

**U.S. GENERALIZED SYSTEM OF PREFERENCES
(GSP)**

GUIDEBOOK

**Office of the United States Trade Representative
Executive Office of the President
Washington, D.C.**

April 2012

TABLE OF CONTENTS

Introduction	3
Abbreviations and Acronyms	4
GSP Program Inquiries	5
Frequently Asked Questions about GSP	6
Information on Countries Eligible for GSP	17
GSP-Eligible Beneficiaries	17
Criteria for Country Eligibility under GSP	20
Information on Products Eligible for GSP	22
List of Articles Not Produced in the United States on January 1, 1995	22
List of Articles and Countries Granted Waivers of the Competitive Need Limitations	23
Procedures for Modifying the GSP Program	28
Information on Submitting a GSP Petition	28
Other Information Sources	33

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 3,400 products from 129 designated beneficiary countries (BDCs) and territories, including 43 least-developed beneficiary developing countries (LDBDCs). An additional 1,400 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 1, 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_Development/Preference_Programs/GSP/Section_Index.html).

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.

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 Limitations
GNP	Gross National Product
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
SPI	Special Program Indicator
TPSC	Trade Policy Staff Committee
USC	U.S. Code
USITC	U.S. International Trade Commission
USTR	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:

**GSP Program
Office of the U.S. Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508
Telephone: (202) 395-6971
Fax: (202) 395-9674**

**Public Documents concerning the current GSP Annual Reviews are
available online at:**

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) 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 3400 eight-digit tariff rate lines are generally eligible for duty-free treatment from all GSP beneficiaries. In 1996, an additional 1,400 articles were made 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/scripts/gsp/gsp_tariff.asp.

Can any article be designated as eligible for GSP?

No. Certain articles are prohibited by law (19 U.S.C. 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. A list of non-GSP-eligible products can be found at <http://www.ustr.gov/sites/default/files/Non-GSP-products-in-2009.pdf>

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 letter **A**, **A+**, or **A*** in the “Special” column identifies the article as GSP-eligible under certain conditions. The letter **A** designates articles that are GSP-eligible from any BDC. The letter **A+** indicates articles that are GSP-eligible only from LDBDCs. The letter **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	6.7%	Free (A,...)	20%
8413.30.10	Fuel-injection pumps for compression-ignition engines	2.5%	Free (A*, ..)	35%
8708.92.50	Mufflers and exhaust pipes	2.5%	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; and
- (3) limit the redesignation of GSP eligibility to certain BDCs when specific articles are redesignated as GSP-eligible.

How is the correct HTSUS classification determined?

CBP classifies imports under the HTSUS. A ruling may be requested under Part 177 of the CBP Regulations (19 C.F.R. 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.

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 rulings are published and available on-line in a searchable database called "CROSS" at <http://rulings.cbp.gov>.

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

* CBP has a unique zip code and no street address is needed.

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 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 (countries, territories, associations and LDBDCs) 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. Although the HTSUS General Note 4 is the official source for the list of GSP-eligible beneficiaries, this list can also be found on the USTR web site at:

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

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. 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 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 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 (USTR). 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?

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 was \$150 million in 2011 and will be \$155 million in 2012. 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.

Are the competitive need limitations ever waived?

Yes. CNLs can be waived under four circumstances:

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.

“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.

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 2011 is \$20.5 million, and will be \$21 million in 2012. 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.

Least developed country waiver: All CNLs are automatically waived for GSP beneficiaries designated as LDBDCs.

What happens if GSP imports from a beneficiary country reach or exceed 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 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

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

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

The per capita GNP limit for mandatory graduation is set at the lower bound of the World Bank's definition of a "high income" country (which was \$12,276 in 2011). 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, CBP's searchable database, <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. BDCs and LDBDCs in a regional association may jointly produce an article otherwise eligible for duty-free treatment only from LDBDCs, as long as the article is imported directly to the United States from the LDBDC. 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 beneficiary country 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 16 beneficiaries: Afghanistan, Argentina, Botswana, Cambodia, Colombia, Egypt, Jordan, Mongolia, Nepal, Pakistan, Paraguay, Thailand, East Timor (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 had to 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>

INFORMATION ON COUNTRIES ELIGIBLE FOR GSP

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.

Independent countries

The following independent countries are GSP-eligible beneficiary developing countries (BDCs):

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

* Presidential Proclamation 8788, March 26, 2012, suspended GSP benefits for Argentina, 60 days after publication, and added South Sudan as a GSP BDC 20 days after publication and as a GSP LDBDC 60days after publication.

