
❖ SPC & B Update ❖

A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

March 16, 2012

CBP Publishes Korea FTA Entry Requirements



Signed into law in October 2011 and implemented this month via Presidential Proclamation, the U.S.-Korea Free Trade Agreement (“UKFTA” also known as “KORUS”) provides for the immediate or staged elimination of duties for originating goods. The UKFTA applies to all eligible goods entered or withdrawn from warehouse for consumption on and after March 15, 2012, and U.S. Customs & Border Protection (CBP) has issued instructions for claiming preferential treatment under the agreement.

Claims under the agreement may be filed either at the time of entry or post-importation within one year of importation. If a claim is made at time of entry, the HTSUS number of the applicable good must be prefaced by the Special Program Indicator (SPI) “KR.” Additionally, upon request by CBP, the importer must submit certification and other information to substantiate the preference claim. An importer may submit either his own certification or that of the exporter or producer. Attached is a document detailing the data elements required for certification of origin under the UKFTA.

If the preferential tariff claim is made post-importation, not only must a certification be included with the written claim, the following additional information must be included:

- A written declaration stating that the good qualified as originating under the UKFTA at the time of importation, and the number and date of the entry (or entries) covering the good;
- A statement indicating whether the entry summary or equivalent documentation was provided to any other person; and,
- A statement indicating whether a protest, petition or request for reliquidation has been filed, and identification of such filing(s).

Anyone needing assistance in determining whether their goods qualify for preferential treatment or help with drafting a certificate of origin for UKFTA shipments should contact Gail Cumins at gcumins@spcblaw.com or Donna Shira at dshira@spcblaw.com, or call us at 212-425-0055.

75 Broad Street
New York, New York 10004
Phone: 212-425-0055
Fax: 212-425-1797
212-742-2180

SHARRETTS, PALEY, CARTER & BLAUVELT, P.C.

www.spcblaw.com
Email: customs@sharretts-paley.com

1660 L Street, N.W.
Washington, D.C. 20036
Phone: 202-223-4433
Fax: 202-659-3904

ATTACHMENT A

DATA ELEMENTS FOR THE UNITED STATES-KOREA FREE TRADE AGREEMENT CERTIFICATION OF ORIGIN

1. Name and address of the importer:

The legal name, address, telephone, and e-mail of the importer of record of the good.

2. Name and address of the exporter:

The legal name, address, telephone, and e-mail of the exporter of the good.
(If different from the producer).

3. Name and address of the producer:

The legal name, address, telephone and e-mail of the producer of the good.
(If known).

4. Description of good:

The description of a good shall be sufficiently detailed to relate it to the invoice and the Harmonized System (HS) nomenclature.

5. HS tariff classification number:

The HS tariff classification, to six or more digits, as specified for each good in the Rules of Origin.

6. Preference criterion:

The rule of origin set forth in General Note 33(b) or Article 6.1 of the Agreement. In the case of a product-specific rule specified in General Note 33(o) or Annex 4-A or 6-A of the Agreement, please be specific as to which rule was applied.

7. Single shipment:

Provide the commercial invoice number.

8. Multiple shipments of identical goods:

Provide the blanket period in "mm/dd/yyyy to mm/dd/yyyy" format. (12-month maximum)

9. Authorized signature, company, title, telephone, fax, e-mail, and certification date:

The signee must have access to the underlying records and the legal authority to bind the company. This field shall include signature, company, title, telephone, fax, and e-mail.

10. Certification:

I certify that:

The information on this document is true 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 these representations;

The goods comply with all requirements for preferential tariff treatment specified for those goods in the United States-Korea Free Trade Agreement; and

This document consists of _____ pages, including all attachments.

Signature:

Title:

Phone Number:

Email Address:

Date: