

Customs Service

List of Foreign Entities Violating Textile Transshipment and Country of Origin Rules

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document notifies the public of foreign entities which have been issued a penalty claim under § 592 of the Tariff Act, for certain violations of the customs laws. This list is authorized to be published by § 333 of the Uruguay Round Agreements Act.

FOR FURTHER INFORMATION CONTACT: For information regarding any of the operational aspects, contact Michael Compeau, Branch Chief, Seizures and Penalties Division, at 202-927-0762. For information regarding any of the legal aspects, contact Ellen McClain, Office of Chief Counsel, at 202-927-6900.

SUPPLEMENTARY INFORMATION:

Background

Section 333 of the Uruguay Round Agreements Act (URAA)(Public Law 103-465, 108 Stat. 4809)(signed December 12, 1994), entitled Textile Transshipments, amended Part V of title IV of the Tariff Act of 1930 by creating a § 592A (19 U.S.C. 1592A), which authorizes the Secretary of the Treasury to publish in the Federal Register, on a biannual basis, a list of the names of any producers, manufacturers, suppliers, sellers, exporters, or other persons located outside the Customs territory of the United States, when these entities have been issued a penalty claim under § 592 of the Tariff Act, for certain violations of the customs laws, provided that certain conditions are satisfied.

The violations of the Customs laws referred to above are the following: (1) Using documentation, or providing documentation subsequently used by the importer of record, which indicates a false or fraudulent country of origin or source of textile or apparel products; (2) Using counterfeit visas, licenses, permits, bills of lading, or similar documentation, or providing counterfeit visas, licenses, permits, bills of lading, or similar documentation that is subsequently used by the importer of record, with respect to the entry into the customs territory of the United States of textile or apparel products; (3) Manufacturing, producing, supplying, or selling textile or apparel products which are falsely or fraudulently labeled as to country of origin or source; and (4) Engaging in practices which aid or abet the transshipment, through a country

other than the country of origin, of textile or apparel products in a manner which conceals the true origin of the textile or apparel products or permits the evasion of quotas on, or voluntary restraint agreements with respect to, imports of textile or apparel products.

If a penalty claim has been issued with respect to any of the above violations, and no petition in response to the claim has been filed, the name of the party to whom the penalty claim was issued will appear on the list. If a petition, supplemental petition or second supplemental petition for relief from the penalty claim is submitted under 19 U.S.C. 1618, in accord with the time periods established by §§ 171.32 and 171.33, Customs Regulations (19 CFR 171.32, 171.33) and the petition is subsequently denied or the penalty is mitigated, and no further petition, if allowed, is received within 30 days of the denial or allowance of mitigation, then the administrative action shall be deemed to be final and administrative remedies will be deemed to be exhausted. Consequently, the name of the party to whom the penalty claim was issued will appear on the list. However, provision is made for an appeal to the Secretary of the Treasury by the person named on the list, for the removal of its name from the list. If the Secretary finds that such person or entity has not committed any of the enumerated violations for a period of not less than 3 years after the date on which the person or entity's name was published, the name will be removed from the list as of the next publication of the list.

Reasonable Care Required

Section 592A also requires any importer of record entering, introducing, or attempting to introduce into the commerce of the United States textile or apparel products that were either directly or indirectly produced, manufactured, supplied, sold, exported, or transported by such named person to show, to the satisfaction of the Secretary, that such importer has exercised reasonable care to ensure that the textile or apparel products are accompanied by documentation, packaging, and labeling that are accurate as to its origin. Reliance solely upon information regarding the imported product from a person named on the list is clearly not the exercise of reasonable care. Thus, the textile and apparel importers who have some commercial relationship with one or more of the listed parties must exercise a degree of reasonable care in ensuring that the documentation covering the imported merchandise, as well as its packaging

and labeling, is accurate as to the country of origin of the merchandise. This degree of reasonable care must rely on more than information supplied by the named party.

In meeting the reasonable care standard when importing textile or apparel products and when dealing with a party named on the list published pursuant to § 592A of the Tariff Act of 1930, an importer should consider the following questions in attempting to ensure that the documentation, packaging, and labeling is accurate as to the country of origin of the imported merchandise. The list of questions is not exhaustive but is illustrative.

(1) Has the importer had a prior relationship with the named party?

(2) Has the importer had any detentions and/or seizures of textile or apparel products that were directly or indirectly produced, supplied, or transported by the named party?

(3) Has the importer visited the company's premises and ascertained that the company has the capacity to produce the merchandise?

(4) Where a claim of substantial transformation is made, has the importer ascertained that the named party actually substantially transforms the merchandise?

(5) Is the named party operating from the same country as is represented by that party on the documentation, packaging or labeling?

(6) Have quotas for the imported merchandise closed or are they nearing closing from the main producer countries for this commodity?

(7) What is the history of this country regarding this commodity?

(8) Have you asked questions of your supplier regarding the origin of the product?

(9) Where the importation is accompanied by a visa, permit, or license, has the importer verified with the supplier or manufacturer that the visa, permit, and/or license is both valid and accurate as to its origin? Has the importer scrutinized the visa, permit or license as to any irregularities that would call its authenticity into question?

The law authorizes a biannual publication of the names of the foreign entities. On March 29, 1996, Customs published a Notice in the Federal Register (61 FR 14204) which identified 8 (eight) entities which fell within the purview of § 592A of the Tariff Act of 1930.

592A List

For the period ending September 30, 1996, Customs has identified 14 (fourteen) foreign entities that fall

within the purview of § 592A of the Tariff Act of 1930. This list reflects the addition of 6 new entities to the 8 entities named on the list published on March 29, 1996. The parties on the current list were assessed a penalty claim under 19 U.S.C. 1592, for one or more of the four above-described violations. The administrative penalty action was concluded against the parties by one of the actions noted above as having terminated the administrative process.

The names and addresses of the 14 foreign parties which have been assessed penalties by Customs for violations of § 592 are listed below pursuant to § 592A. This list supersedes any previously published list. The names and addresses of the 14 foreign parties are as follows:

Azmat Bangladesh, Plot Number 22-23, Sector 2 EPZ, Chittagong 4233, Bangladesh.
 Bestraight Limited, Room 5K, World Tech Centre, 95 How Ming Street, Kwun Tong, Kowloon, Hong Kong.
 Cotton Breeze International, 13/1578 Govindpuri, New Delhi, India.
 Hangzhou Tongda Textile Group, Room 918, Hangzhou Mansion, No. 1 Wulin Square, Hangzhou, China.
 Hanin Garment Factory, 31 Tai Yau Street, Kowloon, Hong Kong.
 Hip Hing Thread Company, No. 10, 6/F Building A, 221 Texaco Road, Waikai Industrial Centre, Tsuen Wan, N.T. Hong Kong.
 Hyattex Industrial Company, 3F, No. 207-4 Hsin Shu Road, Hsin Chuang City, Taipei Hsien, Taiwan.
 Li Xing Garment Company Limited, 2/F Long Guang Building, Number 2 Manufacturing District, Sanxiang Town, Zhongshan, Guangdong, China.
 Meigao Jamaica Company Limited, 134 Pineapple Ave., Kingston, Jamaica.
 Meiya Garment Manufacturers Limited, No. 2 Building, 3/F, Shantou Special Economic Zone, Shantou, China.
 Poshak International, H-83 South Extension, Part-I (Back Side), New Delhi, India.
 Topstyle Limited, 6/F, South Block, Kwai Shun Industrial Center, 51-63 Container Port Road, Kwai Chung, New Territories, Hong Kong.
 United Fashions, C-7 Rajouri Garden, New Delhi, India.
 Yunnan Provincial Textiles Import & Export, 576 Beijing Road Kunming, Yun Nan, China.

Any of the above parties may petition to have its name removed from the list. Such petitions, to include any documentation that the petitioner deems pertinent to the petition, should be forwarded to the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1301 Constitution Avenue, Washington, D.C. 20229.

Additional Foreign Entities

In the March 1996 Federal Register notice, Customs also solicited information regarding the whereabouts of 37 foreign entities, which were identified by name and known address, concerning alleged violations of § 592. Persons with knowledge of the whereabouts of those 37 entities were requested to contact the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1301 Constitution Avenue, Washington, D.C. 20229.

In this document, a new list is being published which contains the names and last known addresses of 38 entities. This reflects the addition of one new entity to the list.

Customs is soliciting information regarding the whereabouts of the following 38 foreign entities concerning alleged violations of § 592. Their name and last known address are listed below:

Bahadur International, 250 Naraw Industrial Area, New Delhi, India.
 Madan Exports, E-106 Krishna Nagar, New Delhi, India.
 Gulnar Fashion Export, 14 Hari Nagar, Ashram, New Delhi, India.
 Janardhan Exports, E-106 Krishna Nagar, New Delhi, India.
 Morrin International, E-106 Krishna Nagar, New Delhi, India.
 Jai Arjun Mfg. Co., B 4/40 Paschim Vihar, New Delhi, India.
 Eroz Fashions, 535 Tuglakabad Extension, New Delhi, India.
 China Artex Corp. Beijing Arts, 132-16 Changan Avenue, Beijing, China.
 Shenzhen Long Gang Ji Chuen, Shenzhen, Long Gang Zhen, China.
 Traffic, D1/180 Lajpat Nagar, New Delhi, India.
 Raj Connections, E-106 Krishna Nagar, Delhi, India.
 Bao An Wing Shing Garment Factory, Ado Shi Qu, Bao An Shen Zhen, China.
 Guidetex Garment Factory, 12 Qian Jin Dong Jie, Yao Tai Xian Yuan Li, Canton, China.
 Dechang Garment Factory, Shantou S.E.Z., Cheng Hai, Cheng Shing, China.
 Guangdong Provincial Improved, 60 Ren Min Road, Guangdong, China.
 Kin Cheong Garment Factory, No. 13 Shantan Street, Sikou Country, Taishan, Kwangtong, China.
 Gold Tube Ltd., No. 55 Hung To Road, Kwun Tong, Kowloon, Hong Kong.
 Sam Hing Bags Factory, Ltd., #35 Tai Ping West Road, Jiu Jaing, Guangdong, China.
 Luen Kong Handbag Factory, 33 Nanyuan Road, Shenzhen, Guangdong, China.
 Changping High Stage Knitting, Yuan Jing Yuan, Chau Li Qu Chang, Guangdong, China.
 Arsian Company Ltd., XII Khorcolo, Waanbaatar, Mongolia.
 Kin Fung Knitting Factory, Block A&B, 4th Flr Por Mee Bldg., 500 Castle Peak Rd., Kowloon, Hong Kong.
 Cahaya Suria Sdn Bhd, Lot 5, Jalan 3, Kedah, Malaysia.

Crown Garments Factory Sdn Bhd, Lot 112, Jalan Kencana, Bagan Ajam, Malaysia.
 Glee Dragon Garment Mfg., Ltd., 328 Castle Peak Rd., Room G 10Fl, Tsuen Kam Centre, Kowloon, Hong Kong.
 Richman Garment Manufacturing Co., Ltd., 7th Fl, Singapore Industrial Bldg., 338 Kwun Tong Road, Kowloon, Hong Kong.
 Herrel Company, 64 Rowell Road, Suva, Fiji.
 Belwear Co., Ltd., Flat C, 3rd Floor, Yuk Yat Street, Kowloon, Hong Kong.
 Hambridge Ltd., 9 Fl., Lladro Building 72-80, Hoi Yuen Road, Kwun Tong, Kowloon, Hong Kong.
 Kingston Garment Ltd., Lot 42-44 Caracas Dr., Kingston, Jamaica.
 Modertex International Inc., 3941, Kowloon, Hong Kong.
 Poltex Sdn, 8 Jalan Serdang, Kedah, Malaysia.
 Sam Hing International Enterprise, 5 Guernsey St., Guilford NSW, Australia.
 Societe Prospere De Vetements S.A., Lome, Togo.
 Confecciones Kalinda S.A., Zona Franca, Los Alcarizos, Santo Domingo, Dominican Republic.
 Royal Mandarin Knitworks Co., Flat C 21/F, So Tau Centre, 11-15 Sau Road, Kwai Chung, N.T., Hong Kong.
 Wong's International, Nairamdliyn 26, Ulaanbaatar 11, Naaun, Mongolia.
 Lin Fashions S.A., Lot 111, San Pedro de Macoris, Dominican Republic.

If you have any information as to a correct mailing address for any of the above 38 firms, please send that information to the Assistant Commissioner, Office of Field Operations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Dated: September 27, 1996.

A. W. Tennant,
Acting Assistant Commissioner, Office of Field Operations.

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Fiscal Service

[Dept. Circ. 570, 1996 Rev., Supp. No. 1]

Surety Companies Acceptable on Federal Bonds; Oriska Insurance Company

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following Company under Sections 9304 to 9308, Title 31, of the United States Code, effective September 11, 1996. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1996 Revision, on page 34302, to reflect this addition:

ORISKA INSURANCE COMPANY.

BUSINESS ADDRESS: P.O. Box 400, Oriskany, NY 13424. PHONE: (315) 736-0816. UNDERWRITING