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INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-360]

International Harmonization of Customs Rules of Origin

AGENCY: United States International Trade Commission.

ACTION: Request for public comment on draft chapters 41-49.

EFFECTIVE DATE: January 26, 1995.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Tariff Affairs and Trade Agreements (O/TA&TA) (202-205-2595), or Lawrence A. DiRicco (202-205-2606). Questions with regard to specific chapters of the Harmonized Tariff Schedule of the United States (HTS) should be directed to the following coordinators:

Chapters 1-24, 41-49—Ronald H. Heller (202-205-2596)

Chapters 25-40—Edward J. Matusik (202-205-3356)

Chapters 50-63—Janis L. Summers (202-205-2605)

Chapters 64-83, 86-89, 92-97—

Lawrence A. DiRicco (202-205-2606)
Chapters 84-85, 90-91, 98-99—Craig M. Houser (202-205-2597)

Parties having an interest in particular products or HTS chapters and desiring to be included on a mailing list to receive available documents pertaining thereto should advise Diane Whitfield by phone (202-205-2610) or by mail at the Commission, 500 E St SW, Room 404, Washington, D.C. 20436. Hearing impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. The media should contact Margaret O'Laughlin, Director, Office of Public Affairs (202-205-1819).

Background:

Following receipt of a letter from the United States Trade Representative (USTR) on January 25, 1995, the Commission instituted Investigation No. 332-360, International Harmonization of Customs Rules of Origin, under section 332(g) of the Tariff Act of 1930 (60 FR 19605, April 19, 1995).

The investigation is intended to provide the basis for Commission participation in work pertaining to the Uruguay Round Agreement on Rules of Origin (ARO), under the General Agreement on Tariffs and Trade (GATT) 1994 and adopted along with the Agreement Establishing the World Trade Organization (WTO).

The ARO is designed to harmonize and clarify nonpreferential rules of origin for goods in trade on the basis of the substantial transformation test; achieve discipline in the rules' administration; and provide a framework for notification, review, consultation, and dispute settlement. These harmonized rules are intended to make country-of-origin determinations impartial, predictable, transparent, consistent, and neutral, and to avoid restrictive or distortive effects on international trade. The ARO provides that technical work to those ends will be undertaken by the Customs Cooperation Council (CCC) (now informally known as the World Customs Organization or WCO), which must report on specified matters relating to such rules for further action by parties to the ARO. Eventually, the WTO Ministerial Conference is to "establish the results of the harmonization work program in an annex as an integral part" of the ARO.

In order to carry out the work, the ARO calls for the establishment of a Committee on Rules of Origin of the WTO and a Technical Committee on Rules of Origin (TCRO) of the CCC. These Committees bear the primary responsibility for developing rules that achieve the objectives of the ARO.

A major component of the work program is the harmonization of origin rules for the purpose of providing more certainty in the conduct of world trade. To this end, the agreement contemplates a 3-year CCC program, to be initiated as soon as possible after the entry into force of the Agreement Establishing the WTO. Under the ARO, the TCRO is to undertake (1) to develop harmonized definitions of goods considered wholly obtained in one country, and of minimal processes or operations deemed not to confer origin, (2) to consider the use of change in Harmonized System classification as a means of reflecting substantial transformation, and (3) for those products or sectors where a change of tariff classification does not allow for the reflection of substantial transformation, to develop supplementary or exclusive origin criteria based on value, manufacturing or processing operations or on other standards.

To assist in the Commission's participation in work under the

Agreement on Rules of Origin (ARO), the Commission is making available for public comment a draft of proposed rules for goods of chapters 41-49 of the Harmonized System that are not considered to be wholly made in a single country. The rules rely largely on the change of heading as a basis for ascribing origin.

Copies of the proposed revised rules will be available from the Office of the Secretary at the Commission, from the Commission's Internet web server (<http://www.usitc.gov>), by calling the Office of Tariff Affairs and Trade Agreements voice messaging system, 202-205-2592 or by FAX at 202-205-2616.

These proposals, which have been reviewed by interested government agencies, are intended to serve as the basis for the U.S. proposal to the Technical Committee on Rules of Origin (TCRO) of the Customs Cooperation Council (CCC) (now known as the World Customs Organization or WCO). The proposals do not necessarily reflect or restate existing Customs treatment with respect to country of origin applications for all current non-preferential purposes. Based upon a decision of the Trade Policy Staff Committee, the proposals are intended for future harmonization for the nonpreferential purposes indicated in the ARO for application on a global basis. They seek to take into account not only U.S. Customs current positions on substantial transformation but additionally seek to consider the views of the business community and practices of our major trading partners as well. As such they represent an attempt at reaching a basis for agreement among the contracting parties. The proposals may undergo change as proposals from other administrations and the private sector are received and considered. Under the circumstances, the proposals should not be cited as authority for the application of current domestic law.

If eventually adopted by the TCRO for submission to the Committee on Rules of Origin of the World Trade Organization, these proposals would comprise an important element of the ARO work program to develop harmonized, non-preferential country of origin rules, as discussed in the Commission's earlier notice. Thus, in view of the importance of these rules, the Commission seeks to ascertain the views of interested parties concerning the extent to which the proposed rules reflect the standard of substantial transformation provided in the Agreement. In addition, comments are also invited on the format of the

proposed rules and whether it is preferable to another presentation, such as the format for the presentation of the NAFTA origin or marking rules.

Forthcoming Commission notices will advise the public on the progress of the TCRO's work and will contain any harmonized definitions or rules that have been provisionally or finally adopted.

Written Submissions

Interested persons are invited to submit written statements concerning this phase of the Commission's investigation. Written statements should be submitted as quickly as possible, and follow-up statements are permitted; but all statements must be received at the Commission by the close of business on February 15, 1996, in order to be considered in the drafting of the final U.S. proposal to the TCRO. Information supplied to the Customs Service in statements filed pursuant to notices of that agency has been given to us and need not be separately provided to the Commission. Again, the Commission notes that it is particularly interested in receiving input from the private sector on the effects of the various proposed rules and definitions on U.S. exports. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be available for inspection by interested persons. All submissions should be addressed to the Office of the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436.

Issued: February 1, 1996.

By order of the Commission.

Donna Koehnke,
Secretary.

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DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of January, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-31,624; Leroy Industries, Inc.,
Leroy, NY

TA-W-31,652; Bob-Kat Tanning Co.,
Inc., Peabody, MA

TA-W-31,677; HBC Barge, Inc., Trinity
Industries, Brownsville, PA

TA-W-31,537; The Sero Co., Inc.,
Cordele, GA

TA-W-31,487; Rex-Rosenlow, Inc.,
Teterboro, NJ

TA-W-31,622 & TA-W-31,623; Hill
Co., Inc., Fort Smith, AR and
Charleston, AR

TA-W-31,533; EIS Brake Parts Div.,
Berlin, CT

TA-W-31,467; Hercules, Inc., Radford,
VA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-31,590; Greif Brothers Corp.,
Niagara Falls, New York Plant,
Niagara Falls, NY

TA-W-31,579; Indian Refining,
Lawrenceville, IL

TA-W-31,645; Details By Patricia
Green, Portland, OR

TA-W-31,655; Fruit of The Loom,
Albemarle Spinning Mills,
Albemarle, NC

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-31,577; Cummins Southern
plains, Inc., Duncan, OK

TA-W-31,654; ABU-Garcia, Inc.,
Fairfield, NJ

TA-W-31,679; Hydra-Co., Enterprises,
Inc., Syracuse, NY

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-31,644; Texaco Trading &
Transportation, Inc., Central Region
Marketing, Tulsa, OK

The investigations revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

TA-W-31,603; Diesel Recon Co., Santa
Fe Springs, CA; October 25, 1994

TA-W-31,444; CNG Producing Co.,
New Orleans, LA; September 2,
1995 & Operating at The Following
Locations: A; Houma, LA, B;
Ardmore, OK, C; Roosevelt, UT, D;
Indiana, PA, E; Bridgeport, WV:
September 1, 1994

TA-W-31,627; Willits Footwear
Worldwide, Newvill Div., Newville,
PA; November 1, 1994

TA-W-31,684; Lamsteel Corp of
America, Two Plants & Warehouse,
Hartsville, TN; November 13, 1994

TA-W-31,438; Angelica Uniform
Group, Ackerman, MS; August 31,
1994

TA-W-31,743; R.D. Simpson, Inc.,
(including D&E Laundry),
Cartersville, GA; December 4, 1994

TA-W-31,700, A & B; Wrangler, Inc.,
Newbern Div., Lonoke, AR
Newbern, TN & Troy, TN:
November 17, 1994

TA-W-31,629, TA-W-31,630 & A, B;
Vanity Fair Mills, Inc., Robertsedale,
Al, Butler, AL, Monroeville, AL &
Jackson, AL; November 1, 1994