

# FOOTWEAR: BASIC DOCUMENTARY REQUIREMENTS FOR CUSTOMS ENTRY

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Commercial Invoice: A Commercial Invoice must contain many elements of information required by Customs to inform them of the details relating to the transaction between you and the seller. The information required is as follows:

- full name and address of the seller and the consignee (buyer) of the goods
- the terms of sale with the currency used and exchange rate (if agreed to)
- The country of origin of the goods and the language used on the Invoice must be English.
- The articles should be described in terms sufficient to allow a layman to determine what the articles are.
- Quantities of each of the articles must be declared along with the unit values and extended values.
- Weights and measures of the articles are required if they are necessary to ascertain duties or Quota issues.
- Discounts must be clearly shown.
- The following charges must be indicated and noted as to whether or not they are part of the invoice value:
  - packing costs
  - ocean or air freight
  - marine insurance
  - Assists
  - buying and or selling commissions
  - The name of a responsible employee of the exporter, who has knowledge of or can readily obtain knowledge of the transaction.

Packing lists: Information required for Customs normally found on a packing list includes:

- Marks and numbers of all of the cartons, pallets, drums, etc. in the shipment
  - the measurements and the gross and tare weights of each item
- The importance of this information is magnified if Customs elects to examine a portion or the imported cargo.

Bill of Lading: A Bill of Lading or any other document that shows evidence of your right to make entry is required by Customs. A Bill of Lading or Air Way bill is tendered to Customs as proof of right to make entry. The Bill of Lading should indicate the notify party so that this party may be notified on arrival of the freight at the port. If an original bill of lading is issued, one of the Originals must be endorsed and tendered to the Steamship Line. We suggest that your surface shipments move under Waybills or Cargo receipts to avoid any delays caused by Steamship hold on your shipment. Special note on your Airfreight shipments, you should insist that the AWB and HAWB show you as the consignee. Avoid having a bank, shipper or 'To Order' consignee.

**Special requirements for Footwear** classifiable in the headings 6401 through 6405 of the HTSUS: Complete the Customs form 5523 in its' entirety. This must be done by the exporter, manufacturer or shipper. The form should include:

- (1) Manufacturer's style number.
- (2) Importer's style and/or stock number.
- (3) Percent by area of external surface area of upper (excluding reinforcements and accessories) which is:
  - Leather a. \_\_\_\_\_%
  - Composition Leather b. \_\_\_\_\_%
  - Rubber and/or plastics. c. \_\_\_\_\_%
  - Textile materials d. \_\_\_\_\_%
  - Other (give separate percent for each type of material) e. \_\_\_\_\_%
  - f. \_\_\_\_\_%

**You may skip this section if you Choose to answer all questions A through Z below.**

- I. If 3(a) is larger than any other percent in 3 and if 4(a) is larger than any other percent in 4, answer questions F, G, L, M, O, Q, R, S, and X
- II. If 3(a) is larger than any other percent in 3 and if 4(c) is larger than any other percent in 4, answer questions F, G, L, M, N, O, Q, R, S, and X.
- III. If 3(a) plus 3(b) is larger than any single percent in 3 and if 4(d), 4(e) or 4(f) is larger than any other percent in 4, **stop**.
- IV. If 3(c) is larger than any other percent in 3 and if 4(a) or 4(b) is larger than any other percent in 4, stop.
- V. If 3(c) is larger than any other percent in 3 and if 4(c) is larger than any other percent in 4, answer questions B, E, F, G, H, J, K, L, M, N, O, P, T and W.
- VI. If 3(d) is larger than any other percent in 3 and if 4(a) plus 4(b) is larger than any single percent in 4, answer questions C and D.
- VII. Any other percent in 3 and if 4(c) is larger than any other percent in 4, answer questions A, C, J, K, M, N, P and T.
- VIII. If 3(d) is larger than any other percent in 3 and if 4(d) is larger than any other percent in 4, answer questions U, Y and Z.
- IX. If the article is made of paper, answer questions V and Z.

**If the article does not meet any of conditions I through IX above, answer all questions A through Z, below:**

- A. Percent of external surface area of upper (including leather reinforcements and accessories) which is leather \_\_\_\_\_%
- B. Percent by area of external surface area of upper (including all reinforcements and accessories) which is rubber and/or plastics \_\_\_\_\_%
- C. Percent by weight of rubber and/or plastics is \_\_\_\_\_%
- D. Percent by weight of textile materials plus rubber and/or plastics is \_\_\_\_\_%
- E. Is it waterproof?
- F. Does it have a protective metal toecap?
- G. Will it cover the wearer's anklebone?
- H. Will it cover the wearer's kneecap?
- I. [Reserved.]

