \$20 million due to low-priced widgets imported from GSP sources, and had to reduce capacity utilization by 30 percent.” If the data in the sentence were business confidential, this would be reported in the business confidential version of the petition with brackets around the business confidential information: “In 2001, International Widgets suffered losses of [\$20 million] due to low-priced widgets imported from GSP sources, and had to [reduce capacity utilization by 30 percent.]” In the public version, however, it would read “In 2001, International Widgets suffered losses of [***] due to low-priced widgets imported from GSP sources, and had to [***].” It is the petitioner’s responsibility to distinguish accurately between business confidential and public information.

The confidential submission must be clearly marked “BUSINESS CONFIDENTIAL” at the top and bottom of every page, and the non-confidential submission must be clearly marked either “PUBLIC VERSION” or “NON-CONFIDENTIAL” at the top and bottom of every page. Both versions must be submitted, as a separate document, but only the public version of the submission will be made available for public inspection on www.regulations.gov.

How to submit a petition

In order to facilitate prompt processing of submissions, the GSP Subcommittee accepts public and confidential versions of the submissions only via www.regulations.gov. Submissions that are hand-delivered or sent via regular mail will not be accepted. The relevant *Federal Register* will provide detailed instructions for each submission.

OTHER INFORMATION SOURCES

Harmonized Tariff Schedule of the United States (HTSUS) (www.usitc.gov)

The U.S. tariff schedule is divided into almost 100 chapters, grouped by product type. If you do not know the tariff number for your product, you can find the HTSUS on the USITC web site, <http://www.usitc.gov/tata/hts/index.htm> or search the CBP rulings module found at <http://rulings.cbp.gov>.

GSP eligibility for an HTSUS subheading is shown by the code **A** (for Beneficiary Developing Countries) or **A+** (for Least Developed Beneficiary Developing Countries) in the “Special” column of rates of duty. (For example, caviar is GSP-eligible, as shown by the **A** in the “Special” column of rates of duty for HTSUS 1604.30.20.) If no such code is shown, the product is GSP-ineligible. If the code **A*** is shown, that means that at least one GSP country is ineligible for that particular product. As described above, instances of country-specific GSP ineligibility are listed in General Notes 4(d) at the beginning of the HTSUS.

Department of Homeland Security: Customs & Border Protection (CBP) (<http://www.cbp.gov>).

The CBP website provides customs forms via <http://www.cbp.gov/xp/cgov/toolbox/forms/>. The CBP website also offers extensive information on the importing process and import requirements. This includes entry of goods, informed compliance, invoices, assessment of duty, classification and value, marking, and special requirements. CBP publications are available at: <http://cbp.gov/xp/cgov/newsroom/publications/trade/>. Rulings are available at: <http://rulings.cbp.gov>.

USITC DataWeb (<http://dataweb.usitc.gov/>).

Registration is required, but is free. This comprehensive database provides statistics on U.S. imports and exports, by HTSUS, Standard Industrial Classification (SIC), Standard International Trade Classification (SITC), and other groupings, by product, and country (or country group, such as European Union-25 or special program, such as GSP). Data are available on an annual, quarterly, or monthly basis, from 1989 to the most recent available month (usually two months prior to the present). In addition, there are links to lists of many foreign countries' tariffs.

Bureau of the Census (<http://www.census.gov/foreign-trade/statistics/index.html>)

The Census Foreign Trade Division issues the important and well-known monthly trade report, *U.S. International Trade in Goods and Services*. On this site you can also find up-to-date statistics on imports and exports, by trading partner, and by state.

USDA Foreign Agricultural Service (<http://www.fas.usda.gov/markettradedata.asp>)

Between five and ten percent of U.S. GSP imports are in the agriculture sector. The Foreign Agricultural Service, with representatives in most U.S. embassies around the world, provides a wealth of statistics, research reports, and other information on agricultural production and trade in GSP countries.

Regulations.gov (<http://www.regulations.gov>)

This website contains public records that are part of GSP annual reviews, country practice reviews, and country eligibility reviews. Each review is given an individual docket number which is listed in the relevant *Federal Register* notice and which can also be found on USTR's GSP website at <http://www.ustr.gov/trade-topics/trade-development/preference-programs/generalized-system-preference-gsp/current-review-0>.