

**U.S. GENERALIZED SYSTEM OF PREFERENCES  
GUIDEBOOK**

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

**February 2007**

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## INTRODUCTION

The U.S. Generalized System of Preferences (GSP), a program designed to promote economic growth in the developing world, provides preferential duty-free treatment for 3,400 products from 134 designated beneficiary countries and territories, including 43 least-developed beneficiary developing countries. The GSP program was instituted on January 1, 1976, and authorized under the Trade Act of 1974 (19 USC 2461 et seq.) for a ten-year period. It has been renewed periodically since then, most recently in 2006, when President Bush signed legislation that continued the GSP program through December 31, 2008.

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 authority. The legislation authorizing the U.S. GSP program can be found at 19 USC 2461-2467, and is also available on the USTR website (<http://www.ustr.gov>) USTR's GSP regulations may be found at 15 CFR Part 2007 (and can be found on the USTR website. The GSP regulations of the Department of Homeland Security's U.S. Customs and Border Protection (Customs) may be found at 19 CFR Part 10.171 through 10.178. In addition, Customs has posted a variety of reference materials of assistance to importers and exporters using the GSP program at <http://www.cbp.gov>.

## ABBREVIATIONS AND ACRONYMS

AGOA	African Growth and Opportunity Act
ASEAN	Association of Southeast Asian Nations
BDC	Beneficiary Developing Country
CARICOM	Caribbean Common Market
CFR	Code of Federal Regulations
CNL	Competitive Need Limitations
EAC	Tripartite Commission on East African Cooperation
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GNP	Gross National Product
GSP	U.S. Generalized System of Preferences
HTSUS	Harmonized Tariff Schedule of the United States
IBRD	International Bank for Reconstruction and Development (World Bank)
IMF	International Monetary Fund
LDBDC	Least Developed Beneficiary Developing Country
MFN	Most Favored Nation (now NTR)
NTR	Normal Trade Relations
OMB	Office of Management and Budget
SAARC	South Asian Association for Regional Cooperation
SADC	Southern African Development Community
SPI	Special Program Indicator
TPRG	Trade Policy Review Group
TPSC	Trade Policy Staff Committee
USAID	U.S. Agency for International Development
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 INFORMATION CENTER**

### **Location of GSP Program Information Center:**

Office of the U.S. Trade Representative  
1724 F Street, N.W.  
Washington, D.C. 20508  
Telephone: (202) 395-6971  
Fax: (202) 395-9481  
Email: [contactustr@ustr.eop.gov](mailto:contactustr@ustr.eop.gov)

### **Public Documents Available for Viewing at:**

USTR Public Reading Room  
1724 F Street N.W.  
Washington, D.C. 20508  
Telephone: (202) 395-6186

Visitors must make an appointment in advance by calling the number indicated above. Appointments are available between 9:30 A.M. to Noon and 1 P.M. to 4 P.M., Monday through Friday.

## **FREQUENTLY ASKED QUESTIONS ABOUT GSP**

1. GSP-Eligible Articles
2. GSP Beneficiary Developing Countries
3. Competitive Need Limitations and Requests for Waivers
4. Graduation of a Beneficiary Country from GSP
5. Rule-of-Origin Requirements
6. “Imported Directly” Requirement
7. Handicraft Textiles
8. Other Topics

### **1. GSP-Eligible Articles**

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

A GSP-eligible import meets 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 designated beneficiary developing country (BDC) or association.
- (3) The BDC or association 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 an “A” before the HTSUS number that identified the imported article on the appropriate shipping documents (form 7501).

#### ***Which articles are eligible for duty-free treatment?***

Approximately 3400 articles from all GSP beneficiaries are eligible for duty-free treatment. In 1996, an additional 1,400 articles just from least developed beneficiary developing countries (LDBDCs) were made eligible for duty-free treatment. The combined lists include most dutiable manufactures and semi-manufactures and also selected agricultural, fishery, and primary industrial products 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. Some BDCs and LDBDCs have been subsequently removed from GSP-beneficiary eligibility resulting from the acceptance of country practice petitions submitted because of worker rights, intellectual property, or other statutory concerns.

Articles eligible for GSP treatment are identified in the current edition of the HTSUS, which is published by the U.S. International Trade Commission. The complete HTSUS can be downloaded from the USITC web site (<http://www.usitc.gov/tata/hts/>), or inspected at the USTR Reading Room, the field offices of the Department of Commerce, and the U.S. Embassies or Consulates. The USITC also maintains a database of product eligibility information for all U.S.

preference programs, including GSP that is searchable by HTS category number ([http://dataweb.usitc.gov/scripts/gsp/gsp\\_tariff.asp](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 are articles that were not eligible for GSP on January 1, 1995, and include most textiles, watches, footwear, handbags, luggage, flat goods, work gloves, and other leather apparel. In addition, any other articles determined to be import-sensitive cannot be made eligible for GSP. In this regard, the GSP law specifically cites steel, glass, and electronics. ([http://www.ustr.gov/assets/Trade\\_Development/Preference\\_Programs/GSP/asset\\_upload\\_file151\\_8358.pdf](http://www.ustr.gov/assets/Trade_Development/Preference_Programs/GSP/asset_upload_file151_8358.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. 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 for all BDCs. The letter **A+** indicates articles that are GSP-eligible only for LDBDCs. The letter **A\*** identifies articles that are GSP-eligible except for imports from one or more specific BDCs that have lost GSP eligibility for that article. The HTSUS indicates the GSP status of articles as follows:

