

Side-by-Side Comparison of Free Trade Agreements and Selected Preferential Trade Legislation Programs--Non-Textiles

Provision	NAFTA	CHILE (CFTA)	SINGAPORE (SFTA)	AUSTRALIA (AFTA)
GENERAL INFO & DATES				
Agreement Name	North American Free Trade Agreement	US-Chile Free Trade Agreement	US-Singapore Free Trade Agreement	US-Australia Free Trade Agreement
Implementation Date	January 1, 1994	January 1, 2004	January 1, 2004	January 1, 2005
Expiration	None	None	None	None
Duty Phase-Out	January 1, 2008 (15 Years)	January 1, 2015 (12 Years)	January 1, 2013 (10 years)	January 1, 2022 (18 Years)
Merchandise Processing Fee (MPF)	Exempt for originating goods	Exempt for originating goods	Exempt for originating goods	Exempt for originating goods
Direct Shipment Imported Directly Transit & Transshipment	Transshipment: May NOT leave customs' control nor undergo production in a 3rd country; 19 CFR 181 Appendix, Sec. 16; 19 CFR 181.23(b)	Transit and Transshipment: May leave customs' control; may not undergo further production in a 3rd country; 19 CFR 10.463	Third Country Transportation: May leave customs' control; may not undergo further production in a 3rd country; 19 CFR 10.542	Third Country Operations: May leave customs' control; may not undergo further production in a 3rd country; GN 28c(iii)
Primary Responsibility for Compliance	Exporter	Importer	Importer	Importer
CITATIONS				
HTS General Note (GN)	GN 12	GN 26	GN 25	GN 28
US Code	19 USC 3301-3473	19 USC 3805 note	19 USC 3805 note	19 USC 3805 note
CFR	19 CFR 181 and Appendix 19 CFR 102	19 CFR 10.401 - 490 (Subpart H)	19 CFR 10.501 - 570 (Subpart I) (Interim)	No interim Regulations published to date
Marking Rules	19 CFR 102	19 CFR 134	19 CFR 134	19 CFR 134
Special Program Indicator	"CA" or "MX"	"CL"	"SG" or "9999.00.84" (ISI)	"AU"

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Provision	NAFTA	CHILE (CFTA)	SINGAPORE (SFTA)	AUSTRALIA (AFTA)
ORIGINATION, ETC.				
Rules of Origin Citations	General Note 12(b), 19 CFR 181 Append., Part II, Sec. 4	General Note 26(b); 19 CFR 10.451	General Note 25(b); 19 CFR 10.531	General Note 28(b)
Rules of Origin	Wholly Obtained or Produced; Wholly of Originating Materials; Tariff Shift & / or Regional Value Content	Wholly Obtained or Produced; Wholly of Originating Materials; Tariff Shift & / or Regional Value Content	Wholly Obtained or Produced; Tariff Shift & / or Regional Value Content; Integrated Sourcing Initiative (ISI)	Wholly Obtained or Produced; Wholly of Originating Materials; Tariff Shift & / or Regional Value Content
Tariff Shift Rules Tariff Change Rules Product Specific Rules	GN 12(t)	GN 26(n)	GN 25(o)	GN 28(n)
Tariff Shift Rules Updated to Comply with 2007 HTSUS	Yes, Presidential Proclamation 8405	Yes, Presidential Proclamation 8214	Yes, Presidential Proclamation 8214	Yes
Tariff Shift Rules Updated to Comply with 2012 HTSUS	No	Yes, Presidential Proclamation 8771, 12/28/11, effective 2/3/12	No	No
Chemical Reaction and Related Rules of Origin	Yes, for certain petroleum goods	Yes, HTS Ch. 27-38; GN 26(m)(vi)	Yes, HTS Ch. 27-40; GN 25(n)(v)	Yes; HTS Ch. 27-40; GN 28(m)(vii)
Special Origination Rules	Annex 308.1 (E Criterion) for certain high-tech goods; 69 FR 54739, Sept. 9, 2004, Disassembly treated as production; 19 CFR 181.132	No	Integrated Sourcing Initiative (ISI) GN 25(m) for certain 3rd-country, high-tech goods imported from Singapore	No
Drawback Restrictions	Yes, Article 303; 19 CFR 181, Subpart E; 19 USC 1313	Yes, Article 3.8; 19 USC 1313; No General Note or Regulation Citation	No	No
Repair & Alteration Provision	Duty Free per 19 CFR 181.64; HTSUS 9802.00.40/50	Duty Free per 19 CFR 10.490; HTSUS 9802.00.40/50	Duty Free per 19 CFR 10.570; HTSUS 9802.00.40/50	Duty Free per Agreement Article 2.6; HTSUS 9802.00.40/50
Documentation required in the importer's possession at the time of claim	Yes, NAFTA Certificate of Origin must be in importer's possession at time of claim; 19 CFR 181.21	No, freeform "Certification" with the elements in 19 CFR 10.411 upon request by CBP	No, freeform "Supporting Statement" with the elements in 19 CFR 10.511 upon request by CBP	No, freeform "Supporting Statement" with 10 elements upon request by CBP; http://www.cbp.gov/xp/cgov/trade/trade_programs/international_agreements/free_trade/australia/

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Provision	NAFTA	CHILE (CFTA)	SINGAPORE (SFTA)	AUSTRALIA (AFTA)
VALUE				
Regional Value Content (RVC) Citations	GN12(c), 19 CFR 181, Appendix, Section 6 - 10	GN 26(g); 19 CFR 10.454	GN 25(g); 19 CFR 10.535	GN 28(g); Agreement Article 5.4
Regional Value Content (RVC) Calculation Methods	Transaction Value & Net Cost where there is RVC	Build-Up & Build-Down where there is RVC	Build-Up & Build-Down where there is RVC	Build-Up, Build-Down & Net Cost (automotive only) where there is RVC
Special Regimen for Automotive Goods	Yes, tracing the value of certain non-originating materials and net cost required	No, although RVC percentages are 30% Build-Up, 50% Build-Down	No, although RVC percentages are 30% Build-Up, 50% Build-Down	Yes, certain tariffs require net cost RVC (GN 28(g)(iii))
De Minimis (most common threshold)	7% of transaction value; 19 CFR 181 Appendix, Sec. 5; GN 12(f) (with exceptions)	10% of adjusted value; 19 CFR 10.459; GN 26(e) (with exceptions)	10% of adjusted value; 19 CFR 10.533; GN 25(e) (with exceptions)	10% of adjusted value; GN 28(e) (with exceptions)
INVENTORY MANAGEMENT METHODS				
Fungible Goods & Materials	LIFO, FIFO, Average; GN 12(g)	LIFO, FIFO, Average; other GAAP-recongized method; GN 26(i)	LIFO, FIFO, Average; other GAAP-recongized method; GN 25(i)	LIFO, FIFO, Average; other GAAP-recongized method; GN 28(i)
CLAIMS & DETERMINATIONS				
Post-Importation Claims	19 USC 1520(d) 19 CFR 181.31-33	19 USC 1520(d) 19 CFR 10.440-442	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514
Reconciliation Claims	Yes, 67 FR 6120, Sept. 27, 2002	Yes, 69 FR 53730, Sept. 2, 2004	No	No
Determinations Communicated to Exporter	Yes	Yes, if correspondence with exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter
Pattern of Conduct Clause	Yes, 19 CFR 181.76(c)	Yes, 19 CFR 10.474	No	No

Side-by-Side Comparison of Free Trade Agreements and Selected Preferential Trade Legislation Programs--Non-Textiles

Provision	ISRAEL (ILFTA)	JORDAN (JFTA)	BAHRAIN (BFTA)	MOROCCO (MFTA)	OMAN (OFTA)
GENERAL INFO & DATES					
Agreement Name	US-Israel Free Trade Area Agreement	US-Jordan Free Trade Area Agreement	US-Bahrain Free Trade Agreement	US-Morocco Free Trade Agreement	US-Oman Free Trade Agreement
Implementation Date	September 1, 1985	December 17, 2001	August 1, 2006	January 1, 2006	January 1, 2009
Expiration	None	None	None	None	None
Duty Phase-Out	January 1, 1995	January 1, 2010 (10 years)	January 1, 2015 (10 years)	January 1, 2023 (18 years)	January 1, 2018 (10 years)
Merchandise Processing Fee (MPF)	Exempt for products of Israel, whether or not originating; 19 CFR 24.23(c)(5)	No Exemption	Exempt for originating goods; 19 CFR 24.23(c)(8)	No Exemption	Exempt for originating goods; 19 CFR 24.23(c)(10)
Direct Shipment Imported Directly Transit & Transshipment	Imported Directly: May NOT enter the commerce of a 3rd country except for non-retail sale where the importation is the result of the original transaction, may NOT undergo further production in a 3rd country; GN 3(a)(v)(B)	Imported Directly: May NOT enter the commerce of a 3rd country except for non-retail sale where the importation is the result of the original transaction, may not undergo further production in a 3rd country; 19 CFR 10.711	Imported Directly: May leave customs' control, may not undergo further production in a 3rd country, limited operations specified; 19 CFR 10.817	Imported Directly: May leave customs' control, may not undergo further production in a 3rd country, limited operations specified; 19 CFR 10.777	Imported Directly: May leave customs' control, may not undergo further production in a 3rd country; 19 CFR 10.880
Primary Responsibility for Compliance	Importer	Importer	Importer	Importer	Importer
CITATIONS					
HTS General Note (GN)	GN 8	GN 18	GN 30	GN 27	GN 31
US Code	19 USC 2112 note	19 USC 2112 note	19 USC 3805 note	19 USC 3805 note	19 USC 3805 note
CFR	None	19 CFR 10.701-712 (Subpart K)	19 CFR 10.801-827 (Subpart N)	19 CFR 10.761-787 (Subpart M)	19 CFR 10.861-890 (Subpart P)
Marking Rules	19 CFR 134	19 CFR 134	19 CFR 102 (Side Letter)	19 CFR 102 (Side Letter)	19 CFR 134
Special Program Indicator	"IL" ("N" for Qualified Industrial Zones (QIZs))	"JO"	"BH"	"MA"	"OM"

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Provision	ISRAEL (ILFTA)	JORDAN (JFTA)	BAHRAIN (BFTA)	MOROCCO (MFTA)	OMAN (OFTA)
ORIGINATION, ETC.					
Rules of Origin Citations	Agreement Annex 3 19 U.S.C. 2112 (note)	General Note 18(b) 19 CFR 10.709, 10.710	General Note 30(b) 19 CFR 10.810	General Note 27(b) 19 CFR 10.770	General Note 31(b) 19 CFR 10.873
Rules of Origin	"Growth, Product, or Manufacture" or Value Content + Substantial Transformation	"Wholly the growth, product, or manufacture" or Value Content + Substantial Transformation	"Wholly the growth, product, or manufacture" or Value Content + 19 CFR 102 or Product-Specific Tariff shift	"Wholly the growth, product, or manufacture" or Value Content + 19 CFR 102 or Product-Specific Tariff shift	"Wholly the growth, product, or manufacture" or Value Content + Substantial Transformation or Product-Specific Tariff shift
Tariff Shift Rules Tariff Change Rules	No	No	GN 30(h); Tariff Shift Rules for Certain Goods in HTS 17, 18, 20, 21, 42, 70 & 94	GN 27(h); Tariff Shift Rules for Certain Goods in HTS 6-9, 12-13, 20-22, 39, 42, 70, 72, 85, 87 & 94	GN 31(h); Tariff Shift Rules for Certain Goods in HTS 17, 18, 20, 21, 42, 70 & 94
Tariff Shift Rules Updated to Comply with 2007 HTSUS	N/A	N/A	Yes	No	No
Tariff Shift Rules Updated to Comply with 2012 HTSUS	N/A	N/A	No	No	No
Chemical Reaction and Related Rules of Origin	No	No	No	No	No
Special Origination Rules	Qualified Industrial Zones (QIZs) (Gaza, West Bank, parts of Jordan and Egypt); GN 3(a)(v)	No	No	No	No
Drawback Restrictions	No	No	No	No	No
Repair & Alteration Provision	No	No	Duty Free per 19 CFR 10.827	Duty Free per 19 CFR 10.787	Duty Free per 19 CFR 10.890
Documentation required in the importer's possession at the time of claim	ILFTA: None QIZ: No, "Declaration" with listed elements upon request by CBP; GN 3(a)(v)(F)(2)	No, freeform "Declaration" with the elements in 19 CFR 10.704 upon request by CBP	No, freeform "Declaration" with the elements in 19 CFR 10.804 upon request by CBP	No, freeform "Declaration" with the elements in 19 CFR 10.764 upon request by CBP	No, freeform "Declaration" with the elements in 19 CFR 10.864 upon request by CBP
VALUE					
Regional Value Content (RVC) Citations	19 USC 2112 (note), Sec. 9 (QIZ), Sec. 402 (ILFTA); Agreement Annex 3	19 CFR 10.710; GN 18(iv), (v)	19 CFR 10.810; 19 CFR 10.813 - 816; GN 30(b)(ii), (c), (d), (f)	19 CFR 10.770; GN 27(b)(ii), (c), (d), (f)	19 CFR 10.873; 10.876 - 879; GN 31(b)(ii), (c), (d), (f)
Regional Value Content (RVC) Calculation Methods and Most Common Thresholds	Israeli materials + direct cost of processing must at least equal 35% of appraised value (up to 15% US content)	Jordanian materials + direct cost of processing must at least equal 35% of appraised value (up to 15% US content)	US/Bahraini materials + direct cost of processing must at least equal 35% of appraised value	US/Moroccan materials + direct cost of processing must at least equal 35% of appraised value	US/Omani materials + direct cost of processing must at least equal 35% of appraised value
Special Regimen for Automotive Goods	No	No	No	No	No
De Minimis Provision	No	No	No	No	No

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Provision	ISRAEL (ILFTA)	JORDAN (JFTA)	BAHRAIN (BFTA)	MOROCCO (MFTA)	OMAN (OFTA)
INVENTORY MANAGEMENT METHODS					
Fungible Goods & Materials	No	No	No	No	No
CLAIMS & DETERMINATIONS					
Post-Importation Claims	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	19 USC 1520(d); 19 CFR 10.869 - 10.871
Reconciliation Claims	No	No	No	No	Yes, 78 FR 27984, May 13, 2013
Determinations Communicated to Exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter
Pattern of Conduct Clause	No	No	No	No	No

Side-by-Side Comparison of Free Trade Agreements and Selected Preferential Trade Legislation Programs--Non-Textiles

Provision	CAFTA-DR	Peru (PTPA)	Korea (UKFTA)	Colombia (CTPA)	Panama (PATPA)
GENERAL INFO & DATES					
Agreement Name	Dominican Republic-Central America-United States Free Trade Agreement	US-Peru Trade Promotion Agreement	US-Korea Free Trade Agreement	US-Colombia Trade Promotion Agreement	US-Panama Trade Promotion Agreement
Implementation Date	El Salvador: 3/1/06 Nicaragua: 4/1/06 Honduras: 4/1/06 Guatemala: 7/1/06 Dominican Republic: 3/1/07 Costa Rica: 1/1/09	February 1, 2009	March 15, 2012	May 15, 2012	October 31, 2012
Expiration	None	None	None	None	None
Duty Phase-Out	January 1, 2025 (20 Years) Annex 3.3	January 1, 2025 (17 years) Annex 2.3	January 1, 2026 (15 years) Annex 3-B	January 1, 2028 (17 years) Annex 2.3	January 1, 2028 (17 years) Annex 3.3
Merchandise Processing Fee (MPF)	Exempt for Originating Goods 19 CFR 24.23(c)(9)	Exempt for Originating Goods 19 CFR 24.23(c)(11)	Exempt for Originating Goods 19 CFR 24.23(c)(12)	Exempt for Originating Goods 19 CFR 24.23(c)(13)	Exempt for Originating Goods 19 CFR 24.23(c)(14)
Direct Shipment Imported Directly Transshipment	Transit and Transshipment: May NOT leave customs' control nor undergo further production in a non-party; 19 CFR 10.604	Transit and Transshipment: May NOT leave customs' control nor undergo further production in a 3rd country; 19 CFR 10.925	Transit and Transshipment: May NOT leave customs' control nor undergo further production in a 3rd country; 19 CFR 10.1025	Transit and Transshipment: May NOT leave customs' control nor undergo further production in a 3rd country; 19 CFR 10.3025	Transit and Transshipment: May NOT leave customs' control nor undergo further production in a 3rd country; 19 CFR 10.2025
Primary Responsibility for Compliance	Importer	Importer	Importer	Importer	Importer
CITATIONS					
HTS General Note (GN)	GN 29	GN 32	GN 33	GN 34	GN 35
US Code	19 USC 4001- 4111	19 USC 3805 note	19 USC 3805 note	19 USC 3805 note	19 USC 3805 note
CFR	19 CFR 10.581-625 (Subpart J)	19 CFR 10.901-934 (Subpart Q); 77 FR 64031, Oct. 18, 2012	19 CFR 10.1001-1034 (Subpart R); 78 FR 32356, May 30, 2013	19 CFR 10.3001 - 3034 (Subpart T); 78 FR 60191, Oct. 1, 2013	19 CFR 10.2001-2034 (Subpart S); 78 FR 63052, Oct. 23, 2013 (interim)
Marking Rules	19 CFR 134	19 CFR 134	19 CFR 134	19 CFR 134	19 CFR 134
Special Program Indicator	"P," "P+" for qualifying agricultural goods	"PE"	"KR"	"CO"	"PA"

