

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
Complete 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 (Transshipment)	Must stay under customs control, 19 CFR 181 Appendix, Sec. 16 19 CFR 181.23(b)	May leave customs control but no further production (requires non-ABI entry), 19 CFR 10.463	May leave customs control but no further production (requires non-ABI entry), 19 CFR 10.542	May leave customs control but no further production (requires non-ABI entry), 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 Regs (Will be 10.721-748, Subpart L)
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 10.534	General Note 28(b), Interim 19 CFR 10.730 (pending)
Rules of Origin	Wholly Obtained, Wholly of Originating Materials, Tariff Shift & / or Regional Value Content	Wholly Obtained, Wholly of Originating Materials, Tariff Shift & / or Regional Value Content	Wholly Obtained, Tariff Shift & / or Regional Value Content, Integrated Sourcing Initiative (ISI)	Wholly Obtained, Wholly of Originating Materials, Tariff Shift & / or Regional Value Content
Tariff Shift Rule Citations	GN 12(t)	GN 26(n)	GN 25(o)	GN 28(n)
Tariff Shift Rules of Origin Updated to Comply with 2007 HTSUS	Yes, update effective 10/2/09 Presidential Proclamation 8405	Yes, already updated, Presidential Proclamation 8214	Yes, already updated, Presidential Proclamation 8214	Yes, already updated
Chemical Reaction Rule of Origin	No	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 goods shipped through Singapore	No
Repair & Alteration Provision	Duty Free per 19 CFR 181.64	Duty Free per 19 CFR 10.490	Duty Free per 19 CFR 10.570	Duty Free per Agreement Article 2.6 (interim 19 CFR 10.748 pending)
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 10 elements upon request by CBP, 19 CFR 10.411	No, freeform "Supporting Statement" with 10 elements upon request by CBP, 19 CFR 10.511	No, freeform "Supporting Statement" with 10 elements upon request by CBP, per draft interim 19 CFR 10.724

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Provision	NAFTA	CHILE (CFTA)	SINGAPORE (SFTA)	AUSTRALIA (AFTA)
VALUE				
Regional Value Content (RVC) Citations	19 CFR 181, Appendix, Section 6 - 10	19 CFR 10.454	19 CFR 10.535	Agreement Article 5.4 Interim 19 CFR 10.734 (pending)
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% by value	10% by value	10% by value	10% by value
INVENTORY MANAGEMENT METHODS				
Fungible Goods	Specific Identification, LIFO, FIFO, Average	Specific Identification, LIFO, FIFO, Average	Specific Identification, LIFO, FIFO, Average	Specific Identification, LIFO, FIFO, Average
Fungible Materials	Specific Identification, LIFO, FIFO, Average	Specific Identification, LIFO, FIFO, Average	Specific Identification, LIFO, FIFO, Average	Specific Identification, LIFO, FIFO, Average
CLAIMS & DETERMINATIONS				
Post-Importation Claims	19 USC 1520(d) 19 CFR 181 Subpart D	19 USC 1520(d) 19 CFR 10.440-442	Post Entry Amendment (PEA) or 19 USC 1514	Post Entry Amendment (PEA) or 19 USC 1514
Reconciliation Claims	Yes	Yes, 69 FR 53730, September 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
Complete Duty Phase-Out	January 1, 1995	January 1, 2019 (10 years)	January 1, 2015 (10 years)	January 1, 2023 (18 years)	January 1, 2018 (10 years)
Merchandise Processing Fee (MPF)	Exempt for all goods, whether or not originating	No Exemption	Exempt for originating goods	No Exemption	Exempt for originating goods
Direct Shipment (Transshipment)	May NOT leave customs control in a 3rd country (GN 3(a)(v)(B))	May NOT leave customs control in a 3rd country (19 CFR 10.711)	No further production in a 3rd country; goods may leave customs control (requires non-ABI entry), 19 CFR 10.817 (FR 23949, 5/22/09)	No further production in a 3rd country; goods may leave customs control (requires non-ABI entry), 19 CFR 10.777	No further production in a 3rd country; goods may leave customs control (requires non-ABI entry), Article 4.9
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	19 USC 2112	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 10.761-788 (Subpart M)	(No interim regs yet)
Marking Rules	19 CFR 134	19 CFR 134	19 CFR 134	19 CFR 134	19 CFR 134
Special Program Indicator	"IL" ("N" for Qualified Industrial Zones (QIZs))	"JO"	"BH"	"MA"	"OM"
ORIGINATION, ETC.					
Rules of Origin Citations	Agreement Annex 3	General Note 18(b) 19 CFR 10.710	General Note 30(b) 19 CFR 10.810	General Note 27(b) 19 CFR 10.770	General Note 31(b)
Rules of Origin	Wholly Obtained or Regional Value Content + Substantial Transformation	Wholly Obtained or Regional Value Content + Substantial Transformation	Wholly Obtained or Regional Value Content + 19 CFR 102	Wholly Obtained or Regional Value Content + 19 CFR 102	Wholly Obtained or Regional Value Content + Substantial Transformation
Tariff Shift Rule Citations	No	No	GN 30(h), Tariff Shift Rules for Certain Goods in HTS 17, 18, 20 & 21	GN 27(h), Tariff Shift Rules for Certain Goods in HTS 6-14, 20-22, 39, 72, 85 & 87	GN 31(h), Tariff Shift Rules for Certain Goods in HTS 17, 18, 20, 21, 42, 50-63, 70 & 94
Tariff Shift Rules of Origin Updated to Comply with 2007 HTSUS	N/A	N/A	No, still uses 2006 tariff shift rules (but affects only textiles)	No, still uses 2006 tariff shift rules (but affects only textiles)	No, still uses 2006 tariff shift rules (but affects only textiles)
Chemical Reaction Rule 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
Repair & Alteration Provision	No	No	Duty Free per 19 CFR 10.827	Duty Free per 19 CFR 10.788	Duty Free per Article 2.6 of the Agreement
Documentation required in the importer's possession at the time of claim	No, form A not required	No, freeform "Declaration" with 10 elements upon request by CBP, 19 CFR 10.704	No, freeform "Declaraton" with 10 elements upon request by CBP, 19 CFR 10.804	No, freeform "Declaraton" with 10 elements upon request by CBP, 19 CFR 10.764	No, freeform "Declaration" with 10 elements upon request by CBP, Article 4.10

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Provision	ISRAEL (ILFTA)	JORDAN (JFTA)	BAHRAIN (BFTA)	MOROCCO (MFTA)	OMAN (OFTA)
VALUE					
Regional Value Content (RVC) Citations	19 USC 2112, Sec. 9; Agreement Annex 3	19 CFR 10.710	19 CFR 10.810	19 CFR 10.770	Agreement Article 4.1, GN 31(b)(ii)
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)	Bahraini materials + direct cost of processing must at least equal 35% of appraised value (unlimited US content)	Moroccan materials + direct cost of processing must at least equal 35% of appraised value (unlimited US content)	Omani materials + direct cost of processing must at least equal 35% of appraised value (unlimited US content)
Special Regimen for Automotive Goods	No	No	No	No	No
De Minimis Provision	No	No	No	No	No
INVENTORY MANAGEMENT METHODS					
Fungible Goods	No	No	No	No	No
Fungible Materials	No	No	No	No	No
CLAIMS & DETERMINATIONS					
Post-Importation Claims	Post Entry Amendment (PEA) or 19 USC 1514	Post Entry Amendment (PEA) or 19 USC 1514	Post Entry Amendment (PEA) or 19 USC 1514	Post Entry Amendment (PEA) or 19 USC 1514	19 USC 1520(d)
Reconciliation Claims	No	No	No	No	No
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)
GENERAL INFO & DATES		
Agreement Name	Central America-Dominican Republic-United States Free Trade Agreement	U.S.-Peru 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
Expiration	None	None
Complete Duty Phase-Out	January 1, 2025 (20 Years)	January 1, 2025 (17 years)
Merchandise Processing Fee (MPF)	Exempt for Originating Goods	Exempt for Originating Goods
Direct Shipment (Transshipment)	Must stay under customs control (Interim 19 CFR 10.604)	Must stay under customs control (Article 4.13)
Primary Responsibility for Compliance	Importer	Importer
CITATIONS		
HTS General Note (GN)	GN 29	GN 32
US Code	19 USC 4001 note	19 USC 3805 note
CFR	Interim 19 CFR 10.581-625 (Subpart J), 73 FR 33674, June 13, 2008	(No interim regs yet)
Marking Rules	19 CFR 134	19 CFR 134
Special Program Indicator	"P," "P+" (qualifying agricultural goods)	"PE"
ORIGINATION, ETC.		
Rules of Origin Citations	General Note 29(b) Interim 19 CFR 10.594	GN 32(b)
Rules of Origin	Wholly Obtained, Tariff Shift & / or Regional Value Content, Wholly of Originating Materials, Qualifying goods	Wholly Obtained, Tariff Shift & / or Regional Value Content, Wholly of Originating Materials
Tariff Shift Rule Citation	GN 29(n)	GN 32(n)