HTSUS Subheading	Article description	Rate of Duty (%)		
		Column 1		Column 2
		General	Special	
8406.10.10	Steam turbines for marine propulsion	6.7	Free <b>A</b>	20
8413.30.10	Fuel-injection pumps for compression-ignition engines	2.5	Free <b>A*</b>	35
8708.92.50	Mufflers and exhaust pipes	2.5	Free <b>A+</b>	25

For articles marked with **A\***, section 4(d) of the General Notes of the HTSUS identifies the BDC(s) to which the restriction applies. See “GSP Beneficiary Countries” below.

***What is the rate of duty on a GSP-eligible article?***

All imports of GSP-eligible articles from BDCs are duty-free.

***How can the correct classification be determined?***

The U.S. Bureau of Customs and Border Protection (formerly the U.S. Customs Service) is responsible for classifying imports under the HTSUS, which contains a description of each product. Any questions concerning the appropriate classification of a particular product may be directed to Customs officers at the port of entry or to Customs Office of Regulations and Rulings in Washington, D.C. Customs provides a compliance document whose purpose is to inform importers of the basic requirements of the GSP program and how to begin to structure a system of internal controls that addresses the regulatory requirements for substantiating GSP claims. It is available at: [http://www.cbp.gov/xp/cgov/import/reg\\_audit/archive/gsp.xml](http://www.cbp.gov/xp/cgov/import/reg_audit/archive/gsp.xml) Customs rulings are published and available on line at: <http://rulings.cbp.gov>.

## **2. GSP Beneficiary Developing Countries**

***Where are the official lists published of GSP-eligible beneficiaries -- including countries, territories, associations of countries, and LDBDCs -- and the articles with country restrictions on eligibility?***

Section 4(a) of the General Notes at the beginning of the HTSUS contains the official list of GSP-eligible beneficiaries. Section 4(c) contains the list of LDBDCs. Section 4(d) contains the list of the imported articles that are not eligible for GSP treatment from designated GSP countries. When a BDC is first designated or otherwise undergoes a change in status with respect to GSP eligibility, a notice is published in the Federal Register. The lists contained in the General Notes are periodically modified to reflect these changes. See below.

***How does an importer request GSP treatment?***

The request is made by placing the letter **A**, as a prefix, before the HTSUS tariff-line number on the shipment entry documentation. This letter is referred to as the Special Program Indicator (SPI).

***How are certain products removed from GSP eligibility?***

The President may remove products from GSP eligibility in three contexts:

- (1) in response to petitions submitted by the interested parties in the annual review;
- (2) upon designating new products, by precluding certain BDCs from GSP eligibility as to those products; and
- (3) upon redesignating specific articles as GSP-eligible, by denying redesignation to certain BDCs.

***Is the list of eligible articles and countries ever modified?***

Yes. The U.S. Government, through the GSP Subcommittee, conducts an annual review of the list of articles and countries eligible for duty-free treatment. Modifications in the list normally take effect on July 1 of the following calendar year.

***How can someone modify the list of articles or countries?***

Any person may petition the GSP Subcommittee to request modifications in the list of countries eligible for GSP treatment; 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 product, a commercial importer or retailer of a product eligible for GSP or for which 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 normally announced annually in the Federal Register. (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 major executive departments having a role in U.S. trade policy. Modifications made pursuant to the annual review are implemented by executive order, or Presidential proclamation, and are published in the Federal Register.

### ***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:

- (1) the effect such action will have on furthering the economic expansion of the country's 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 the country;
- (3) the anticipated impact of such action on the United States 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 eligible for GSP. (19 USC 2462(b) and (c)). Finally, the statute also provides a list of articles that may not be designated eligible for GSP. (19 USC 2463(b)).

Because the U.S. GSP program has been in operation since 1976, many of the products not currently eligible for GSP have been considered for eligibility in a prior year. Consulting the petition history for a product may provide helpful information on its potential for inclusion on the GSP eligible list. The public version of petitions is on file at USTR's Reading Room. Please call 202-395-6186 to make an appointment.

### ***Who makes the determinations regarding GSP product and country eligibility?***

GSP issues are reviewed within the interagency trade policy committee framework coordinated and chaired by the USTR. Major Executive branch departments having a role in trade policy participate in the interagency review of changes in GSP eligibility. Each of these agencies is

represented on the GSP Subcommittee, which USTR chairs. USTR also maintains the day-to-day operation of the GSP under the guidance of the Executive Director. The President ultimately determines which countries and which products are eligible for GSP benefits.

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

No. Particular shipments or imports from a particular BDC may be ineligible because: (1) they exceed the competitive need limitations (see below); (2) the products’ GSP eligibility has been removed in response to a petition submitted in an annual review; the BDC has been graduated with respect to that product; (3) the imports fail to meet the value-added requirements; (4) the importer supplied incomplete documentation; or (5) the imports otherwise fail to meet other Customs requirements.

**3. Competitive Need Limitations and Requests for Waivers**

***What are competitive need limitations?***

Competitive need limitations provide a ceiling on GSP benefits for each product and BDC. A BDC will automatically lose its GSP eligibility with respect to a product if competitive need limitations are exceeded (if no waiver is granted – see below). The competitive need limitations require the termination of a BDC’s GSP eligibility on a product if, during any calendar year, U.S. imports from that country: (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 \$125 million in 2006, increased to \$130 million in 2007, and will be \$135 million in 2008. Products will be found “sufficiently competitive” when imported from a specified beneficiary when they exceed one of these limits. By statute, GSP treatment for an article exceeding either CNL terminates July 1 of the next calendar year.

***Are the competitive need limitations ever waived?***

Yes. Competitive need limits can be waived under four circumstances, as described below.

***Types of competitive need waivers***

	<u>Percent Limit Waived</u>	<u>Value Limit Waived</u>
Petitioned waiver	Yes	Yes
“504(d)” waiver	Yes	No
<i>De Minimis</i> waiver	Yes	No
Least developed waiver	Yes	Yes

*Petitioned waivers:* As a result of amendments to the GSP law made in 1984, the President may grant a competitive need waiver for a product imported from a BDC. Interested parties may petition for a waiver during the annual review process only when the product is below the CNL limit. In deciding whether to grant a waiver, the President is required to place “great weight” on the extent to which the country is providing reasonable and equitable access to

its market for U.S. goods and services 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 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.

*Limitations on CNL waiver authority.* The total value of U.S. imports from all beneficiary countries benefiting from the waiver cannot exceed 30 percent of the total value of GSP imports in a calendar year. Countries having a per capita GNP in excess of \$5,000 or which account for 10 percent or more of total GSP benefits cannot be granted waivers with an aggregate value equal to more than 15 percent of GSP 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). ([http://www.ustr.gov/assets/Trade\\_Development/Preference\\_Programs/GSP/asset\\_upload\\_file151\\_8358.pdf](http://www.ustr.gov/assets/Trade_Development/Preference_Programs/GSP/asset_upload_file151_8358.pdf)) 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 small or “*de minimis*”. Like the dollar-value competitive need limitation, the *de minimis* level is adjusted each year, in increments of \$0.5 million. Therefore, the *de minimis* level in 2006 was \$18 million, increased to \$18.5 million in 2007, and will be \$19 million in 2008. Each year, a *de minimis* waiver will automatically be considered for all BDCs that exceeded the percentage competitive need limitation for a product where total imports from all countries for the preceding year were below the *de minimis* level. Such waivers cannot be requested by petition, but public comments are accepted following issuance of a *Federal Register* notice. Granting such waivers is a discretionary decision of the President.

*Least developed country waiver:* All competitive need limitations are automatically waived for the GSP beneficiaries designated as LDBDCs.

***What happens if imports reach or exceed competitive need limitations during the year?***

GSP eligibility for articles from such countries will continue until no later than July 1 of the next calendar year, when they will be terminated, except for those products and beneficiaries granted a competitive need limitation waiver in the GSP annual review for the year in which the competitive need limitation was exceeded.

***When should an interested party petition for a CNL waiver?***

Waivers may only be sought before a product has exceeded the competitive need limitations for a country. Interested parties should examine the relevant trade data 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. As noted above, if the CNL is exceeded, and no waiver has been granted, the product's eligibility from the beneficiary country will terminate July 1 of the following year.

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

Yes. The Trade Reference Room at the Department of Commerce ((202) 482-2185) and the Office of Trade Information at the Census Bureau ((301) 457-3041) maintain a monthly compilation of all imports. The statistics should be requested by the 8-digit HTSUS tariff number. Alternatively, annual and monthly trade data can be downloaded from the U.S. International Trade Commission's Dataweb. (<http://dataweb.usitc.gov/>) Registration is required to use the site but it is free.

***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. An interested party can seek redesignation of a product exported by a particular BDC if U.S. imports of that article from the affected country fall below the competitive need limitations in a subsequent year. Redesignation determinations are normally made in accordance with the country graduation factors described below.

#### **4. Graduation of a Beneficiary Country from GSP**

***What is graduation and how is it implemented?***

Graduation is the removal of GSP eligibility because a country is sufficiently developed or competitive so that it no longer requires GSP benefits, either as a whole or with respect to one or more products. The President may withdraw the application of the duty-free treatment with respect to a BDC or may suspend or limit the application of duty-free treatment with respect to a BDC.

Country graduation occurs:

1. when the President determines that a beneficiary country is a "high-income country," as defined by the GSP statute (based on World Bank statistics) ("mandatory graduation"); or
2. as the result of a review of a BDC's advances in economic development and trade competitiveness.

The per capita GNP limit is set at the lower bound of the World Bank's definition of a "high income" country (which was \$10,726 in 2005). [Source: World Bank] Mandatory graduation takes effect January 1 of the second year after the year in which the President makes the graduation determination.

***What factors are considered in graduation actions?***

The GSP Subcommittee normally reviews: (1) the country's general level of development; (2) its competitiveness in the particular product; (3) the country's practices relating to trade, investment and worker rights; (4) and 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.

## **5. Rule-of-Origin Requirements**

### ***What are the rule-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. Published rulings on whether products meet the GSP rules of origin may be found at <http://rulings.cbp.gov>.

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

Yes, but only if they are "substantially transformed" into new and different constituent materials which are then used to produce the eligible article. Member countries of GSP-eligible regional associations will be treated as a single country for purposes of determining origin. The Customs and Border Protection agency is charged with determining whether an article meets the GSP rules of origin.

### ***How can the exporter in the developing country determine the appraised value of the article?***

In most cases, the appraised value will be based on the transaction value, i.e., the price actually paid or payable for the merchandise when sold for export to the United States. This value includes the following elements: (1) the packing costs incurred by the buyer; (2) any selling commission incurred by the buyer; (3) the value of any assist; (4) any royalty or license fee that the buyer is required to pay as a condition of the sale; and (5) the proceeds of any subsequent resale, disposal, or use of the imported merchandise that accrue to the seller. In general, shipping and other costs related to transporting the GSP articles from the port of export to the United States are neither included in the value of the article, nor in the value-added calculation.

### ***What may be included in the direct costs of processing?***

Direct costs of processing include all costs, whether directly incurred in, or which can be reasonably allocated to, the growth, production, manufacture, or assembly of the merchandise. These include the following: actual labor costs, including fringe benefits and on-the-job training costs for production staff and first line supervisors; dies, molds, and tooling costs, as well as depreciation on machinery and equipment; and research, development, design, blue-prints and engineering, quality control, and inspection and testing costs. This list is not exhaustive; further information on valuation can be obtained from Customs.

***Which costs may not be included in the direct costs of processing?***

Costs that may not be included in the direct costs of processing are those not directly attributable to the merchandise under consideration or are not costs of manufacturing. These costs include profit and general expenses and business overhead (such as administrative salaries, casualty and liability insurance, advertising, and sales representatives' salaries, commissions, or expenses).

**6. “Imported Directly” Requirement**

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

The article must be shipped directly from the BDC to the United States without passing through the territory of any other country, or, if shipped through the territory of any other country, the merchandise must not have entered the commerce of that country while en route to the United States. In all cases, the invoices, bills of lading, and other documents connected with the shipment must show the United States as the final destination.

***Does the U.S. GSP contain any special provisions for beneficiary developing countries that are members of a regional association(s)?***

Yes. If members of regional associations request and are granted recognition as regional associations under the GSP, the association 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 together meet the rules of origin. Cumulation of production may occur between a BDC and LDBDC of a regional association to produce an article eligible for duty-free treatment only from LDBDCs, as long as the article is imported directly by the United States from the LDBDC.

The competitive need limitations will be assessed only with respect to the country of origin and not the entire association. 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 Africa Development Community (SADC); and the West African Economic and Monetary Union (WAEMU).

**7. Handicraft Textiles**

***What is the certified handicraft textile arrangement?***

Several categories of textile products are eligible for GSP treatment when the GSP beneficiary has signed an agreement with the United States to provide certification that the items are hand-made products of the exporting beneficiary. To date, such agreements have been signed with 13 beneficiaries: Afghanistan, Argentina, Botswana, Colombia, Egypt, Jordan, Nepal, Pakistan, Peru, Thailand, Tunisia, Turkey, and Uruguay.

***What are the products covered by the certified handicraft textile arrangement?***

The arrangement allows the United States to give duty-free treatment to U.S. imports, that have been certified by the beneficiary country, of hand-loomed and folklore wall hangings (HTS 6304.99.10); hand-loomed and folklore pillow covers (HTS 6304.99.40); certain hand-woven tapestries (5805.00.20); three types of hand-loomed and folklore rugs, carpets and other textile floor coverings (5701.10.13, 5702.10.10, and 570.91.20); and hand-loomed fabrics (HTS 5208.31.20, HTS 5208.32.10, HTS 5208.41.20, HTS 5208.42.10, HTS 5208.51.20, HTS 5208.52.10, HTS 5209.31.30, HTS 5209.41.30 and HTS 5209.51.30).

The special Customs procedures (including special paperwork) for importing these products are described below.

***Is any special paperwork necessary to obtain GSP duty-free treatment for a shipment of eligible handicraft textiles?***

For certified handicraft textile products eligible for GSP duty-free treatment, a triangular seal certifying their authenticity and placed on the commercial invoice is required for entry. As noted above, only products produced in those beneficiary developing countries that have completed an official exchange of letters with the U.S. Government may receive GSP treatment. For more information, contact Customs.

***How does an importer request GSP treatment for eligible handicraft textiles?***

This can be accomplished by simply placing the prefix “A” before the HTSUS tariff number of the entry documentation.

## **8. Other Topics**

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

Importers who file their entries electronically should use the appropriate SPI (“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. U.S. Customs and Border Protection has arranged for the timely processing of refunds of duties deposited on these GSP-eligible entries without requiring further action by the filer. The use of the SPI, in effect, constitutes the importer’s request for a refund of duties. For entries made without using the SPI, refunds of duties deposited must generally be requested in writing. (For further information, see the (<http://www.customs.gov/xp/cgov/home.xml>)).

***Do other countries maintain GSP programs?***

Yes. More than 25 other industrialized nations maintain GSP programs. The beneficiaries, products, and type of preferences granted vary for each donor country.

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

Federal Register notices may be downloaded from the USTR website. (<http://www.ustr.gov>)

# INFORMATION ON COUNTRIES AND PRODUCTS ELIGIBLE FOR GSP AND PROCEDURES FOR MODIFYING THE GSP PROGRAM

## GSP-Eligible Beneficiaries

### *Independent countries*

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

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

Tuvalu	Uzbekistan	Zambia
Uganda	Vanuatu	Zimbabwe
Ukraine	Venezuela	
Uruguay	Republic of Yemen	

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

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

Member Countries  
of the Cartagena  
Agreement  
(Andean Group)

Bolivia  
Colombia  
Ecuador  
Peru  
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)

Bangladesh  
Bhutan  
India  
Nepal  
Pakistan  
Sri Lanka

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

Botswana  
Mauritius  
Tanzania

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 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 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 United States 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 its inhabitants, and any other economic factors that the President deems appropriate;
- 3) Whether or not 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.

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

19 USC 2463(c)(2)(e) exempts from the competitive need limitations certain articles if like or directly competitive articles were not produced in the United States on January 1, 1995. The competitive need limitation set forth in section 19 USC 2463(c)(2)(A)(i)(II) mandates 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 exceed 50 percent of all U.S. imports of the article or a dollar value set by a formula described in section 503(c)(1)(A)(i)(II) (\$120 million in 2005, increasing by \$5 million each year), unless a waiver is granted.

In implementing the GSP, 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.

0305.59.20	2208.90.12	3926.20.20	7615.20.00
0406.10.10	2208.90.14	3926.90.70	8446.21.00
0501.00.00	2208.90.15	4206.10.30	8447.20.10
0502.10.00	2208.90.55	4601.20.20	8447.20.60
0505.90.00	2208.90.72	4602.10.11	8448.51.10
0510.00.20	2306.60.00	4602.10.13	8452.10.00
0709.90.10	2401.10.40	4807.91.00	8525.20.15
0710.90.10	2402.20.10	4823.90.50	8527.11.11
0712.90.15	2402.20.90	5301.21.00	8714.93.10
0803.00.40	2504.10.10	5701.10.13	8714.93.60
0807.10.50	2805.22.10	5702.10.10	8714.94.25
0811.90.25	2904.10.04	5702.91.20	8714.94.40
0908.20.20	2907.15.30	5805.00.20	9101.12.80
1207.91.00	2908.20.08	5904.10.00	9101.91.20
1211.90.60	2908.20.15	6304.99.10	9101.91.40
1302.12.00	2912.30.50	6304.99.40	9101.91.80
1401.20.40	2912.50.00	6402.20.00	9101.99.20
1504.30.00	2914.61.00	6502.00.60	9101.99.40
1515.30.20	2918.13.10	6703.00.30	9101.99.60
1515.50.00	2918.13.20	6802.91.30	9101.99.80
1602.50.10	2918.23.10	6812.50.50	9102.12.80
1904.90.00	2922.29.23	7004.10.10	9102.91.20
2001.90.10	2922.30.14	7004.10.50	9102.99.20
2001.90.33	2924.29.04	7004.90.50	9102.99.40
2001.90.42	2924.29.42	7006.00.20	9102.99.60
2001.90.50	2925.20.15	7013.10.10	9102.99.80
2005.90.87	2926.90.17	7016.10.00	9105.99.10
2008.30.54	2933.51.10	7103.10.40	9202.90.20
2008.91.00	3205.00.20	7103.99.50	9405.91.10
2008.99.15	3301.29.10	7104.10.00	9502.10.60
2008.99.63	3301.29.20	7104.90.10	9502.99.10
2008.99.65	3806.20.00	7116.20.20	9617.00.40
2208.20.10	3808.10.10	7215.90.50	

## Articles and Countries Granted Waivers of Competitive Need

## Limitations

HTS	Brief Description	Country	Year
0603.10.30	Miniature (spray) carnations, fresh cut	Colombia	1989
0714.90.20	Fresh or chilled yams, whether or not sliced or in the form of pellets	Colombia	1989
0802.90.94	Kola nuts, fresh or dried, shelled	Cote d'Ivoire	1997
1202.20.40	Peanuts (ground-nuts), not roasted or cooked, shelled, subject to add. US note 2 to Ch.12	Argentina	2003
1602.41.20	Pork hams and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers	Poland	1991
1604.30.20	Caviar	Russia	1998
1701.11.05	Cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS	Colombia	1989
1701.11.05	Cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS	Philippines	1989
1701.11.10	Cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to add. US 5 to Ch.17	Colombia	1989
1701.11.10	Cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to add. US 5 to Ch.17	Philippines	1989
1701.11.20	Cane sugar, raw, in solid form, to be used for certain polyhydric alcohols	Colombia	1989
1701.11.20	Cane sugar, raw, in solid form, to be used for certain polyhydric alcohols	Philippines	1989
2008.11.25	Blanched peanuts, subject to add. US note 2 to Ch. 12, not GN15	Argentina	2003
2008.99.15	Bananas, other than pulp, otherwise prepared or preserved, nesi	Philippines	1989
2008.99.28	Figs, otherwise prepared or preserved, nesi	Colombia	1989
2836.91.00	Lithium carbonates	Chile	1992
2841.70.10	Ammonium molybdate	Chile	1999
2849.90.50	Carbides, nesoi	South Africa	1999
2905.11.20	Methanol (Methyl alcohol), other than imported only for use in producing synthetic natural gas (SNG) or for direct use as fuel	Venezuela	1997
2909.19.14	Methyl tertiary-butyl ether. (MTBE)	Venezuela	1997
2915.70.00	Palmitic acid, stearic acid, their salts and esters	Philippines	1989
2915.90.10	Fatty acids of animal or vegetable origin, nesoi	Philippines	1989

HTS	Brief Description	Country	Year
2916.31.10	Benzoic acid and its salts and esters nesoi	Estonia	1999 (originally granted to 2916.31.15)
2917.37.00	Dimethyl terephthalate	Romania	1997
2933.39.25	Herbicides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	Brazil	1997
2933.49.30	Pesticides of heterocyclic compounds with nitrogen hetero-atom(s) only, cont. a quinoline or isoquinoline ring-system, not further fused	Brazil	1997 (originally granted to 2933.40.30)
2933.71.00	6-Hexanelactam (epsilon-Caprolactam)	Russia	1998
2935.00.32	Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium	Croatia	1991
2935.00.32	Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium	Bosnia-Herzegovina	1991
2935.00.32	Acetylsulfisoxazole; sulfacetamide, sodium; and sulfamethazine, sodium	Macedonia	1991
3503.00.55	Gelatin sheets and derivatives, nesoi; isinglass; other glues of animal origin, nesoi	Colombia	1989
3823.19.20	Industrial monocarboxylic fatty acids or acid oils from refining derived from coconut, palm-kernel, or palm oil	Philippines	2005
3921.90.11	Nonadhesive plates, sheets, film, foil, strip, of noncellular plastics combined with man-made fibers, n/o 1.492 kg/sq m, over 70% plastics	Colombia	1989
4107.19.40	Buffalo leather, without hair on, parchment-dressed or prepared after tanning, other than full grains and grain splits	Thailand	1997 (originally granted to 4104.39.20)
4107.19.50	Whole upholstery leather of bovines (not buffalo) nesoi and equines nesoi, without hair on, prepared after tanning or crusting, not 4114	Argentina	2005
4107.92.80	Grain splits bovine (not buffalo) and equine leather, not whole, without hair on, nesoi, fancy, prepared after tanning or crusting, not 4114	Argentina	2005
4107.99.40	Buffalo leather, without hair on, parchment-dressed or prepared after tanning, other than full grains and grain splits	Thailand	1997 (originally granted to 4104.39.20)
4113.90.60	Leather of animals, nesi, without hair on, not including chamois, patent, patent laminated or metallized, fancy	South Africa	1997 (originally granted to 4107.90.60)
4203.21.20	Batting gloves, of leather or of composition leather	Indonesia	1997
4412.13.40	Plywood sheets n/o 6 mm thick, with specified tropical wood outer ply, with face ply nesoi, not surface-covered beyond clear/transparent	Indonesia	2005
4602.10.16	Baskets and bags of rattan or palm leaf other than wickerwork	Philippines	1989
4602.10.18	Baskets and bags of vegetable material, neosi	Philippines	1989
4602.10.80	Basketwork and other articles, neosi, of vegetables materials, nesoi	Philippines	1989
6702.90.65	Artificial flowers/foilage/fruit & pts thereof; articles of artif. flowers, etc.; all the foregoing of materials o/than plast./feath./mmf	Thailand	1995
6905.10.00	Ceramic roofing tiles	Venezuela	1997

HTS	Brief Description	Country	Year
7113.11.20	Silver articles of jewelry and parts thereof, nesoi, valued not over \$18 per dozen pieces or parts	Thailand	1995
7113.11.50	Silver articles of jewelry and parts thereof, nesoi, valued over \$18 per dozen pieces or parts	Thailand	2005
7113.19.10	Precious metal (o/than silver) rope, curb, etc. in continuous lengths, whether or not plated/clad precious metal, for jewelry manufacture	Peru	1992
7113.19.25	Gold mixed link necklaces and neck chains	India	2001
7113.19.29	Gold necklaces and neck chains (o/than of rope or mixed links)	India	2001
7113.19.29	Gold necklaces and neck chains (o/than of rope or mixed links)	Turkey	2003
7113.19.50	Precious metal (o/than silver) articles of jewelry and parts thereof, whether or not plated or clad with precious metal, nesoi	India	2001
7113.19.50	Precious metal (o/than silver) articles of jewelry and parts thereof, whether or not plated or clad with precious metal, nesoi	Thailand	1995
7113.19.50	Precious metal (o/than silver) articles of jewelry and parts thereof, whether or not plated or clad with precious metal, nesoi	Turkey	2003
7202.50.00	Ferrosilicon chromium	Russia	2000
7202.50.00	Ferrosilicon chromium	Zimbabwe	1993
7202.50.00	Ferrosilicon chromium	Kazakhstan	2003
7202.93.80	Ferroniobium, nesoi	Brazil	2003
7202.99.10	Ferrozirconium	Brazil	2000
7403.13.00	Refined copper, billets	Chile	1999
7403.19.00	Refined copper, unwrought articles nesoi	Chile	1999
7413.00.10	Copper, stranded wire, not electrically insulated, not fitted with fittings and not made up into articles	Peru	1992
7418.19.10	Copper, table, kitchen or other household articles and parts thereof, coated or plated w/precious metals	India	2001
7418.19.20	Copper-zinc alloy (brass), table, kitchen or other household articles and parts thereof, not coated or plated w/precious metals	India	1999
7418.19.50	Copper (o/than brass), table kitchen or other household articles and parts thereof, not coated or plated w/precious metals	India	2003
8108.90.60	Titanium, wrought nesoi	Russia	1998
8402.20.00	Super-heated water boilers	Philippines	1994
8407.34.18	Spark-ignition reciprocating piston engines for vehicles of 8701.20 or 8702-8704, cylinder cap. over 1000 cc to 2000 cc, new	Brazil	1994

HTS	Brief Description	Country	Year
8407.34.48	Spark-ignition reciprocating piston engines for vehicles of 8701.20 or 8702-8704, cylinder capacity over 2000 cc, new	Brazil	1994
8409.91.30	Aluminum cylinder heads for spark-ignition internal combustion piston engines for vehicles of 8701.20 or 8702-8704	Brazil	1994
8414.51.30	Ceiling fans for permanent installation, with a self-contained electric motor of an output not exceeding 125 W	Thailand	2003
8483.10.30	Camshafts and crankshafts nesi	Brazil	1999
8525.40.80	Still image video cameras (other than digital) and other video camera recorders	Indonesia	2004
8527.21.10	Radio-tape player combinations not operable without external power source, for motor vehicles	Brazil	1997
8527.31.40	Radiobroadcast receiver combinations incorporating tape players, nesi	Indonesia	1997
8527.39.00	Radiobroadcast receivers nesi, including apparatus capable of receiving also radiotelephony or radiotelegraphy	Indonesia	1999
8527.90.95	Reception apparatus for radiotelegraphy, radiotelephony, radio broadcasting, nesoi	Philippines	1997
8528.12.28	Non-high definition color television reception app., nonprojection, w/CRT, video display diagonal over 35.56 cm, incorporating a VCR or player	Thailand	2003
8529.90.01	Printed circuit assemblies for television tuners	Indonesia	1994
8529.90.29	Tuners for television apparatus, other than printed circuit assemblies	Indonesia	1994
8544.30.00	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	Philippines	1991
8544.30.00	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	Thailand	2003
8708.39.50	Pts. & access. of mtr. vehicles of 8701, nesoi, and 8702-8705, brakes and servo-brakes & pts thereof (o/than mounted brake linings)	Brazil	1999
9001.30.00	Contact lenses	Indonesia	2005
9009.12.00	Electrostatic photocopying apparatus, operating by reproducing the original image via an intermediate onto the copy (indirect process)	Thailand	2005
9032.89.60	Automatic regulating or controlling instruments and apparatus, nesi	Philippines	1997
9405.50.20	Non-electrical incandescent lamps designed to be operated by propane or other gas, or by compressed air and kerosene or gasoline	India	2003
9405.50.30	Non-electrical lamps and lighting fixtures nesoi, of brass	India	2001
9405.50.40	Non-electrical lamps and lighting fixtures nesoi, not of brass	India	2003
9613.10.00	Cigarette lighters and similar lighters, gas fueled, not refillable, for the pocket	Philippines	1989

## **Articles for Which the Identified Beneficiary Developing Country is Ineligible for GSP Treatment**

Articles for which an identified beneficiary developing country is ineligible for GSP treatment are listed, by HTS subheading, on page GN 4(d) of the General Notes of the Harmonized Tariff Schedule of the United States (HTSUS). (<http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0700gn.pdf>)

## **Information on Submitting a GSP Petition**

### ***General instructions***<sup>1</sup>

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/or 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 reprinted in this Guidebook before submitting the information requested below.

All information requested in the list below is required by the current regulations governing the GSP program. Petitions failing to include any of the required information will be rejected, unless the petitioner demonstrated 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.

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<sup>1</sup> 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.

### *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.
- Identify the product or products of interest, including a detailed description of the product and the item subheading in the HTSUS. 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.) Information on prior petitions is available from the GSP Information Center.
- 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.

- Number and location of firms
- 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
- Other relevant information, including that which may be requested by the GSP Subcommittee.

b. Request to designate new articles or 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.

- Identification of the principal beneficiary developing country suppliers that are expected to benefit from the proposed GSP modifications
- Name and location of firms
- 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
- 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
- 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 BDC or LDBDC .

- The name, address, phone, fax, and email 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 (either)[withdrawn, suspended, or the application of the duty-free treatment be limited with respect to [types of, including referencing HTS 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 section 2461 and subsection (c) of Section 2462 of Subchapter V, Chapter 12, Title 19.
- 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.
- 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 is 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 submissions in response to GSP reviews only via electronic e-mail. Submissions that are hand-delivered or sent via regular mail will not be accepted. The email address to which submissions should be sent is given in the relevant notice published in the *Federal Register*.

Submissions should be single copy transmissions in English, and the total submission must not exceed the number of single-spaced pages specified in the *Federal Register* notice. E-mail submissions should use the subject line requested in the relevant *Federal Register* notice (e.g., “GSP Country Practices Review”) followed by the case number and country name (also reported in the *Federal Register* notice) and, as appropriate, “Petition,” “Written Comments,” “Notice of Intent to Testify,” “Pre-hearing brief,” or “Post-hearing brief.” (For example, an e-mail subject line might read, “GSP Country Practices Review, 001-CP-02, Bangladesh, Pre-hearing brief.”)

Documents must be submitted as MS WORD (“.DOC”), or text (“.TXT”) files. Documents should not be submitted as electronic image files or contain imbedded images (for example, “.JPG”, “.PDF”, “.BMP”, or “.GIF”), as these type files are generally excessively large and may impede electronic transmission and redistribution to the GSP Subcommittee. E-mail submissions containing such files will generally not be accepted. Supporting documentation submitted as spreadsheets are acceptable as Excel files suitable for printing on 8 ½ x 11 inch paper. To the extent possible, any data attachments to the submission should be included in the same file as the submission itself, and not as separate files, to avoid mix-ups and help ensure distribution to and full consideration by the GSP Subcommittee.

## OTHER INFORMATION SOURCES

### **Harmonized Tariff Schedule of the United States**

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 it on the USITC quick tariff lookup: [http://dataweb.usitc.gov/scripts/gsp/gsp\\_tariff.asp](http://dataweb.usitc.gov/scripts/gsp/gsp_tariff.asp) or you can search Customs rulings at <http://rulings.cbp.gov>. If you already know the HTS subheading, or code number, for your product, go to the chapter number that is the first two digits of the subheading. (For example, for caviar, which is HTS subheading 1604.30.20, go to chapter 16. For fresh, unprocessed sturgeon roe, HTS subheading 0302.70.20, go to chapter 3.) you can search the Customs ruling module found at <http://rulings.cbp.gov>.

GSP eligibility for an HTS subheading is shown by the code “A” for Beneficiary Developing Countries) or “A+” (for Least Developed Beneficiary Developing Countries) in the “Special” column of rates of duty. (For example, caviar is GSP-eligible, as shown by the “A” in the Special” column of rates of duty for HTS 1604.30.20.) If no such code is shown, the product is GSP-ineligible. If the code “A\*” is shown, that means that some GSP countries are ineligible for that particular product. As described above, those cases of GSP ineligibility are described on page GN 4(d) in the General Notes at the beginning of the HTS.

### **Department of Homeland Security: Customs & Border Protection (Customs)** (<http://www.cbp.gov/xp/cgov/import/>).

Before September 11, 2001, the major responsibility of the former U.S. Customs Service was to administer the Tariff Act of 1930, as amended. After that date, Customs subsequently merged with other border enforcement agencies to become U.S. Customs and Border Protection (Customs). This mission fits ideally with Customs’ long-established responsibilities for protecting and facilitating international trade. Customs retains its traditional enterprise of protecting the nation's revenue by assessing and collecting duties, taxes and fees incident to international traffic and trade. Further, by providing procedural guidance to the import community, Customs enhances and increases compliance with domestic and international customs laws and regulations.

The Customs website provides customs forms via <http://www.cbp.gov/xp/cgov/toolbox/forms/>. In addition, the website 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. Customs publications are available at: <http://www.cbp.gov/xp/cgov/toolbox/publications/> Rulings are available at: <http://rulings.cbp.gov>

## Sources of Trade Data

**[USITC Dataweb](http://dataweb.usitc.gov/)** (<http://dataweb.usitc.gov/>). Registration is free but required.) This comprehensive database provides statistics on U.S. imports and exports, by HTS, SIC, SITC, and other groupings, by product, country (or country group, such as EU-15 or **GSP**), and, if desired, by U.S. export/import port. Data are available on an annual, quarterly, or monthly basis, from 1989 to the most recent available month (usually 2 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)** (<http://www.census.gov/foreign-trade/statistics/index.html>) The Census Foreign Trade Division issues the important and well-known monthly trade report, "U.S. International Trade in Goods and Services." On this site you can also find up-to-date statistics on imports and exports, by trading partner, and by State. Historical data series go back as far as 1960.

**[USDA Foreign Agricultural Service](http://www.fas.usda.gov/markettradedata.asp)** (<http://www.fas.usda.gov/markettradedata.asp>) About 5-10% of U.S. GSP trade is 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.