- J. Is it designed to protect against water, oil, grease, or chemicals, or cold or inclement weather?
- K. Is it a slip-on?
- L. Is it a downhill or cross-country ski boot?
- M. Is it serious sports footwear other than ski boots? (Chapter 64 subheading note defines sports footwear.)
- N. Is it a tennis, basketball, gym, or training shoe or the like?
- O. Is it made on a base or platform of wood?
- P. Does it have open toes or open heels?
- Q. Is it made by the (lipped insole) welt construction?
- R. Is it made by the turned construction?
- S. Is it worn exclusively by men, boys or youths?
- T. Is it made by an exclusively adhesive construction?
- U. Are the fibers of the upper, by weight, predominantly vegetable fibers?
- V. Is it disposable, i.e., intended for one-time use?
- W. Is it a "Zori"?
- X. Is the leather in the upper pigskin?
- Y. Are the sole and upper made of wool felt?
- Z. Is there a line of demarcation between the outer sole and upper?

The information requested above may be furnished on Customs Form 5523 or in another appropriate format by the exporter, manufacturer or shipper. In addition, the importer or his authorized agent must furnish the following information if classification is claimed under one of the subheadings below:

If subheading 6401.99.80, 6402.19.10, 6402.30.30, 6402.91.40, 6402.99.15, 6402.99.30, 6406.11.40, 6404.11.60, 6404.19.35, 6404.19.40, or 6404.19.60 is claimed:

- Does the shoe have a foxing or foxing-like band?
- If so, state its material(s).
- Does the sole overlap the upper other than just at the front of the toe and/or at the back of the heel?

**Definitions** for some of the terms used in questions A to Z above. For the purpose of this section, the following terms have the approximate definitions below. If a more complete definition or a decision as to its application for a particular article is needed, the maker or importer of record (or the agent of either) should contact Customs prior to entry of the article.

- a) In an **exclusively adhesive construction**, all of the piece(s) of the bottom would separate from the upper or from each other if all adhesives, cements, and glues were dissolved. It includes shoes in which the pieces of the upper are stitched to each other, but not to any part of the bottom. Examples include:
  - (1) Vulcanized construction footwear;
  - (2) Simultaneous molded construction footwear;
  - (3) Molded footwear in which the upper and the bottom are one piece of molded rubber or plastic, and
  - (4) Footwear in which staples, rivets, stitching, or any of the methods above are either primary or just extra or auxiliary, even though adhesive is a major part of the reason the bottom will not separate from the upper.

- b) **Composition leather** is made by binding together leather fibers or small pieces of natural leather. It does not include imitation leathers not based on natural leather.
- c) **Leather** is the tanned skin of any animal from which the fur or hair has been removed. Tanned skins coated or laminated with rubber and/or plastics are “leather” only if the leather gives the material its essential character.
- d) A **line of demarcation** exists if one can indicate where the sole ends and the upper begins. For example, knit booties do not normally have a line of demarcation.
- e) **Mens’, boys’ and youths’ sizes** cover footwear of American youth sizes 11 ½ and larger for males, and do not include footwear commonly worn by both sexes. If more than 4% of the shoes sold in a given size will be worn by females, that size is “commonly worn by both sexes.”
- f) Footwear is designed to **protect against** water, oil or cold or inclement weather only if it is substantially more of a protection against those items than the usual shoes of that type. For example, leather oxfords will clearly keep one’s feet warmer and drier than going barefoot, but they are not a protection in this sense. On the other hand the snow-jobber is the protective version of the non-protective jogging shoe.
- g) **Rubber and/or plastics** include any textile material visibly coated (or covered) externally with one or both of those materials.
- h) **Slip-on** includes:
  - (1) A boot which must be pulled on.
  - (2) Footwear with elastic cores which must be stretched to get it on
  - (3) **Not** footwear having a separate piece of elasticized fabric which forms a full circle around the foot or ankle.
- i) **Sports footwear** includes only:
  - (1) Footwear which is designed for a sporting activity and has, or has provision for, the attachment of spikes, sprigs, cleats, stops, clips, bars or the like;
  - (2) skating boots (without skates attached)
  - (3) ski boots and cross-country ski footwear
  - (4) wrestling boots
  - (5) boxing boots
  - (6) cycling shoes.
- j) **Tennis shoes, basketball shoes, gym shoes, training shoes** and the like cover athletic footwear other than sports footwear, whether or not principally used for such athletic games or purposes.
- k) **Textile materials** are made from cotton, other vegetable fibers, wool, hair, silk or man-made fibers. Note: Cork, wood cardboard and leather are not textile materials.
- l) In **turned** construction, the upper is stitched to the leather sole wrong side out and the shoe is then turned right side out.
- m) **Vegetable fibers** include cotton, flax and ramie but do not include either rayon or plaiting materials such as rattan or wood strips.
- n) **Waterproof footwear** includes footwear designated to protect against penetration by water or other liquids, whether or not such footwear is primarily designed for such purposes.
- o) **Welt footwear** means footwear constructed with a welt, which extends around the edge of the outer sole, and in which the welt and shoe upper are sewed to a lip on the surface of the insole, and the outer sole is sewed or cemented to the welt.
- p) A **zori** has an upper consisting only of straps or thongs of molded rubber or plastic. This upper is assembled to a foamed rubber or plastic sole by means of plugs.