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Provision	CAFTA-DR	Peru (PTPA)	Korea (UKFTA)	Colombia (CTPA)	Panama (PATPA)
ORIGINATION, ETC.					
Rules of Origin Citations	General Note 29(b); 19 CFR 10.594	GN 32(b); 19 CFR 10.914	GN 33(b); 19 CFR 10.1014	GN 34(b); 19 CFR 10.3014	GN 35(b); 19 CFR 10.2014
Rules of Origin	Wholly Obtained or Produced, Tariff Shift & / or Regional Value Content, Wholly of Originating Materials, Qualifying Goods	Wholly Obtained or Produced, Tariff Shift & / or Regional Value Content, or Wholly of Originating Materials	Wholly Obtained or Produced, Tariff Shift & / or Regional Value Content, or Wholly of Originating Materials	Wholly Obtained or Produced, Tariff Shift & / or Regional Value Content, or Wholly of Originating Materials	Wholly Obtained or Produced, Tariff Shift & / or Regional Value Content, or Wholly of Originating Materials
Tariff Shift Rule Citation	GN 29(n)	GN 32(n)	GN 33(o)	GN 34(o)	GN 35(o)
Tariff Shift Rules Updated to Comply with 2007 HTSUS	No	No	No	No	No
Tariff Shift Rules Updated to Comply with 2012 HTSUS	No	No	No	No	No
Chemical Reaction and Related Rules of Origin	HTS Ch 27-40; GN 29(m)(vii)	HTS Ch 27-40; GN 32(m)(vii)	HTS Ch 27-40; GN 33(n)(vii)-(viii)	HTS Ch 27-40; GN 34(n)(v)-(vi)	HTS Ch 27-40, GN 35(n)(v)-(vi)
Special Origination Rules	Qualifying Goods; GN 29(a)(ii) for certain CAFTA-DR agricultural goods	No	No	No	No
Drawback Restrictions	No	No	No	No	No
Repair & Alteration Provision	Duty Free per 19 CFR 10.624 9802.00.40/50	Duty Free per 19 CFR 10.934 9802.00.40/50	Duty Free per 19 CFR 10.1034 9802.00.40/50	Duty Free per 19 CFR 10.3034 9802.00.40/50	Duty Free per 19 CFR 10.2034 9802.00.40/50
Documentation required in the importer's possession at the time of claim	No, freeform "Certification" with the elements in 19 CFR 10.584 upon request by CBP	No, freeform "Certification" with the elements in 19 CFR 10.904 upon request by CBP	No, freeform "Certification" with the elements in 19 CFR 10.1004 upon request by CBP	No, freeform "Certification" with the elements in 19 CFR 10.3003 upon request by CBP	No, freeform "Certification" with the elements in 19 CFR 10.2003 upon request by CBP
VALUE					
Regional Value Content (RVC) Citations	19 CFR 10.595-596; GN 29(f)	19 CFR 10.915; GN 32(f)	19 CFR 10.1015; GN 33(g)	19 CFR 10.3015; GN 34(g)	19 CFR 10.2015; GN 35(g)
Regional Value Content (RVC) Calculation Methods	Build-Up, Build-Down Net-Cost (limited)	Build-Up, Build-Down Net-Cost (limited)	Build-Up, Build-Down; Net-Cost (limited); Indirect materials are disregarded when computing the value of originating materials in Build-Up	Build-Up, Build-Down Net-Cost (limited)	Build-Up, Build-Down Net-Cost (limited)

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Provision	CAFTA-DR	Peru (PTPA)	Korea (UKFTA)	Colombia (CTPA)	Panama (PATPA)
Special Regimen for Automotive Goods	Yes, automotive goods MAY use NC, BU or BD for RVC; 19 CFR 10.595(d); GN 29(f)(iii)	Yes, automotive goods MUST use Net Cost RVC; 19 CFR 10.915(d); GN 32(f)(iii)	Yes, automotive goods MAY use NC, BU or BD for RVC; 19 CFR 10.1015(d); GN 33(h)	Yes, automotive goods MUST use Net Cost for RVC; 19 CFR 10.3015(d); GN 34(h)	Yes, automotive goods MAY use NC, BU or BD for RVC, 19 CFR 10.2015(d), GN 35(h)
De Minimis (most common threshold)	10% of adjusted value (with exclusions); 19 CFR 10.598; GN 29(e)	10% of the adjusted value (with exclusions); 19 CFR 10.918; GN 32(e)	10% of the adjusted value (with exclusions); 19 CFR 10.1018; GN 33(e)	10% of the adjusted value (with exclusions); 19 CFR 10.3018; GN 34(e)	10% of the adjusted value (with exclusions), 19 CFR 10.2018, GN 35(e)
Sets	Value of the non-originating components may not exceed 10% of the AV of the set; GN 29(c)(v); 19 CFR 10.605	Value of the non-originating components may not exceed 15% of the AV of the set; GN 32(c)(v); 19 CFR 10.921	Value of the non-originating components may not exceed 15% of the AV of the set; GN 33(n)(iv); 19 CFR 10.1021	Value of the non-originating components may not exceed 15% of the AV of the set. GN 34(c)(iv); 19 CFR 10.3021	Value of the non-originating components may exceed 15% of the AV of the set; GN 35(e)(i); 19 CFR 10.2021
INVENTORY MANAGEMENT METHODS					
Fungible Goods & Materials	LIFO, FIFO, Average, other GAAP-recongized method; GN 29(h)	LIFO, FIFO, Average, other GAAP-recongized method; GN 32(h)	LIFO, FIFO, Average, other GAAP-recongized method; GN 33(j)	LIFO, FIFO, Average, other GAAP-recongized method; GN 34(j)	LIFO, FIFO, Average, other GAAP-recongized method; GN 35(j)
CLAIMS & DETERMINATIONS					
Post-Importation Claims	19 USC 1520(d); 19 CFR 10.590 - 10.592	19 USC 1520(d); 19 CFR 10.910 - 10.912	19 USC 1520(d); 19 CFR 10.1010 - 10.1012	19 USC 1520(d); 19 CFR 10.3010 - 10.3012	19 USC 1520(d); 19 CFR 10.2010 - 10.2012
Reconciliation Claims	Yes, 71 FR 37596, June 30, 2006	Yes, 78 FR 27984, May 13, 2013	Yes, 78 FR 27984, May 13, 2013	Yes, 78 FR 27984, May 13, 2013	Yes, 78 FR 27984, May 13, 2013
Determinations Communicated to Exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter
Pattern of Conduct Clause	Yes, 19 CFR 10.619	Yes, 19 CFR 10.929	Yes, 19 CFR 10.1029	Yes, 19 CFR 10.3029	Yes, 19 CFR 10.2029

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Provision	CBERA	CBTPA	ATPA	ATPDEA
GENERAL INFO & DATES				
Preferential Trade Legislation Name	Caribbean Basin Economic Recovery Act	Caribbean Basin Trade Partnership Act	Andean Trade Preference Act	Andean Trade Promotion and Drug Eradication Act
Implementation Date	January 1, 1984	October 5, 2000	December 4, 1991	October 31, 2002
Expiration	None	9/30/2020	Ecuador: 7/31/2013 (expired) Colombia: 5/15/2012 (expired) Peru: 12/31/10 (expired) Bolivia: 12/15/08 (expired)	Ecuador: 7/31/2013 (expired) Colombia: 5/15/12 (expired) Peru 12/31/10 (expired) Bolivia: 12/15/08 (expired)
Complete Duty Phase-Out	Immediate	Immediate	Immediate	Immediate
Merchandise Processing Fee (MPF)	Exempt for all products of CBERA beneficiary countries, whether or not claiming preference	Exempt for all products of CBERA beneficiary countries, including goods in HTS 9820.85.44	No Exemption	Exempt only for HTS 9821.01.01 19 CFR 24.23(c)(1)(i)
Direct Shipment Imported Directly Transshipment	Imported Directly: May NOT enter the commerce of a non-beneficiary country except for non-retail sale where the importation is the result of the original transaction, may NOT undergo further production in a 3rd country; 19 CFR 10.193	Imported Directly: May NOT enter the commerce of a non-beneficiary country except for non-retail sale where the importation is the result of the original transaction, may NOT undergo further production in a 3rd country; 19 CFR 10.223(d) and 10.233(d). Goods may be exported from a former CBTPA country that became a CAFTA country as long as the origin-conferring activity occurred in the CBTPA.	Imported Directly: May NOT enter the commerce of a non-beneficiary country except for non-retail sale where the importation is the result of the original transaction; may NOT undergo further production in a 3rd country; 19 CFR 10.204	Imported Directly: May NOT enter the commerce of a non-beneficiary country except for non-retail sale where the importation is the result of the original transaction; may NOT undergo further production in a 3rd country; 19 CFR 10.253(b); 19 CFR 10.243(d)
Primary Responsibility for Compliance	Importer	Importer	Importer, Exporter with regard to ATPA Declaration	Importer, Exporter with regard to Certificate of Origin
Covered Non-Textile Goods		Benefits apply to petroleum products, watches, handbags, luggage, flat goods, work gloves, leather apparel, tuna and footwear, 19 CFR 10.233		Benefits apply to goods listed on CBP Form 449, 19 CFR 10.253 and Subchapter 21, Chapter 98 (petroleum products, watches, footwear, handbags, luggage, flat goods, work gloves, leather apparel, and tuna)

