

U.S. Generalized System of Preferences GUIDEBOOK



**Office of the United States Trade Representative
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ABBREVIATIONS AND ACRONYMS

ASEAN	Association of Southeast Asian Nations
BDC	Beneficiary Developing Country
CARICOM	Caribbean Common Market
CBP	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

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 developing 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, first authorized by the Trade Act of 1974, came into effect on January 1, 1976. Authorization of the GSP program expired on December 31, 2017. On March 23, 2018, the President signed legislation authorizing the GSP program through December 31, 2020, retroactive to January 1, 2018.

The purpose of this Guidebook is to facilitate public understanding of the GSP program and the documents that implement the program. The statute and implementing documents, however, are the controlling authorities. The statutory authorization of the GSP program may be found in Title V of the Trade Act of 1974 (19 U.S.C. §§ 2461 – 2467). GSP regulations may be found at 15 CFR Part 2007. Both are also available on the Office of the U.S. Trade Representative (USTR) website: <https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp/gsp-program-inf>.

The GSP regulations of U.S. Customs and Border Protection (CBP) may be found at 19 CFR Part 10.171 - 10.178. In addition, CBP has posted a variety of information that may be useful to importers and exporters using the GSP program at <http://www.cbp.gov/trade/priority-issues/trade-agreements/special-trade-legislation/generalized-system-preferences>.

* As of December 2019, there were 119 BDCs, including 17 non-independent territories and 44 LDBDCs. See General Note 4 of the U.S. Harmonized Tariff Schedule for the most up-to-date number of GSP beneficiaries: <https://hts.usitc.gov/current>.

† 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.

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 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?

Approximately 3,500 articles, classified by CBP at the eight-digit tariff rate line, are generally eligible for duty-free treatment from all GSP beneficiaries. An additional approximately 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 certain agricultural, fishery, and primary industrial products that are not otherwise duty-free.

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/index.htm>. There is also a searchable version of the HTSUS available at the USITC website. In addition, the USITC maintains the "Interactive Tariff and Trade 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>. Another source (although not official and only updated periodically) is on the USTR website at <https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preferences-gsp/gsp-program-i-0>.

Can any article be designated as eligible for GSP?

No. Certain articles are prohibited by law (see 19 U.S.C. § 2463) from receiving GSP treatment. These include most textiles and apparel articles, watches, footwear, 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 (see 19 CFR Part 177) by any person who, as an importer or exporter of merchandise, has a direct and demonstrable interest in the ruling request. The authorized agent of such person may also request a ruling. A "person" in this context includes an individual, corporation, partnership, association, or other entity. The rulings are provided without cost, provide certainty to make an informed business decision, and, if submitted to CBP’s 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/trade/rulings/eruling-requirements>. 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: <https://www.cbp.gov/trade/priority-issues/trade-agreements/special-trade-legislation/generalized-system-preferences>.

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" "A*", or "A+", as a prefix, before the HTSUS tariff-line number when completing the shipment entry documentation (see 19 CFR Part 10.172). If GSP treatment is not claimed on the entry summary, there are other ways to claim it. One is to file a Post Summary Correction (PSC) with CBP at least 20 working days prior to liquidation of the entry. Another method is to file a protest, as set out in 19 U.S.C. § 1514. For questions, regarding how to fill out and submit a PSC or protest, please contact an Import Specialist at the Center of Excellence and Expertise at <https://www.cbp.gov/trade/centers-excellence-and-expertise-information/cee-directory>.

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 Part 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. CBP may request records from the importer, 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 by 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*. 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?

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 GSP, 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.

To be considered in a particular annual review, petitions must be submitted to the GSP Subcommittee by the deadline for submissions for that review as announced in the *Federal Register* (See [Information on Submitting a GSP Petition](#) below). 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?

In modifying the GSP list of articles, 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.

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

In addition, the statute includes a number of factors that the President takes into account when 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 U.S.C. § 2462(b) and (c). Finally, the statute also provides a list of articles that may not be designated as eligible for GSP (see 19 U.S.C. § 2463(b)).

Are changes in country eligibility based only on petitions from stakeholders?

No. As announced by USTR in October 2017, USTR and other relevant agencies conduct a triennial assessment process regarding a BDC's compliance with the statutory eligibility criteria. If the assessment of a BDC raises concerns regarding the country's compliance with an eligibility criterion, the administration may self-initiate a full review of that BDC's continued eligibility for GSP.

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 of the TPSC 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 CNLs (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 product 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; (5) the President has decided to partially withdraw or suspend the BDC's GSP benefits for non-compliance with the GSP eligibility criteria; or (6) 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 2019 limit is \$190 million. Products from a specified BDC are considered "sufficiently competitive" when imports exceed one of these limits. By statute, GSP treatment for an article exceeding either CNL terminates on November 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 19 U.S.C. § 2463(c)(2)).

