

CD #:3500-07 DATE: 02-28-86 SUBJECT: Textiles and Textile Products

NUMBER:3500-07

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SUBJECT:Textiles and Textile Products

1.PURPOSE

The purpose of this Customs Directive is to establish revised entry procedures for commercial shipments of textiles and textile products.

2.BACKGROUND

The increased number of abuses and circumventions of visa requirements by the improper use of "exempt certifications" for textile shipments valued \$250 and under, require greater and more knowledgeable scrutiny of these shipments. In order to prevent this same activity from spreading to countries presently not subject to textile restraint levels, all countries will be subject to some or all of the requirements of this Directive. Additionally, on all shipments of textiles from countries listed in Attachment A, regardless of value, there will be a careful review of the documentation and examination of the merchandise prior to release of the shipment.

3.ACTION

To implement this program it will require that all commercial textile shipments, regardless of value, classified in the TSUSA provisions noted in Attachment B be handled as follows:

Quota Merchandise

1)All commercial textile shipments, regardless of value, subject to import quotas administered by the U.S. Customs Service, will be entered using the entry/entry summary procedure ("live formal entry") prior to release of the merchandise. Attachment C contains a list of countries for which quotas apply to shipments valued \$250 or less.

Non-Quota Textiles and Apparel from Countries Listed in Attachment A

2)All other commercial textile shipments, regardless of value, not subject to import quotas administered by the U.S. Customs Service, classified

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CUSTOMS ISSUANCE SYSTEM

DEPARTMENT OF THE TREASURY UNITED STATES CUSTOMS SERVICE

in the TSUS(A) provisions noted in Attachment B, grown, produced, manufactured in or imported into the U.S. from countries listed in Attachment A, may be released on entry, or when authorized, under the "ID" procedure, followed by the normal filing, within 10 working days, of the formal entry summary. However, the entry or "ID" package (CF 3461, invoice, visa, if required, packing list, etc.) must be reviewed by the

textile import specialist prior to examination and release of the shipment.

Textiles and Apparel from Other Countries

3. All commercial textile shipments, regardless of value classified in the TSUS(A) provisions noted in Attachment B, manufactured in countries not listed in Attachment A, may be released on entry, or when authorized, under the "ID" procedure, followed by the normal filing within 10 working days, of the formal entry summary. Import Specialist review of the documentation prior to release is to be accomplished consistent with present port practices, manpower and workload.

Commercial Samples

4. Commercial samples, which are not classifiable under item 860.30, valued at \$250 or less, from all countries, may be entered on informal entry (including informal mail entry) provided the following requirements are met:

a. The invoice for these shipments must contain the statement "Marked Sample - Not for Resale".

b. The inside of the article must be indelibly stamped with the word "Sample". This stamping must be in contrasting color to the article, near the country of origin label, in one (1) inch or greater letters-and physically placed on the article itself.

c. Articles which are transparent or incapable of being marked (such as briefs, bikinis, hosiery, blouses without collars, sheer or very thin scarves or garments, etc.) and for which the stamping of "Sample" would render the article unsuitable for use as a trade sample, the following guidelines are provided:

1. Fabric labels, not smaller than 2 1/2 "by 1/2" containing the words "SAMPLE-Not to be Sold"

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must be conspicuously and permanently affixed to the article in close proximity to the country of origin label.

d. If these samples are subject to import quotas administered by the U.S. Customs Service (See Attachment C for the list of countries for which quotas also apply to shipments valued \$250 or less) then they are not eligible for the exemption and must be entered under a "live" formal entry and reported to the Headquarters Quota Section.

e. If these samples are from countries listed in Attachment C, are not subject to import quotas, but are subject to visa requirements, then they are not eligible for this exemption and must be entered in accordance with the provisions of paragraph 3(2) above.

f. The invoice must have been annotated with the notation required in paragraph 4a above and the article marked in accordance with the provisions of 4b and c above prior to importation into the U.S. The importer will not be allowed to do this after importation.

g. Although these "samples" may be entered under the informal entry procedures, they do not qualify for entry under item 860.30, TSUS. Accordingly, they are subject to duty under the appropriate TSUS Schedule 3 or 7 item number.

h. Should it be discovered that a shipment does not comply with the above requirements, a "live" formal entry will be required on that shipment and all such future "sample" shipments entered by this importer or his agent.