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Provision	CBERA	CBTPA	ATPA	ATPDEA
CITATIONS				
HTS General Note (GN)	GN 7	GN 17; Subchapter XX, Chapter 98	GN 11	GN 11; Subchapter 21, Chapter 98
US Code	19 USC 2701 - 2707	19 USC 2701 - 2707	19 USC 3201-3206	19 USC 3201-3206
CFR	19 CFR 10.191 - 10.199 (Subpart B)	19 CFR 10.221 - 10.237	19 CFR 10.201 - 10.207	19 CFR 10.251 - 10.257
Marking Rules	19 CFR 134	19 CFR 134	19 CFR 134	19 CFR 134
Special Program Indicator	"E" "E**"	"R"; Applicable subheading, Subchapter XX, Chapter 98	"J" and "J**"	"J+"; Applicable subheading, Subchapter XXI, Chapter 98
ORIGINATION, ETC.				
Rules of Origin Citations	General Note 7(b) 19 CFR 10.195	General Note 17(b); 19 CFR 10.233(b)	General Note 11(b) 19 CFR 10.205 - 206	General Note 11(b) 19 CFR 10.253(c)
Rules of Origin	Regional Value Content + substantial transformation	NAFTA GN 12 rules of origin apply. May use CAFTA-DR materials; GN 17(e); 19 CFR 10.233(b)	Regional Value Content + substantial transformation or "growth, product, and manufacture"	Regional Value Content + substantial transformation or "growth, product, and manufacture"
Tariff Shift Rule Citations	No	Yes, General Note 12(t)	No	No
Tariff Shift Rules Updated to Comply with 2007 HTSUS	N/A	Yes	N/A	N/A
Tariff Shift Rules Updated to Comply with 2012 HTSUS	N/A	No	N/A	N/A
Chemical Reaction and Related Rules of Origin	No	NAFTA GN 12 rules of origin apply, (GN 17(e)); 19 CFR 10.233(b)	No	No
Special Origination Rules	No	No	No	No
Drawback Restrictions	No	No	No	No
Repair & Alteration Provision	No	No	No	No

Side-by-Side Comparison of Free Trade Agreements and Selected Preferential Trade Legislation Programs--Non-Textiles

Provision	CBERA	CBTPA	ATPA	ATPDEA
Documentation required in the importer's possession at the time of claim	No, declaration submitted upon request, as provided for in 19 CFR 10.198	Yes, CBP Form 450 signed by exporter	No, must submit an "ATPA Declaration," per 19 CFR 10.207, upon request	Yes, CBP Form 449 signed by exporter
VALUE				
Regional Value Content (RVC) Citations	19 CFR 10.195-.197; GN 7(b)(i)(B), (b)(iii)	19 CFR 10.233(b); General Note 12(c)	GN 11(b)(i)(B), 19 CFR 10.205 - 206	GN 11(b)(i)(B), 19 CFR 10.253(d)
Regional Value Content (RVC) Calculation Methods	CBERA materials + direct cost of processing	Transaction Value & Net Cost where there is RVC	ATPA materials + direct cost of processing	ATPDEA materials + direct cost of processing
General RVC Percentages	Minimum 35% of appraised value (up to 15% US content)	See NAFTA regulations	Minimum 35% of appraised value (up to 15% US content)	Minimum 35% of appraised value (up to 15% US content)
Special Regimen for Automotive Goods	No	No	No	No
De Minimis Provision	N/A	N/A	N/A	N/A
INVENTORY MANAGEMENT METHODS				
Fungible Goods & Materials	No	No	No	No
CLAIMS & DETERMINATIONS				
Post-Importation Claims	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514
Reconciliation Claims	No	No	No	No
Determinations Communicated to Exporter	If correspondence with exporter	If correspondence with exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter
Pattern of Conduct Clause	No	No	No	No

Side-by-Side Comparison of Free Trade Agreements and Selected Preferential Trade Legislation Programs--Non-Textiles

Provision	GSP	AGOA
GENERAL INFO & DATES		
Preferential Trade Legislation Name	Generalized System of Preferences	African Growth and Opportunity Act
Implementation Date	January 1, 1976	October 5, 2000
Expiration	7/31/2013 (expired)	9/30/2015
Complete Duty Phase-Out	Immediate	Immediate
Merchandise Processing Fee (MPF)	Products of Least Developed Countries are exempt, GN 4(b)(i); 19 CFR 24.23(c)(1)(iv)	Exempt when products of an LDBDC per 19 CFR 24.23(c)(1)(iv), or when entered under HTS 9819, per 19 CFR 24.23(c)(1)(i)
Direct Shipment Imported Directly Transshipment	Imported Directly: May NOT enter the commerce of a 3rd country except for non-retail sale where the importation is the result of the original transaction, may NOT undergo further production in a 3rd country, may undergo limited operations (sorting, grading, testing, packing, labeling, etc.) in the free trade zone of beneficiary country; 19 CFR 10.175(c). May enter into the commerce of any of four former GSP countries per 19 CFR 10.175(e).	Imported Directly: May NOT enter the commerce of a non-beneficiary country except for non-retail sale where the importation is the result of the original transaction, may NOT undergo further production in a 3rd country; 19 CFR 10.178(e)4; 19 CFR 10.175(d).
Primary Responsibility for Compliance	Importer; Exporter with regard to 19 CFR 10.173(a)(1)(i) declaration	Importer; Exporter with regard to 19 CFR 10.173(a)(1)(i) declaration
Covered Non-Textile Goods		.

Side-by-Side Comparison of Free Trade Agreements and Selected Preferential Trade Legislation Programs--Non-Textiles

Provision	GSP	AGOA
CITATIONS		
HTS General Note (GN)	GN 4	GN 16
US Code	19 USC 2461-2467	19 USC 3701 - 3722
CFR	19 CFR 10.171 - 10.178	19 CFR 10.178a
Marking Rules	19 CFR 134	19 CFR 134
Special Program Indicator	"A" "A+" (Least-Developed Beneficiary Developing Countries) "A*" (with exceptions)	"D"
ORIGINATION, ETC.		
Rules of Origin Citations	General Note 4(b)(ii) & 4(c); 19 CFR 10.176; 19 USC 2463(a)(2)	General Note 16(b) 19 CFR 10.178a (referencing 19 CFR 10.171, 10.173, and 10.175-178)
Rules of Origin	Regional Value Content + substantial transformation	Regional Value Content + substantial transformation
Tariff Shift Rule Citations	No	No
Tariff Shift Rules Updated to Comply with 2007 HTSUS	N/A	N/A
Tariff Shift Rules Updated to Comply with 2012 HTSUS	N/A	N/A
Chemical Reaction and Related Rules of Origin	No	No
Special Origination Rules	No	No
Drawback Restrictions	No	No
Repair & Alteration Provision	No	No
Documentation required in the importer's possession at the time of claim	No, GSP Declaration upon request, as provided for in 19 CFR 10.173	No, GSP Declaration upon request, as provided for in 19 CFR 10.173 and 19 CFR 10.178a(d)

Side-by-Side Comparison of Free Trade Agreements and Selected Preferential Trade Legislation Programs--Non-Textiles

Provision	GSP	AGOA
VALUE		
Regional Value Content (RVC) Citations	19 CFR 10.176(a)(1), 10.177-178; GN 4(b)(ii) & (c)	GN 16(b)(ii); 19 CFR 178a(d)(4)
Regional Value Content (RVC) Calculation Methods	GSP materials + direct cost of processing	AGOA materials + direct cost of processing
General RVC Percentages	Minimum 35% of appraised value	Minimum 35% of appraised value (up to 15% US content)
Special Regimen for Automotive Goods	No	No
De Minimis Provision	N/A	N/A
INVENTORY MANAGEMENT METHODS		
Fungible Goods & Materials	No	No
CLAIMS & DETERMINATIONS		
Post-Importation Claims	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514	Post Entry Amendment (PEA), Post Summary Correction (PSC) or 19 USC 1514
Reconciliation Claims	No	No
Determinations Communicated to Exporter	If correspondence with exporter	If correspondence with exporter
Pattern of Conduct Clause	No	No