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) *Not Produced in the U.S. (“NPUS”) waiver:* The percentage provision is waived for certain GSP eligible articles which were not produced in the United States in the three years prior to the time of action. Interested parties may petition for a waiver during the annual review process.

(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 2019 is \$24.5 million.

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 terminates on November 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?

Stakeholders can determine if calendar year imports exceeded the CNL by checking the USTR GSP website shortly after the release of the annual trade data. Parties should file a petition seeking a waiver before the deadline for that year’s annual GSP review listed in the *Federal Register*.

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 petition for 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. This includes possible redesignation of products for which imports are below the dollar value Competitive Need Limitation (\$190 million for 2019), but for which imports exceed 50 percent, in the event that a petitioner believes that there is no production in the United States. USTR anticipates that redesignations will continue to be granted in only a limited number of cases, and will prioritize redesignations of products that do not compete with U.S. production. Accepted petitions on these topics will be included in the advice provided by the United States International Trade Commission.

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 \$12,376 for 2018, the most recent data available, announced in July 2019). 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 Part 10.177. A list of the items included in the "direct costs of processing" is provided in 19 CFR Part 10.178. CBP's customs value handbook may be found on CBP's website at: <http://www.cbp.gov/document/publications/customs-value>.

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. If a shipment from a BDC passes through the territory of any other country on the way to the United States, the imported articles must not enter the commerce of the other

country (see 19 CFR Part 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 the rules of origin computations, please contact CBP’s Trade Agreements Branch through the FTA mailbox at fta@dhs.gov. For general information regarding CBP’s advance ruling or to request a definitive ruling on whether a product produced in a regional association qualifies for duty-free treatment, please visit <https://www.cbp.gov/trade/rulings>. For guidance concerning classification, please review binding rulings via CBP’s Customs Ruling Online Search System (CROSS) at <https://rulings.cbp.gov/home>.

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 related to textile policy and enforcement, please contact CBP at OTTEXTILE_POLICY_ENF@DHS.GOV

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

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, please contact CBP’s Trade Agreements Branch through the FTA mailbox at fta@dhs.gov.

Do other countries maintain GSP programs?

Yes. More than 25 other countries maintain their own GSP programs. The beneficiaries, products, and types of preferences granted vary for each program country. For more information, please see the WTO’s database for preferential trade arrangements: <http://ptadb.wto.org/ptaList.aspx>

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

Relevant *Federal Register* notices may be accessed via the USTR website (<https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp>) and are also available at <http://www.regulations.gov>.

COUNTRIES ELIGIBLE FOR GSP

GSP-Eligible Beneficiaries (as of December 2019)

1. Independent countries

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

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

2. Non-independent countries and territories

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

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

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

3. Least-developed beneficiary developing countries

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

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

Member Countries of the Cartagena Agreement (Andean Group):

Bolivia
Ecuador

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
Bhutan
Nepal
Pakistan
Sri Lanka

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

Burma
Cambodia
Indonesia
Philippines
Thailand

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

Belize
Dominica
Grenada
Guyana
Jamaica
Montserrat
Saint Lucia
Saint Vincent and the Grenadines

CRITERIA FOR COUNTRY ELIGIBILITY UNDER GSP

1. Bases for Ineligibility

19 U.S.C. § 2462(b)(2) of the GSP statute sets forth the ineligibility criteria. 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 GSP 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.

2. Factors Affecting Country Designation

19 U.S.C. § 2462(c) of the GSP statute sets forth certain 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

1. Articles and Countries Granted Waivers of Competitive Need Limitations (Current as of December 2019)

(* indicates 2017 HTS nomenclature changes; prior HTS number listed with year of action)

HTSUS 8-Digit	Product Description	Country	Year of Action
04100000	Edible products of animal origin, nesi	Indonesia	2018
08041060	Dates, fresh or dried, whole, without pits, packed in units weighing over 4.6 kg	Tunisia	2016
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
20081915	Coconuts, otherwise prepared or preserved, nesi	Thailand	2015
20089915	Bananas, other than pulp, otherwise prepared or preserved	Philippines	1989
21022060	Single-cell micro-organisms, dead, excluding yeasts (but not including vaccines of heading 3002)	Brazil	2016
22029990*	Non-alcoholic beverages, nesi, not including fruit or vegetable juices of heading 2009	Thailand	2016 - 22029090
28369100	Lithium carbonates	Argentina	2018
29157001	Palmitic acid, stearic acid, their salts and esters	Philippines	1989
29159010	Fatty acids of animal or vegetable origin, nesoi	Philippines	1989
29211961*	Acyclic monoamines and their derivatives, nesoi	Philippines	2012-29211960
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
29359032*	Acetylsulfisoxazole; Sulfacetamide, sodium; and Sulfamethazine, sodium	Bosnia-Herzegovina	1991-29350032
29359032*	Acetylsulfisoxazole; Sulfacetamide, sodium; and Sulfamethazine, sodium	Kosovo	2009 - 29350032
29359032*	Acetylsulfisoxazole; Sulfacetamide, sodium; and Sulfamethazine, sodium	North Macedonia	1991-29350032