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Provision	CAFTA-DR	Peru (PTPA)
Tariff Shift Rules of Origin Updated to Comply with 2007 HTSUS	No, still uses 2006 tariff shift rules (but affects only textiles)	No, still uses 2006 tariff shift rules (but affects only textiles)
Chemical Reaction Rule of Origin	Yes, HTS Ch. 27-40, GN 29(m)(vii)	Ch 27-40, GN 32(m)(vii)
Special Origination Rules	Qualifying Goods, GN 29(a)(ii) for certain CAFTA-DR agricultural goods	No
Repair & Alteration Provision	Duty Free per interim 19 CFR 10.624	Duty Free per Article 2.6 of Agreement
Documentation required in the importer's possession at the time of claim	No, freeform "Certification" with 10 elements upon request by CBP, 19 CFR 10.584	No, freeform "Certification" with 10 elements upon request by CBP, Article 4.15
VALUE		
Regional Value Content (RVC) Citations	CAFTA-DR, Interim 19 CFR 10.595	Peru TPA, Article 4.2
Regional Value Content (RVC) Calculation Methods	Build-Up, Build-Down & Net Cost where there is RVC	Build-Up, Build-Down & Net Cost where there is RVC
Special Regimen for Automotive Goods	Yes, certain tariffs may elect to use net cost RVC, GN 29(f)(iii)	Yes, automotive goods may elect to use net cost RVC, GN 32(f)(iii)
De Minimis (most common threshold)	10% by value	10% by value
INVENTORY MANAGEMENT METHODS		
Fungible Goods	Specific Identification, LIFO, FIFO, Average	LIFO, FIFO, Average
Fungible Materials	Specific Identification, LIFO, FIFO, Average	LIFO, FIFO, Average
CLAIMS & DETERMINATIONS		
Post-Importation Claims	19 USC 1520(d), 10 CFR 10.590 (interim)	19 USC 1520(d), Agreement Article 4.19
Reconciliation Claims	Yes, 71 FR 37596, June 30, 2006	No
Determinations Communicated to Exporter	Yes, if correspondence with exporter	Yes, if correspondence with exporter
Pattern of Conduct Clause	Yes, Interim 19 CFR 10.619	Yes, Agreement Article 4.18

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Provision	CBERA	CBTPA	GSP	AGOA	ATPA / ATPDEA
GENERAL INFO & DATES					
Preferential Trade Legislation Name	Caribbean Basin Economic Recovery Act	Caribbean Basin Trade Partnership Act	Generalized System of Preferences	African Growth and Opportunity Act	Andean Trade Promotion Act / Andean Trade Promotion and Drug Eradication Act
Implementation Date	December 7, 1984	October 5, 2000	January 1, 1976	October 5, 2000	ATPA: 9/25/98 ATPDEA: 10/7/06
Expiration	None	9/30/2010	12/31/2009	9/30/2015	Colombia, Peru and Ecuador: 12/31/2009 Bolivia: 12/15/08 (expired)
Complete Duty Phase-Out	Immediate	Immediate	Immediate	Immediate	Immediate
Merchandise Processing Fee (MPF)	Exempt for all goods, whether or not claiming preference	Exempt for all goods, whether or not claiming preference	Lesser Developed Countries are exempt, GN 4(b)	Lesser Developed Countries are exempt per GN 4(b), as are claims with HTS 9819	Goods of an ATPDEA country are exempt only when claiming HTS 9821 (most goods)
Direct Shipment (Transshipment)	May NOT leave customs control, 19 CFR 10.193	May NOT leave customs control, 19 CFR 10.233(d). Goods may be exported from a former CBTPA country that is now a CAFTA country as long as the origin-conferring activity occurred in the CBTPA country	May NOT leave customs control, 19 CFR 10.175	May NOT leave customs control, 19 CFR 178a(e)(4)	May NOT leave customs control, 19 CFR 10.204, 19 CFR 10.253(b)(1)
Primary Responsibility for Compliance	Importer	Importer	Importer	Importer	Importer
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 petroleum products, watches, certain electronic and steel articles, footwear, handbags, luggage, flat goods, work gloves, leather apparel and certain glass products, 19 CFR 10.178a(b)	Benefits apply to petroleum products, watches, certain electronic and steel articles, footwear, handbags, luggage, flat goods, work gloves, leather apparel and certain glass products, 19 CFR 10.202 & 19 CFR 10.253

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Provision	CBERA	CBTPA	GSP	AGOA	ATPA / ATPDEA
CITATIONS					
HTS General Note (GN)	GN 7	GN 17	GN 4	GN 16	GN 11
US Code	19 USC 2701 - 2707	19 USC 2701 - 2707	19 USC 2461-2467	19 USC 3706	19 USC 2461-2467
CFR	19 CFR 10.191 - 10.199 (Subpart B)	19 CFR 10.231 - 10.237	19 CFR 10.171 - 10.178	19 CFR 10.178a	19 CFR 10.201 - 10.207 19 CFR 10.251 - 10.257 (Subpart C)
Marking Rules	19 CFR 134	19 CFR 134	19 CFR 134	19 CFR 134	19 CFR 134
Special Program Indicator	"E" "E*"	"R"	"A" "A+" (Least-Developed Beneficiary Developing Countries) "A*" (with exceptions)	"D"	"J" and "J*" ATPA "J+" ATPDEA
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 4(b)(ii) & 4(c), 19 CFR 10.176	General Note 16(b) 19 CFR 10.178a	General Note 11(b) 19 CFR 10.253
Rules of Origin	Regional Value Content + substantial transformation	NAFTA GN 12 rules of origin apply. May use CAFTA-DR materials (GN 17(e))	Regional Value Content + substantial transformation	Regional Value Content + substantial transformation	Regional Value Content + substantial transformation
Tariff Shift Rule Citations	No	Yes, General Note 12(t)	No	No	No
Tariff Shift Rules of Origin Updated to Comply with 2007 HTSUS	N/A	Yes, update effective 10/2/09, Pres Proc 8405	N/A	N/A	N/A
Chemical Reaction Rule of Origin	No	No	No	No	No
Special Origination Rules	No	No	No	No	No
Repair & Alteration Provision	No	No	No	No	No
Documentation required in the importer's possession at the time of claim	No, knowledge with documentation upon request	Yes, CBP Form 450, signed by exporter	No, knowledge with documentation upon request	No, knowledge with documentation upon request	ATPA: No knowledge ATPDEA: Yes, CBP Form 449 signed by exporter

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Provision	CBERA	CBTPA	GSP	AGOA	ATPA / ATPDEA
VALUE					
Regional Value Content (RVC) Calculation Methods	Direct cost of processing	Transaction Value & Net Cost where there is RVC	Direct cost of processing	Direct cost of processing	Direct cost of processing
General RVC Percentages	CBERA materials + direct cost of processing must at least equal 35% of appraised value (up to 15% US content)	See NAFTA regulations	35% direct costs of processing plus materials	AGOA materials + direct cost of processing must at least equal 35% of appraised value (up to 15% US content)	ATPA/ATPDEA materials + direct cost of processing must at least equal 35% of appraised value (up to 15% US content)
Special Regimen for Automotive Goods	No	No	No	No	No
De Minimis Provision	No	No	No	No	No
INVENTORY MANAGEMENT METHODS					
Fungible Goods	No	No	No	No	No
Fungible Materials	No	No	No	No	No
CLAIMS & DETERMINATIONS					
Post-Importation Claims	Post Entry Amendment (PEA) or 19 USC 1514	Post Entry Amendment (PEA) or 19 USC 1514	Post Entry Amendment (PEA) or 19 USC 1514	Post Entry Amendment (PEA) or 19 USC 1514	Post Entry Amendment (PEA) or 19 USC 1514
Reconciliation Claims	No	No	No	No	No
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