Non-independent countries and territories

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

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

Least-developed beneficiary developing countries

The least developed beneficiary developing countries (LDBDCs) are as follows:

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

* Presidential Proclamation 8788, March 26, 2012, added South Sudan as a GSP BDC 20 days after publication and as a GSP LDBDC 60days after publication.

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

Member Countries
of the Cartagena
Agreement
(Andean Group)

Bolivia
Colombia
Ecuador
Venezuela

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 Association of
South East Asian
Nations (ASEAN)

Cambodia
Indonesia
Philippines
Thailand

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 Southern Africa
Development Community
(SADC)

Botswana
Mauritius
Tanzania

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
Trinidad and Tobago

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 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) 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; and
- 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 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, including patents, trademarks, and copyrights;
- 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 PRODUCTS ELIGIBLE FOR GSP

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) (\$150 million in 2011, 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. (* indicates 2012 HTS nomenclature changes.)

0406.10.02	1904.30.00	2922.50.11	7013.10.10
0406.10.04	1904.90.01	2924.29.65	7016.10.00
0501.00.00	2001.90.10	2926.90.17	7103.10.40
0502.10.00	2001.90.33	3205.00.15	7103.99.50
0505.90.20	2001.90.42	3301.29.10	7104.10.00
0510.00.20	2001.90.50	3301.29.20	7116.20.30
0709.90.10	2008.30.48	3806.20.00	7116.20.35
0710.90.11	2008.91.00	3808.91.10	7116.20.40
0712.90.15	2008.99.15	3817.00.15	7202.50.00
0714.90.41	2008.99.63	3926.90.70	7615.20.00
*0803.10.20	2008.99.65	4206.00.13	8446.21.50
0807.19.50	2306.60.00	4602.11.09	8447.20.30
0811.90.25	2402.20.10	4602.12.16	9101.99.40
*0908.22.20	2402.20.90	4602.19.16	9102.91.20
1207.91.00	2805.19.10	5301.21.00	9102.99.20
1211.90.60	2904.10.04	6304.99.10	9102.99.40
1302.12.00	2908.99.09	6304.99.40	9102.99.60
1401.20.40	*2912.49.60	6802.91.30	9102.99.80
1504.30.00	2912.50.50	7004.20.50	9105.99.10
1515.50.00	2918.23.10	7004.90.50	9202.90.20
1604.19.25	2922.39.14	7006.00.20	9405.91.10
			9617.00.40

**Articles and Countries Granted Waivers of
Competitive Need Limitations
(Current as of April 1, 2012)**

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

HTSUS 8-Digit	Product Description	Country	Year of Action
06031230	Miniature (spray) carnations, fresh cut	Colombia	1989
07149020	Fresh or chilled yams, whether or not sliced or in the form of pellets	Colombia	1989
*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	Colombia	1989 (17011105)
*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	Colombia	1989 (17011110)
*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	Colombia	1989 (17011120)
*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	Colombia	1989 (17011105)

*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	Colombia	1989 (17011110)
*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	Colombia	1989 (17011120)
*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
20081125	Blanched peanuts, subject to add. US note 2 to Ch 12, not GN 15	Argentina**	2003
20089915	Bananas, other than pulp, otherwise prepared or preserved	Philippines	1989
20089928	Figs, otherwise prepared or preserved	Colombia	1989
28369100	Lithium carbonates	Argentina**	2007
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
29333925	Herbicides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	Brazil	1997

** Presidential Proclamation 8788, March 26, 2012, suspended GSP benefits for Argentina, 60 days after publication.

29334930	Pesticides of heterocyclic compounds with nitrogen hetero-atom(s) & a quinoline or isoquinoline ring-system	Brazil	1997
29337100	6-Hexanelactam (epsilon-Caprolactam)	Russia	1998
29350032	Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium	Croatia	1991
29350032	Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium	Bosnia-Herzegovina	1991
29350032	Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium	Macedonia	1991
35030055	Gelatin sheets and derivatives, nesoi; isinglass; other glues of animal origin, nesoi	Colombia	1989
38231920	Industrial monocarboxylic fatty acids or acid oils from refining derived from coconut, palm-kernel, or palm oil	Philippines	2005
39219011	Non-adhesive plates, sheets, film, foil, strip, of non-cellular plastics combined with man-made fibers, n/o 1.492 kg/sq m, over 70% plastics	Colombia	1989
40111010	Rubber pneumatic radial tires, of a kind used on motor cars (include. station wagons & racing cars)	Indonesia	2008
40112010	New pneumatic radial tires, of rubber, of a kind used on buses or trucks	Thailand	2007
41071940	Buffalo leather, w/o hair on, parchment-dressed or prepared after tanning, o/than full grains & grain splits	Thailand	1997
41071950	Whole upholstery leather, bovines & equines, w/o hair on, prepared after tanning or crusting, not 4114	Argentina**	2005
41079180	Full grain upnsplit bovine & equine leather, not whole, w/o hair on, nesoi, fancy, prepared after tanning or crusting, not 4114	Argentina**	2009
41079280	Grain split bovine and equine leather, not whole, without hair on nesoi, fancy, prepared after tanning or crusting, not 4114	Argentina**	2005

** Presidential Proclamation 8788, March 26, 2012, suspended GSP benefits for Argentina, 60 days after publication.

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 neso, 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, neso	Philippines	1989
46021980	Basketwork and other articles, neso, of vegetable materials, neso	Philippines	1989
57031020	Hand-hooked carpets and other textile floor coverings, tufted, whether or not made up, of wool or fine animal hair	India	2007
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, neso, valued not over \$18 per dozen pieces or parts	Thailand	1995
71131150	Silver articles of jewelry and parts thereof, neso, valued over \$18 per dozen pieces or parts	Thailand	2005
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
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) 2001 (74181921) 2003 (74181951)
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
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
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

PROCEDURES FOR SEEKING MODIFICATIONS TO THE GSP PROGRAM

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 failing to include any of the required information will be rejected, unless the petitioner demonstrates that a good-faith effort was made to obtain the information required. Information that is submitted in confidence should be marked as such (following the guidelines on submitting business confidential information provided 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

- 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.

* 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.

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.

Supporting information

The following sections outline the information that must accompany requests:

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

In order to request that eligibility for designated articles be withdrawn, limited, or suspended, petitioners must provide the following information on the relevant U.S. industry for the most recent three calendar years. 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.

- The eight-digit HTSUS tariff numbers that describe the product and, if appropriate, the beneficiary country or countries for which it is proposed the product be removed from GSP eligibility;
- Number and location of firms producing a like or directly competitive product;
- Actual production data;
- Production capacity and capacity utilization;
- Employment data, including number of employees, type, wage rate, location, and changes in any of these data;
- Sales data (quantity, value, and price);
- Quantity and value of exports, and principal export markets;

- Profitability of firms producing a like product, including profit data by product line, if possible;
- Analysis of costs, including materials, labor, and overhead;
- Discussion of the competitive situation of the U.S. domestic industry;
- Identification of competitors, analysis of the effect that the imports receiving GSP duty-free treatment have on competition, and the type of business on whose behalf this request is being made;
- Information relating to the factors listed in sections 501 and 502(c) of Title V of the Trade Act of 1974, as amended, such as identifying tariff and nontariff barriers to sales in foreign markets; and
- Other relevant information, including that which may be requested by the GSP Subcommittee.

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

Provide the following information on the relevant U.S. industry 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:

- The eight-digit HTSUS tariff numbers that describe the product and, for CNL waivers, the beneficiary country or countries for which the waiver is being sought;
- Identification of the principal beneficiary developing country suppliers that are expected to benefit from the proposed GSP modifications;
- Name and location of firms that produce the product;
- Actual production data and estimated increase if GSP eligibility is granted;
- Actual production and capacity utilization and estimated increase if GSP eligibility is granted;
- Employment data, including number of employees, type, wage rate, location, and changes in any of these data, and estimated increases if GSP eligibility is granted;
- Information on total sales, including quantity, value, and price data;
- Information on total exports, including principal markets, the distribution of products, existing tariff preferences in such markets, total quantity and value, and trends in exports;
- Information on exports to the United States, including quantity, value, and price, as well as factors affecting the competitiveness of these exports compared with like or directly competitive products from other beneficiary developing countries. Include, where possible, information on the development of the industry in beneficiary developing countries and trends in production and promotion;
- Analysis of costs, including materials, labor, and overhead;

- Profitability of firms producing the product;
- Information on considerations such as variations in quality or use that affect price competition;
- A statement on how the requested change would further the economic development of the petitioning country, if the petitioner is a foreign government or a government-controlled entity;
- An assessment of how the article would qualify under the GSP's 35 percent value-added requirements; and
- Other relevant information, including that which may be requested by the GSP Subcommittee.

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 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, but only the public version of the submission will be made available for public inspection in the USTR public reading room.

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)

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, www.usitc.gov or search the CBP rulings module found at <http://rulings.cbp.gov>.

GSP eligibility for an HTSUS subheading is shown by the code AA@ (for Beneficiary Developing Countries) or AA+@ (for Least Developed Beneficiary Developing Countries) in the ASpecial@ column of rates of duty. (For example, caviar is GSP-eligible, as shown by the AA@ 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 AA*@ 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>.

Sources of Trade Data

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, A.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)

<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.