Personal Shipments Accompanying the Traveler:

5. Personal shipments will not be affected by the new requirements, regardless of value when accompanying the traveler.

Personal Shipments Arriving Unaccompanied:

6. When personal shipments arrive unaccompanied, they will also be exempt from the filing of a formal entry. However, if the particular shipment is required to have a visa or an exempt certification, it will be considered to be a commercial shipment and a formal entry will be required.

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Currently, unaccompanied personal shipments from Hong Kong, other than bonafide gifts, require an exempt certification. Therefore, these shipments require formal entry.

In addition, textiles which are assembled in Guam or the Marianas but which are not considered to be a product of Guam or the Marianas, are subject to quota and visa requirements, whether personal or commercial. Therefore, these shipments will require a "live" formal entry.

Definition of Personal Shipment:

7. Personal shipments are defined in Schedule 8, Part 2, Subpart A of the TSUSA, CFR 143.21 and Section 5.2 of the Customs Inspector's Handbook. To qualify as a personal shipment, the article must be for the personal or household use of the importer (including gifts) and not intended for resale or sale on commission.

Inspectors should be alert for concealed commercial shipments. Multiple shipments of the same or similar articles to the same importer are one indicator of commercial shipments. Another indicator may be excessive quantities of the same article in one shipment. Whenever there is doubt as to the validity of the claim that a shipment is personal, a formal entry should be required.

APO/FPO Hong Kong, Personal Shipments Valued \$250 or Less:

8. Personal shipments, when a product of Hong Kong and valued \$250 or less, and when mailed from the Hong Kong APO/FPO system only, are exempt from the provisions of this Directive, and shall be allowed to enter the United States under the informal entry procedure. Should commercial shipments be detected

using the APO/FPO system live formal entries shall be required and military authorities notified. Prohibited merchandise is subject to seizure:

APO/FPO Hong Kong, Personal Shipments, Valued over \$250:

9. Personal shipments, when a product of Hong Kong, valued over \$250, and sent to the U.S. through the Hong Kong APO/FPO facilities, shall require a formal entry as provided for in paragraph 3(2) above.

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APO/FPO Guam and the Marianas, Personal Shipments, Regardless of Value:

10. Personal shipments, not the product of Guam or the Marianas, but shipped to the U.S. through their APO/FPO system, if subject to quota and visa requirements, shall require a live formal entry.

APO/FPO Other Countries, Personal Shipments, Regardless of Value:

11. Personal shipments the product of countries other than Hong Kong sent to the U.S. through their APO/FPO facilities shall be allowed to enter under the informal entry procedures. Products of Hong Kong, regardless of value, mailed to the U.S. through the APO/FPO facilities of other countries require a formal entry.

Entry Chart

12. A chart showing the type of entry required for each type of shipment can be found in Attachment D.

ACS Cargo Selectivity:

13. These requirements will be entered into ACS Cargo Selectivity.

4. RESPONSIBILITIES

It is the responsibility of all regional commissioners, deputy assistant regional commissioners, district, area and ports directors to assure compliance with this Directive. The information contained in this Directive should be made available to all persons conducting Customs business.

5. EFFECTIVE DATE

These instructions are effective with respect to merchandise entered, or withdrawn from warehouse for consumption, on and after March 9, 1986. The Directive will continue to be in effect until revoked.

6. SUPERSEDED MATERIAL

This Directive supersedes Directive 3500-06, dated January 9, 1986.

/signed/
Acting Commissioner of Customs

Attachments
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3500-07 Attachment A

List of Countries
Subject to this Directive *

1. Bangladesh
2. Brazil
3. China
4. Costa Rica
5. Columbia
6. Dominican Republic
7. Egypt
8. Guam
9. Guatemala
10. Haiti
11. Hong Kong
12. Hungary
13. India
14. Indonesia
15. Israel
16. Japan
17. Jamaica
18. Korea
19. Macau
20. Malaysia
21. Maldives

22. Marianas
23. Mauritius
24. Mexico
25. Nepal
26. Panama
27. Pakistan
28. Peru
29. Philippines

- 30. Poland
- 31. Portugal
- 32. Romania
- 33. Singapore
- 34. South Africa
- 35. Spain
- 36. Sri Lanka
- 37. Taiwan
- 38. Thailand
- 39. Turkey
- 40. Uruguay
- 41. Yugoslavia

*This list will be updated as required.

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3500-07 Attachment B

List of Commodities by TSUS(A) Item Number
Subject to this Directive

Schedule 3:

All item numbers in Schedule 3 are subject to this Directive except the following:

- 304.02-305.02
- 306.00-307.18
- 307.40
- 308.02-308.20
- 335.40-335.50
- 357.90-358.03

- 357.90-358.03
 - 358.06-358.16
- 10

385.10-385.15
385.95
389.61
390.10-390.16
Schedule 7:

Only the following item numbers in Schedule 7 are subject to this Directive:

700.72-700.80
702.06-703.95
704.05-704.95
705.35-705.78
705.83-705.90
706.04-706.62
727.82-727.86

735.2048
737.21
748.45-748.55
771.20-771.55
772.31-772.35
791.70-791.80
791.90
Schedule 8

Only the following item numbers in Schedule 8 are subject to this Directive:

806.20
807.00
864.05

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3500-07 Attachment C

Countries For Which Quota/Visa
Requirements Apply To Shipments

Valued \$250 Or Less

1. Shipments from China (PRC) are subject to import quotas administered by the U.S. Customs Service but do not require either a visa or exempt certification for shipments valued \$250 or less.

2. Shipments from the following countries and territories are subject to import quotas administered by the U.S. Customs Service and require a visa for shipments valued \$250 or less:

Dominican Republic
Guam
Haiti
Hungary
Indonesia
Macau
Maldives
Marianas
Romania

3. Shipments from Malaysia are subject to import quotas administered by the U.S. Customs Service and require a visa for shipments valued \$250 or less, except handprinted fabric by the batik process.

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3500-07 Attachment D
ENTRY CHART

PRESENTCUSTOMS
TYPE OF SHIPMENTPROCEDUREDIRECTIVE

MAIL & CARGO SHIPMENTS

Commercial Shipments
Valued \$250 or Less

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If subject to quota Informal Live
If not subject to quota Informal Formal

"Sample" Commercial
Shipments Valued \$250 or Less

If marked "SAMPLE"
If subject to quota Informal Live
If not subject to quota
If from quota country Informal Informal
If from non-quota country Informal Informal

If not marked "SAMPLE"
If subject to quota Informal Live
If not subject to quota
If from quota country Informal Formal
If from non-quota country Informal Formal

"Sample" Commercial Shipments
Valued over \$250

If subject to quota Live Live
If not subject to quota
If from quota country Formal Formal
If from non-quota country Formal Formal

Other Commercial Shipments
Valued Over \$250

If subject to quota Live Live
If not subject to quota
If from quota country Formal Formal
If from non-quota country Formal Formal

Personal Shipments from Hong Informal Formal (Live if Quota
Kong, Guam, & Marianas, from Guam/Marianas,
Regardless of Value (except Formal if not Quota)
Hong Kong APO/FPO Shipments)

Personal Shipments from other
Countries, Regardless of Value Informal Informal
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PRESENT CUSTOMS
TYPE OF SHIPMENT PROCEDURE DIRECTIVE

PASSENGER SHIPMENTS

Personal Accompanied
Shipments, Regardless
of Value or Country
of Origin Informal Informal

APO/FPO SHIPMENTS

Personal Shipments sent
via APO/FPO, Valued \$250
or Less

If from Hong Kong APO/FPO Informal Informal
If from Guam, Marianas Informal Live if Quota
Formal if not Quota
If from Other Countries Informal Informal

Personal Shipments sent
via APO/FPO, Valued over
\$250

If from Hong Kong APO/FPO Informal Formal
If from Guam, Marianas Informal Live if Quota
Formal if not Quota
If from Other Countries Informal Informal

Commercial Shipments* sent
via APO/FPO, Regardless of
Value or Country of Origin Live Live

*Note: Commercial shipments are prohibited from APO/FPO mailing, however, should commercial shipments be detected, live formal entries would be required and military authorities notified. Prohibited merchandise would be subject to seizure.

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(Inspectors, G-02 (Import Specialists))
ORIGINATING OFFICE: CO:T:A:C:GDISTRIBUTION: (Mgrs/Supv) (Pac, SW, N E, N C Regions)

POLICIES &

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PROCEDURES
MANUAL

CUSTOMS
DIRECTIVE