HTSUS 8-Digit	Product Description	Country	Year of Action
29359032*	Acetylsulfisoxazole; Sulfacetamide, sodium; and Sulfamethazine, sodium	Montenegro	2008
29359032*	Acetylsulfisoxazole; Sulfacetamide, sodium; and Sulfamethazine, sodium	Serbia	2008
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, w/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
42032120	Batting gloves, of leather or of composition leather	Indonesia	1997
44091005	Coniferous wood continuously shaped along any of its ends, whether or not also continuously shaped along any its edges or faces	Brazil	2017
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
71131120	Silver articles of jewelry and parts thereof, nesoi, valued not over \$18 per dozen pieces or parts	Thailand	1995
72025000	Ferrosilicon chromium	Kazakhstan	2018
72029920	Calcium silicon ferroalloys	Brazil	2013
74082910	Copper alloys (o/than brass, cupro-nickel or nickel-silver), wire, coated or plated with metal	Thailand	2015
84022000	Super-heated water boilers	Philippines	1994
84073418	Spark-ignition reciprocating piston engines for vehicles of 8701.20 or 8702-8704, cylinder cap. over 1000 cc to 2000 cc, new	Brazil	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
85258050	Still image video cameras (other than digital) and other video camera recorders	Indonesia	2004

HTSUS 8-Digit	Product Description	Country	Year of Action
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
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
9001.50.00	Spectacle lenses of materials other than glass, unmounted	Thailand	2019
90328960	Automatic regulating or controlling instruments and apparatus, nesi	Philippines	1997
96131000	Cigarette lighters and similar lighters, gas fueled, not refillable, for the pocket	Philippines	1989

2. Articles Not Produced in the United States within Past Three Years (“NPUS” Waivers)

19 U.S.C. § 2463(c)(2)(E) exempts from CNLs certain articles if like or directly competitive articles were not produced in the United States in any of the preceding three calendar years. If an article is included in the list below, it is exempt from the 50 percent import share CNL until 3 years after the year the determination of not produced in the United States was announced. At such time, if imports of the article meet CNL, interested parties must file a CNL waiver petition or a petition requesting an investigation of whether the article was produced within the United States (“NPUS” waiver) within any of the preceding three calendar years, or the product will be removed from GSP. The “NPUS” waiver expires three years from the effective date (last column in below table).

Article	Product Description	Years Not Produced in the United States	Year Not Produced in the United States Announced
4412.31.45	Plywood sheets n/o 6mm thick tropical wood outer ply not mahogany face ply not surface covered beyond clear/transparent of spec. thick, width, length	2016-2018	2019

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.

1. 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: <https://ustr.gov/issue-areas/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).

2. General information required of all petitioners per 15 CFR Part 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.
- 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.

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

3. Supporting information

The following sections outline the information that must accompany requests:

A. 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 Part 2007.1(b) at https://ustr.gov/sites/default/files/USTR-Regulations-Pertaining-Eligibility-GSP-Program-15-CFR-Part-2007_0.pdf. 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. This format should also be used for petitions to deny a *de minimis* waiver.

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

Per 15 CFR Part 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 Part 2007.1(c) at https://ustr.gov/sites/default/files/USTR-Regulations-Pertaining-Eligibility-GSP-Program-15-CFR-Part-2007_0.pdf. This format should also be used for petitions for redesignation.

C. Suggested outline of a country practice petition

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

- The name, address, phone, 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 U.S.C. §§ 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.

4. 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.

5. 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>.

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

The CBP website provides customs forms via <http://www.cbp.gov/newsroom/publications/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://www.cbp.gov/newsroom/publications>. Rulings are available at: <http://rulings.cbp.gov>.

USITC Interactive Tariff and Trade 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 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).

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/>)

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 (<http://www.fas.usda.gov/data/>).

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 <https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp/current-review-0>.

GSP PROGRAM INQUIRIES

The GSP program is administered by the Office of the U.S. Trade Representative. 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) 395-2974

Public Documents concerning GSP Product and Country Practice Reviews are available online at:

www.regulations.gov

GSP Program Information is available at:

<https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp>