

**THE DOMINICAN REPUBLIC – CENTRAL AMERICA – UNITED STATES
FREE TRADE AGREEMENT**

**DECISION OF THE FREE TRADE COMMISSION REGARDING
THE RULES OF ORIGIN FOR TEXTILE AND APPAREL GOODS**

In accordance with Articles 3.25.3 and 19.1.3(b)(ii) of the Dominican Republic – Central America – United States Free Trade Agreement (“Agreement”), the Commission hereby decides to modify Annex 4.1 (Specific Rules of Origin) of the Agreement as follows:

1. Notes 2, 3, and 4 of the Notes for Chapters 50 through 63, contained in Section XI, are modified as set forth in Annex A to this Decision.
2. The Chapter Rules for Chapter 62 of the Harmonized System are modified by:
 - (a) in Chapter Rules 3, 4, and 5, replacing the word “nightwear” with “sleepwear” each time it appears; and
 - (b) redesignating Chapter Rule 6 as Chapter Rule 7.
3. The Chapter Rules for Chapters 61, 62, and 63 of the Harmonized System are modified by adding:
 - (a) new Chapter Rule 6 to the Chapter Rules for Chapter 61;
 - (b) new Chapter Rule 6 to the Chapter Rules for Chapter 62; and
 - (c) new Chapter Rule 3 to the Chapter Rules for Chapter 63,as set forth in Annex B to this Decision.
4. The specific rules of origin for headings 62.07 – 62.08 of Chapter 62 of the Harmonized System, are modified by striking the second paragraph and replacing it with the following:

“A change to pajamas and sleepwear in subheading 6207.21, 6207.22, tariff item 6207.91.aa, 6207.92.aa, subheading 6208.21, 6208.22, tariff item 6208.91.bb, 6208.91.cc, 6208.92.cc, 6208.92.dd, or 6208.99.aa, from any other chapter, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the Parties.”

5. The correlation table in Appendix 4.1-A is modified by adding the items set forth in Annex C to this Decision.



6. The following Chapter Rules for Chapters 61, 62 and 63 of the Harmonized System are modified by striking the following rules:

- (a) Chapter 61, Rule 4;
- (b) Chapter 62, Rule 4; and
- (c) Chapter 63, Rule 2,

and replacing them with the rules as set forth in Annex D to this Decision.

These modifications shall take effect on 60 days following the date on which the Parties to the Agreement have notified the Depositary in writing that they have approved these modifications, in accordance with the applicable legal procedures of each Party.

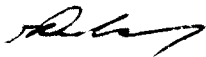
DONE, at San Salvador, El Salvador in English and Spanish, on this 23rd day of February, 2011.



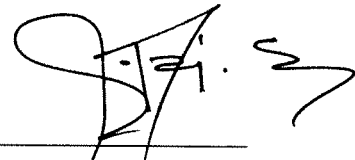
For the Republic of Costa Rica
Anabel González
Minister of Foreign Trade



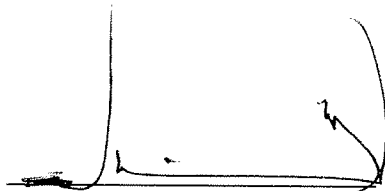
For the Dominican Republic
Marcelo Puello Vice Minister on behalf of
the Minister for Industry and Trade



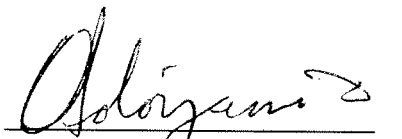
For the Republic of El Salvador
Héctor Miguel Antonio Dada Hirezi
Minister of Economy



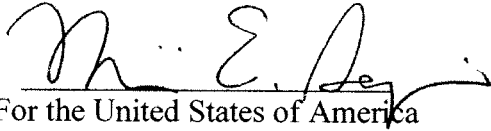
For the Republic of Guatemala
Raúl Trejo Esquivel
Vice Minister on behalf of the Minister of
Economy



For the Republic of Honduras
José Francisco Zetaya
Secretary of State, Offices of Industry and
Commerce



For the Republic of Nicaragua
Orlando Solórzano Delgadillo
Minister of Development, Industry and
Commerce

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For the United States of America
Miriam E. Sapiro
Deputy United States Trade Representative

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ANNEX A

Revised Section Notes 2, 3, and 4 to Section XI

Note 2

A textile good of chapters 50 through 60 of the Harmonized System shall be considered originating if it is wholly formed in the territory of one or more of the Parties from:

- (a) one or more fibers and yarns listed in Annex 3.25 (Short Supply List); or
- (b) a combination of the fibers and yarns referred to in subparagraph (a) and one or more fibers and yarns originating under this Annex.

The originating fibers and yarns referred to in subparagraph (b) may contain up to ten percent by weight of fibers and yarns that do not undergo an applicable change in tariff classification set out in this Annex. Any elastomeric yarn (except latex) contained in the originating yarns referred to in subparagraph (b) must be formed in the territory of one or more of the Parties.

Note 3

An apparel good of chapter 61 or 62 of the Harmonized System shall be considered originating if it is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the Parties, and if the fabric of the outer shell, exclusive of collars, cuffs, and ribbed waistbands (only if the ribbed waistband is present in combination with cuffs and identical in fabric construction to the cuffs), where applicable, is wholly of:

- (a) one or more fabrics listed in Annex 3.25 (Short Supply List);
- (b) one or more fabrics or knit to shape components formed in the territory of one or more of the Parties from one or more of the yarns listed in Annex 3.25 (Short Supply List); or
- (c) any combination of the fabrics referred to in subparagraph (a), the fabrics or knit to shape components referred to in subparagraph (b), or one or more fabrics or knit to shape components originating under this Annex.

The originating fabrics referred to in subparagraph (c) may contain up to ten percent by weight of fibers or yarns that do not undergo an applicable change in tariff classification set out in this Annex. Any elastomeric yarn (except latex) contained in an originating fabric or knit to shape component referred to in subparagraph (c) must be formed in the territory of one or more of the Parties.

Note 4

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A textile good of chapter 63 or 94 of the Harmonized System shall be considered originating if it is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the Parties, and if the component that determines the tariff classification of the good is wholly of:

- (a) one or more fabrics listed in Annex 3.25 (Short Supply List);
- (b) one or more fabrics or knit to shape components formed in the territory of one or more of the Parties from one or more of the yarns listed in Annex 3.25 (Short Supply List); or
- (c) any combination of the fabrics referred to in subparagraph (a), the fabrics or knit to shape components referred to in subparagraph (b), or one or more fabrics or knit to shape components originating under this Annex.

The originating fabrics referred to in subparagraph (c) may contain up to ten percent by weight of fibers or yarns that do not undergo an applicable change in tariff classification set out in this Annex. Any elastomeric yarn (except latex) contained in an originating fabric or knit to shape component referred to in subparagraph (c) must be formed in the territory of one or more of the Parties.

ANNEX B

New Chapter Rules for Chapters 61, 62, and 63

In Chapter 61:

Chapter Rule 6

Notwithstanding Chapter Rules 1, 3, 4, or 5, an apparel good of chapter 61 shall be considered originating regardless of the origin of any visible lining fabric described in Chapter Rule 1, narrow elastic fabrics as described in rule 3, sewing thread or yarn of heading 54.02 used as sewing thread described in Chapter Rule 4, or pocket bag fabric described in Chapter Rule 5 provided such material is listed in Annex 3.25 (Short Supply List) and the good meets all other applicable requirements for preferential tariff treatment under this Agreement.

In Chapter 62:

Chapter Rule 6

Notwithstanding Chapter Rules 1, 3, 4, or 5, an apparel good of chapter 62 shall be considered originating regardless of the origin of any visible lining fabric described in Chapter Rule 1, narrow elastic fabrics as described in rule 3, sewing thread or yarn of heading 54.02 used as sewing thread described in Chapter Rule 4, or pocket bag fabric described in Chapter Rule 5 provided such material is listed in Annex 3.25 (Short Supply List) and the good meets all other applicable requirements for preferential tariff treatment under this Agreement.

In Chapter 63:

Chapter Rule 3

Notwithstanding Chapter Rule 2, a good of this chapter shall be considered originating regardless of the origin of sewing thread or yarn of heading 54.02 used as sewing thread described in Chapter Rule 2 provided the thread or yarn is listed in Annex 3.25 (Short Supply List) and the good meets all other applicable requirements for preferential tariff treatment under this Agreement.

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ANNEX C

Additions to Correlation Table in Appendix 4.1-A

TARIFF ITEM	UNITED STATES	CENTRAL AMERICA	DOMINICAN REPUBLIC	DESCRIPTION
6208.91.bb	6208.91.3010	6208.91.00	6208.91.30	Other women's sleepwear of cotton
6208.91.cc	6208.91.3020	6208.91.00	6208.91.30	Other girls' sleepwear of cotton
6208.92.cc	6208.92.0030	6208.92.00	6208.92.00	Other women's sleepwear of man-made fibers
6208.92.dd	6208.92.0040	6208.92.00	6208.92.00	Other girls' sleepwear of man-made fibers
6208.99.aa	6208.99.2020	6208.99.00	6208.99.00	Other women's or girls' sleepwear of wool or fine animal hair

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ANNEX D

In Chapter 61:

Chapter Rule 4

Notwithstanding Chapter Rule 2, a good of this chapter, other than a good of subheading 6102.20, tariff item 6102.90.aa, 6104.12.aa, 6104.13.aa, 6104.19.cc, 6104.19.dd, 6104.19.ee, 6104.22.aa, 6104.29.aa, subheading 6104.32, tariff item 6104.39.bb, 6112.11.aa, 6113.00.aa, or 6117.90.aa containing sewing thread of heading 52.04, 54.01, or 55.08, or yarn of heading 54.02 used as sewing thread, shall be considered originating only if such sewing thread or yarn is both formed and finished in the territory of one or more of the Parties.

In Chapter 62:

Chapter Rule 4

Notwithstanding Chapter Rule 2, a good of this chapter, other than

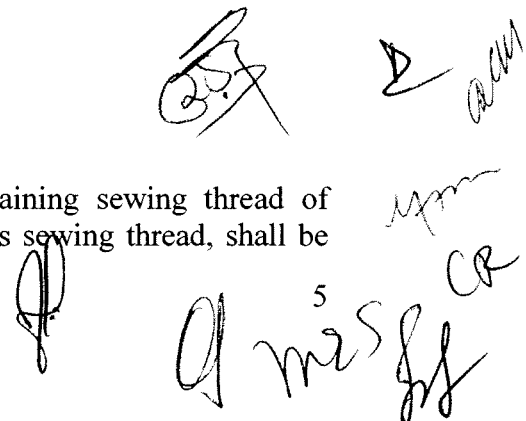
- (a) a good of heading 62.07 through 62.08 (for boxers, pajamas, and sleepwear only), subheading 6204.23, 6204.29, 6204.32, 6212.10, tariff item 6202.12.aa, 6202.19.aa, 6202.91.aa, 6202.92.aa, 6202.92.bb, 6202.93.aa, 6202.99.aa, 6203.39.cc, 6204.12.aa, 6204.13.aa, 6204.19.cc, 6204.19.dd, 6204.19.ee, 6204.22.aa, 6204.33.bb, 6204.39.cc, 6204.42.aa, 6204.42.bb, 6204.43.aa, 6204.43.bb, 6204.44.aa, 6205.20.aa, 6205.30.aa, 6209.20.aa, 6210.30.aa, 6210.50.aa, 6211.20.aa, 6211.20.bb, 6211.41.aa, 6211.42.aa, 6211.42.bb, or 6217.90.aa; or
- (b) men's and boys' and women's and girls' suits, trousers, suit-type jackets and blazers, vests, and women's and girls' skirts of wool fabric, of subheadings 6203.11, 6203.31, 6203.41, 6204.11, 6204.31, 6204.51, 6204.61, 6211.39, or 6211.41, provided that such goods are not made of carded wool fabric or made from wool yarn having an average fiber diameter of less than or equal to 18.5 microns,

containing sewing thread of heading 52.04, 54.01, or 55.08, or yarn of heading 54.02 used as sewing thread, shall be considered originating only if such sewing thread or yarn is both formed and finished in the territory of one or more of the Parties.

In Chapter 63:

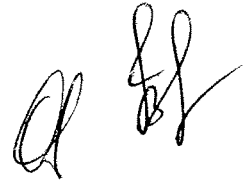
Chapter Rule 2

Notwithstanding Chapter Rule 1, a good of this chapter containing sewing thread of heading 52.04, 54.01, or 55.08, or yarn of heading 54.02 used as sewing thread, shall be



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considered originating only if such sewing thread or yarn is wholly formed in the territory of one or more of the Parties.



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