

WEST AFRICAN TRAINING ON TEXTILES AND APPAREL STANDARDS
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MEETING AGOA EXPORTS REQUIREMENTS
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INTRODUCTION

What is AGOA?

- It is a Special Trade Preference Program which provides Duty-Free access to export products entering the US market from [Qualified Sub-Saharan African \(SSAs\) countries](#). It is Non-Reciprocal(www.agoa.gov)
- To support economic growth and development in Sub Saharan Africa (SSA) through the promotion of trade and investment with the US.
- Qualification/Eligibility for AGOA is based on a set of conditions application to countries (National Governments) and Private Sector Operators (companies)

Country Eligibility Requirements

- Countries must have established or making continual progress towards establishing a market-based economy
- Protection of intellectual property rights
- Maintenance of the Rule of Law and Multi-party Democracy
- Respect for Human Rights and Protection of Workers Rights
- Measures to Deal with Child Labour
- Policies for Poverty Reduction

- Elimination of barriers to US trade and investment

- Measures to combat corruption

- Non-Engagements in activities that undermine US national security, including support to terrorists

Eligibility Criteria (Cont'd)

- Increasing availability of health care and educational opportunities for citizenry

NOTE

- Country eligibility is subject to annual review (Carrot and Stick)

Example.

On May 16th 2002 Cote D'Ivoire was designated as AGOA eligible but on January 1st 2005 it was revoked by the US Government and in October 2011 eligibility was restored.

AGOA Visa System

- Eligible SSA Countries that exports Textiles and Apparel to the US are required to put in place a mechanism to prevent illegal trans-shipment of products from non-eligible countries and use of counterfeit document documentation. The United States Trade Representative (USTR) is the responsible approving State Agency for AGOA Visa Arrangement
- This system involves the following:

- 1. AGOA Visa Form/Certificate of Origin**

A Form approved by the US Customs to be used by exporters in addition to any other form approved by the country's customs authority.

- 2. Official Government stamp** should be on the original commercial invoice.

AGOA Visa System (Cont'd)

Good Record Keeping - Exporting company to maintain proper records on all export production and transactions for a minimum of 5 years.

Factory Inspection - Provide US Customs officials access to factory inspection.

Enforcement of Provisions - Requires Government of eligible SSA Countries to have an effective legal framework for enforcement of AGOA provisions and penalties for breaches.

Information Required on AGOA Visa Form/Certificate of Origin

- Visa Number-9 characters-Alphanumeric format
- Exporter's Name & Address -
- Importer's Name & Address
- Producer's Name & Address
- Preference Group, Description of Article, Quantity
- Name and Signature of Issuing Official of the beneficiary country
- Stamp of Issuing Authority
- Date of Issuance

Textiles and Apparel Groupings -10 Groups

- 1(A) - US Yarn and Fabric, cut in United States
- 2(B) - US Yarn and Fabric, cut in US, further processed
- 3(C) - US Yarn, Fabric and Thread, cut in Africa
- 4 (D) – US or African Yarn, Fabric Made in Africa (Regional Fabric)
- 5(E) - Least Developed Countries can use any fabric (also known as the 3rd Country Fabric provision)
- 6(F) – Cashmere Sweaters
- 7(G) – Merino Wool Sweaters
- 8 (H) – Exceptions for Yarn and Fabrics in short supply
- 9 (I) – Hand-loomed, Handmade, and Folklore Articles; Ethnic Fabrics
- 0 (J) – Textiles Articles

**African Growth and Opportunity Act
Textile Certificate of Origin**

1. Exporter Name & Address:		3. Importer Name & Address:	
2. Producer Name & Address:		4. Preference Group:	
5. Description of Article:			
Group	Each description below is a summary of the qualifying process with it's corresponding HTS#		
1-A	<i>HTS 9802.00.8042</i> Apparel assembled from U S fabrics and/or knit-to-shape components, from U S yarns. All fabric must be cut in the United States.		
2-B	<i>HTS 9819.11.03</i> Apparel assembled from U S. fabrics and/or knit-to-shape components, from U S yarns. All fabric must be cut in the United States. After assembly, the apparel is embroidered or subject to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeng, screen printing, or/other similar processes.		
3-C	<i>HTS 9819.11.06</i> Apparel assembled from U S fabrics and/or U S knit-to-shape components, made from U S yarns and assembled with U.S. sewing thread, cut in one or more beneficiary countries.		
3-C	<i>HTS 9819.11.30</i> Apparel assembled in one or more beneficiary countries, with U S thread, from (i) components cut in the U S and in one or more beneficiary countries from fabrics formed in the U S from U S yarns or, (ii) from components knit to shape in the U S. and one or more beneficiary countries from U S yarns or, (iii) from any combination of 2 or more of the foregoing knitting to shape or cutting operations.		
4-D	<i>HTS 9819.11.09</i> Apparel assembled from beneficiary country fabrics and/or knit-to-shape components, from yarns originating in the United States and/or from one or more beneficiary countries or former beneficiary countries, or both.		
4-D	<i>HTS 9819.15.10</i> Apparel assembled in one or more lesser developed beneficiary countries of denim fabric of subheading HTSUS 5209.42.00, produced in a beneficiary sub-Saharan country and considered by the USITC to be available in commercial quantities (abundant supply) in one or more beneficiary countries.		
5-E	<i>HTS 9819.11.12</i> Apparel assembled or knit-to-shape and assembled, or both, in one or more lesser developed beneficiary countries regardless of the country of origin of the fabric or the yarn used to make such articles.		
6-F	<i>HTS 9819.11.15</i> Sweaters knit-to-shape in one or more beneficiary countries, in chief weight of cashmere, classifiable under subheading 6110.10 of the HTSUS.		
7-G	<i>HTS 9819.11.18</i> Sweaters knit-to-shape in one or more beneficiary countries, 50 percent or more by weight of wool measuring 21.5 microns in diameter or finer.		
8-H	<i>HTS 9819.11.21</i> Apparel assembled in one or more beneficiary countries, from fabrics or yarns considered in short supply in the NAFTA agreement, regardless of the country of origin of the fabrics or yarns.		
8-H	<i>HTS 9819.11.24</i> Apparel assembled in one or more beneficiary countries, from fabrics or yarns designated as being in short supply for AGOA countries, regardless of the country of origin of the fabrics or yarns.		
9-I	<i>HTS 9819.11.27</i> Handloomed fabrics, handmade articles made of handloomed fabrics, or textile folklore articles – as defined in bilateral consultations.		
6 U S /African Fabric Producer Name & Address:		7 U S /African Yarn Producer Name & Address:	
		8 U S. Thread Producer Name and Address:	
9 Handloomed, Handmade, or Folklore Article: ✓		10 Name of Short Supply Fabric or Yarn:	

I certify that the information on this document is complete and accurate and I assume the responsibility for proving such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document. I agree to maintain, and present upon request, documentation necessary to support this certificate:

11. Authorized Signature:		12. Company:	
13 Name: (Print or Type)		14 Title:	
15 Date: (DD/MM/YY)	16 Telephone #:	17 Facsimile #:	

AGOA RULES OF ORIGIN (RoO) FOR TEXTILES AND APPARELS

- The Textiles and Apparel Products must be wholly produced or obtained in the country of origin
- The Rules of Origin (RoO) for Apparel require that the Textiles and Apparel should be assembled in eligible SSA countries with Yarn and Fabric made in either the US or in eligible SSA countries
- Apparel with US fabric, Yarns and thread is given duty-free and quota-free access to the US without limitation
- Apparel with fabric, Yarns and threads produced in qualified SSA country qualifies for duty-free access to US market subject to quantitative restrictions (currently 3.5% of overall garments imports by the US from all sources, measured in Square Meter Equivalent (SME) and has no Dollar equivalent) To date this cap/threshold has never been reached)

AGOA RULES OF ORIGIN (RoO) FOR TEXTILES AND APPARELS (ctd)

- Special Rule-Third Countries Fabric Provision (LDCs /countries with less than GNP OF \$1,500) - This allows duty-free and quota-free access to US market for apparel made from fabric originating from a anywhere in the world e.g. India or China
- Any foreign materials incorporated into the Textiles and Apparel must first undergo a requisite shift in tariff classification heading within the eligible country of origin
- The product must be exported directly from the AGOA –beneficiary country into the United States. May be shipped through an intermediate country if it does not enter into the commerce of that country and Shipping documents shows the US as the final destination.

General Rules For Yarn

- For Staple Yarn, the country of origin is the country in which staple fibres are spun into yarn;
- For Filament Yarn, the country of origin is the one in which the fibres or filaments in the yarn are spun or extruded.
- For Plied, Gimped & Cabled Yarns; the country of origin is the one in which the fibres or filaments in the yarn are spun or extruded;
- For items made from yarn, strips, cordage, ropes or cables (i.e., HTS5690), they originate in countries where they are produced.

General Rules For Fabrics

- The country of origin is where the fabric is formed (i.e. , woven, knitted, needled, tufted, felted, entangled or created by any other fabric making process);
- For dyed & printed fabrics made of silk, cotton, man-made or vegetable fibre.

Findings, Trimmings and Interlinings

Foreign findings, trimmings and interlinings cannot have a combined total value exceeding 25 percent of the cost of the product. Examples: Collars, cuffs, drawstrings, padding/shoulder pads, waistbands belts attached to garments, straps with elastic, and elbow patches.

De Minimis Rule - Up to 10 percent by weight of articles may be of foreign fibre or yarn.

Invoice Requirements

- Must be in English
- Indicate Port of Entry
- Name of Importer and Exporter
- Detailed Description of Merchandise
- Quantities
- Purchase Price in USD
- Country of Origin
- List of all charges (Freight, Insurance, etc)

Country of Origin Marking

- Every article of foreign origin should be legibly marked with the English name of the country of origin prior to shipment unless exception to marking is provided
- Reason is to inform the ultimate buyer in the US of the country in which the imported item was made.
- Definition of Ultimate Buyer:
 - **The manufacturer/processor in the US if the imported article will go through a manufacturing process**
 - **The last person in the US who will receive the article in the form in which it was imported(the buyer at the retail shop)**

Further Information

NOTE

- For further information, please visit the website of the US Customs and Border Protection www.cbp.gov. Read/Print the document entitled: “**What Every Member of The Trade Community Should Know About**”
- www.trade.gov/agoa
- www.agoa.info

THANK YOU.