

STATUTORY INSTRUMENTS

SUPPLEMENT No. 58

17th October, 2001

STATUTORY INSTRUMENTS SUPPLEMENT

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2001 No. 58.

**THE CUSTOMS MANAGEMENT (EXPORT OF TEXTILE AND
APPAREL ARTICLES TO THE UNITED STATES)
REGULATIONS, 2001**

(Made under section 191 of the Customs Management Act

Cap. 27 E.A.)

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STATUTORY INSTRUMENTS

2001 No. 58.

The Customs Management (Export of Textile and Apparel
Articles to the United States) Regulations, 2001.

(Made under section 191 of the Customs Management Act,
Cap 27 E.A)

In exercise of the powers conferred upon the Minister by section 191 of the Customs Management Act, these Regulations are made this 17th day of October, 2001.

1. Citation.

These Regulations may be cited as the Customs Management (Export of Textile and Apparel Articles to the United States) Regulations, 2001 and shall be deemed to have come into force on the 1st day of January, 2001.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the Customs Management Act;

"authorised officer" means an officer authorised by the Minister responsible for trade to perform functions under these Regulations;

"country of origin" means a country in which apparel or textile articles have been produced or manufactured, according to the criteria laid down for the purposes of application of customs tariff or quantitative restrictions or of any other measures related to trade;

"Government" means the Government of the Republic of Uganda;

"Minister" means the Minister responsible for finance;

"NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico and Canada on December, 17th 1992;

"textiles" means textiles and apparel products of cotton, wool, silk, man-made fibre and vegetable fibre other than cotton;

"Trade and Development Act of 2000" means the Trade and Development Act enacted by the Congress of the United States of America and duly signed into law on the 18th May, 2000;

"transshipment" has occurred when preferential treatment for a textile has been claimed under the Trade and Development Act of 2000 on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components; and false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the Trade and Development Act of 2000;

"visa" means a stamp or certification on the commercial invoice.

3. Application for a visa

(1) A person intending to export textile or apparel articles to the United States shall make an application for a visa to the Ministry responsible for trade. (2) The application for a visa shall be in the form prescribed in the First Schedule to these Regulations and shall be accompanied by the original commercial invoice. (3) The visa shall be in the form prescribed in the Second Schedule to these Regulations.

4. Eligibility

A person shall be eligible for a visa if the goods involved fall in any of the following categories and all of the assembly of such articles occurs in Uganda or, if assembly occurs in more than one beneficiary Sub-Sahara African Country, where sufficient assembly occurs in Uganda to establish Uganda as the country of origin under United States law—

(1) apparel articles assembled in one or more beneficiary sub Saharan African countries from fabrics wholly formed and cut in the United States from yarns wholly formed in the United States;

(2) apparel articles assembled in one or more beneficiary sub Saharan African countries from fabrics wholly formed and cut in the United States from yarns wholly formed in the United States if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTSUS but for the fact that the articles were embroidered or subject to stone-washing, enzyme-washing, acid-washing, perma-pressing, oven baking, bleaching, garment-dyeing, screen priming, or other similar processes;

(3) apparel articles cut in one or more beneficiary sub Saharan African countries from fabrics wholly formed in the United States from yarns wholly formed in the United States if such articles are assembled in one or more beneficiary sub Saharan African countries with thread formed in the United States;

(4) apparel articles wholly assembled in one or more beneficiary sub Saharan African countries from fabrics wholly formed in one or more beneficiary sub Saharan African countries from yarn originating either in the United States or one or more beneficiary sub-Saharan African countries;

(5) apparel articles assembled in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabrics used to make such articles;

(6) sweaters in chief weight of cashmere, knit to shape in one or more beneficiary sub Saharan African countries and classifiable under subheading 6110.10 of the Harmonised Tariff Schedule of the United States (HTSUS);

(7) sweaters, 50 percent or more by weight or wool measuring 18.5 microns in diameter or finer, knit to shape in one or more beneficiary sub Saharan African countries;

8) apparel articles wholly assembled in one or more beneficiary countries from fabric or yarn that is not formed in the United States or a beneficiary sub Saharan African country, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under annex 401 to the NAFTA, or as designated as not available in commercial quantities in the United States; or

(9) handmade, handloomed or folklore articles to be defined in bilateral consultations.

5. Issuing Officer

The issuance of the visa shall be the responsibility of an officer designated by the Minister responsible for trade by statutory instrument.

6. Validity of the visa

The visa issued under these Regulations shall be valid until the textile or apparel articles have been cleared by the United States Customs Service or until such a visa is revoked.

7. Certificate of Origin

A person shall not export textile or apparel articles to the United States without first obtaining a Certificate of Origin.

8. Application for Certificate of Origin

(1) A person wishing to export textile or apparel articles shall, on application, obtain a Certificate of Origin from the Ministry responsible for trade, and complete the certificate of origin following instructions provided in Part II of the Fourth Schedule to these Regulations.

(2) The application for a Certificate of Origin shall be in the form prescribed in the Third Schedule to these Regulations;

(3) The Certificate of Origin shall be in the form prescribed in Part I of the Fourth Schedule to these Regulations.

9. Registration

A person who intends to produce goods covered by these Regulations shall register with the Ministry responsible for trade before commencing production of those products and shall notify the Ministry when production of products ceases.

10. Verification

(1) An authorised officer may enter the premises of any enterprise involved in the production or exportation of goods covered by these Regulations—

(a) to investigate allegations of transshipment; or

(b) to ensure that these Regulations are being complied with.

(2) An authorised officer may, during the investigation be accompanied by United States Customs Service officials.

(3) No person involved in the production or exportation of textiles covered by these regulations shall refuse access to the authorised officer or United States Customs Service officials.

11. Production and export records

(1) A person engaged in the manufacture or export of textile and apparel articles to the United States shall keep production or export records or documents for a period of at least five years.

(2) The production or export records referred to in subregulation (1) shall be maintained in the English language and shall include but not be limited to the following—

(a) documents to support the production process, raw material orders, contracts, cutting and assembly records;

(b) the production process such as cutting and assembly and other process;

(c) the number and identification of types of machinery used in production; and

(c) employee records such as transport, export and other records.

12. Production of documents

A textile or apparel manufacturer or exporter shall

provide all production or export records and documents required by the authorised Government authorities.

13. Offences and penalties

(1) A person who— (a) fails to furnish information when required to do so;

(b) furnishes information which is incorrect in any material particular;

(c) forges or in any way alters a visa;

(d) fraudulently declares a false origin of goods;

(e) uses counterfeit documents in support of an application;

(f) fails to keep proper records relating to production of goods;

(g) fails to keep proper records relating to the export of goods;

(h) refuses access to facilities involved in the production or exportation of textile or apparel articles covered by these Regulations to an authorised officer or United States customs officials, commits an offence.

(2) Subject to the provisions of this section, any person found guilty of an offence under subregulation (1), is liable to a fine not exceeding two million shillings or imprisonment not exceeding one year or both.

(3) In the case of an offence under paragraph (c), (d) or (e) of subregulation (1) the person convicted of the offence is liable to—

(a) a fine not less than three times the value of the articles in connection with which the offence is committed; and

(b) imprisonment not exceeding five years but not less than one year;

(4) In the case of an offence to which subsection (3) applies, the court shall, upon conviction of the accused, order the forfeiture of the articles in connection with which the offence is committed.

(5) In the case of an offence under paragraph (h) of subregulation (1), the court shall impose upon the accused upon conviction, a fine not less than one million shillings and imprisonment not less than six months.

(6) Where a person commits an offence under this regulation the Government may, in addition to any penalty prescribed by this regulation, withdraw export privileges from that person.

14. Revocation of S.I. No. 7 of 2001

The Customs Management (Export of Textile and Revocation Apparel Articles to the United States) Regulations, 2001 are of 2001 revoked.

SCHEDULES

FIRST SCHEDULE

Regulation 3(2)

Register No.....

THE REPUBLIC OF UGANDA

MINISTRY OF TOURISM, TRADE AND INDUSTRY

6/8 Parliament Avenue, P.O. Box 7103, Kampala, Uganda.

Tel. 256395/344947, Fax 341247

APPLICATION FOR A VISA TO EXPORT TO THE USA

1. Business Name of Exporter/Manufacturer.....

.....Tel No Location address of businessE-mail

Postal address of business

2. Name of Manufacturer.....

Ref No...../E-mail

Location address of business..... Postal address of
business.....

3. Certificate of business registration or incorporation is attached (Delete as applicable). Insert
(where applicable) certificate number

3. Tin No

4. Name and address of commercial bank

5. Designated Grouping (1-9)

6. Total quantity to be exported

7. Unit of quantity (measure)

I/We hereby apply for a visa to export to the USA. I/we declare that the above information is true, and

I/We fully understand that it is a serious offence not to comply with the USA Visa System Requirement, laws and regulations of the Republic of Uganda.

SignedDesignationDate (Before signing read overleaf)

Name (In block capitals) The persons who may sign this application are—

(a) If the applicant is a sole proprietor, he or she or one of his or her employees authorised in writing by him or her;

(b) If the applicant is a partnership; one of the partners or an employee of the partnership duly authorised in writing by one of the partners;

If the applicant is a body corporate. a director. the secretary or an employee of the body corporate duly authorised in writing by a director or the secretary.

GENERAL

When the application is made to the Ministry of Tourism, Trade and Industry the original of the following must be made available for inspection.

Space for Official use Date

Checked by

Business certificate of registration or Certificate of incorporation.

The inspected document will be handed back to the applicant when the visa is issued. Any export certificate issued is NOT TRANSFERABLE.

The Ministry of Tourism, Trade and Industry is available to give advice and guidance to exporters for the furtherance of international trade.

For Official Use.

Issue of the visaApproved/Rejected*

SignedDate

Name (In block capitals)

Title

SECOND SCHEDULE

FORMAT OF THE VISA

Regulation 3(3)

Specimen

THIRD SCHEDULE

Regulation 8(2)

Register No ..

THE REPUBLIC OF UGANDA

MINISTRY OF TOURISM, TRADE AND INDUSTRY

6/8 Parliament Avenue, P.O. BOX 7103, Kampala, Uganda

Tel. 256395/344947, Fax 341247

APPLICATION FOR A CERTIFICATE OF ORIGIN

1. Particulars of exporter

1. Name of Manufacturer

2. Postal Address

(c) Physical Address (Location)

2. Particulars of Product

(i) Product for which certificate is required

(ii) Visa Grouping (see overleaf)

(iii) US harmonised tariff schedule number (6 digit)

(iv) Quantity or unit measure

(e) FOB Value of goods (US\$).....

3. Shipping details

- (a) Port of Loading.....
- (b) Consignee (Name and address)
- (c) Port of destination
- (c) Mode of transportation

(d) 4. Declaration

I declare that the information given above is true to the best of my knowledge and belief.

Name

Title.....

Signature

5. For official Use Only

(i) The application is—

(a) Approved

(b) Not approved Name of official

Title.....

Signature

(ii) If application is not approved please provide a brief explanation below—

.....
.....
.....

Visa Grouping

Grouping 1—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the U.S., from yarns wholly formed in the U.S.

Grouping 2—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the U.S., from yarns wholly formed in the U.S. if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTSUS but for the fact that the articles were embroidered or subject to stone-washing, enzyme-washing, acid washing, perma-pressing, oven baking, bleaching, garment-dyeing, screen printing, or other similar processes.

Grouping 3—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the U.S. from yarns wholly formed in the U.S. if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the U.S.

Grouping 4—Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarn originating either in the U.S. or one or more beneficiary sub-Saharan African countries.

Grouping 5—Apparel articles wholly assembled in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric used to make such articles.

Grouping 6—Sweaters in chief weight of cashmere, knit-to-shape in one or more beneficiary sub-Saharan African countries and classifiable under subheading 6110.10 of the HTSUS.

Grouping 7—Sweaters, 50 percent or more by weight of wool measuring 18.5 microns in diameter or finer, knit-to-shape in one or more beneficiary sub-Saharan African countries.

Grouping 8—Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under Annex 401 to the NAFTA.

Grouping 9—Handmade, handloomed, or folklore articles to be defined in bilateral consultations.

FOURTH SCHEDULE

Regulation 8 (3) PART 1

FORMAT OF A CERTIFICATE OF ORIGIN

Coat of Arms of the Certificate of Origin Ref. No.
 Republic of Uganda

1. Exporter Name and Address/Manufacturer		2. Producer Name and Address	
3. Importer Name and Address		6. US/ African Fabric Produce Name and address	
		7. US/African Yarn Producer Name and Address	
4. Description of Articles	5. Preference Group	8. US Thread Producer Name and Address	
		9. Name of handloomed handmade or folklore Article	

10. Name Preference
Group Fabric or Yarn

Preference Groups:

A. Apparel assembled from US formed and cut fabric from US yarn 19 CFR 10.213 (a) (1)

B. Apparel assembled and further processed from US formed and cut fabric from US yarn [19 CFR 10213 (a) (2)].

C. Apparel cut and assembled from US fabric from US yarn and thread [19 CFR 10213 (a) (3)1

D. Apparel assembled from regional fabric from yarn originating in the US or one or more beneficiary countries [19 CFR 10.213) (a) (4)].

E. Apparel assembled in one or more lesser developed beneficiary countries. (19 CFR 10213) (a) (5)].

F. Sweaters knit to shape in chief weight of cashmere [19 CFR 10.213 (a) (6)]

G. Apparel cut and assembled in one or more beneficiary countries from fabric or yarn that is not formed in the United States or a beneficiary Sub-Saharan African country, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under annex 401 to the NAFTA or as designated as not available in commercial quantities in the United States (19 CFR 10. 213 (A) (8) or (A) (9).

H. Handloomed, handmade or folklore articles. a (19 CFR 10.213 (a) (10)]

I certify that the information on this document is complete and accurate and I assume the responsibility for providing such representations.

I understand that I am liable for any false statements or material omission made on or in connection with this document.

I agree to maintain and present upon request, documentation necessary to support this certificate.

12 Authorised Signature 13. Company

15. Title

14 Name (Print or Type) 17. Telephone Number

16 Date- DD/MM/YY) 16B Blanket period From: To.....

18. Authorised Signature and stamp

PART II

Regulation 8 (1)

INSTRUCTIONS ON HOW TO COMPLETE THE CERTIFICATE OF ORIGIN

1. Blocks I through 5 pertain only to the final article exported to the United States for which preferential treatment may be claimed.
2. Block I should state the legal name and address (including country) of the exporter.
3. Block 2 should state the legal name and address (including country) of the producer. If there is more than one producer, attach a list stating the legal name and address (including country) of all additional producers. If this information is confidential, it is acceptable to state “available to

customs upon request” in block 2. If the producer and the exporter are the same, state “same” in block 2.

4. Block 3 should state the legal name and address (including country) of the importer.

5. Block 4 should provide full description of each article. The description should be sufficient to relate it to the invoice description and to the description of the article in the international harmonized system. Include the invoice number as shown on the commercial invoice or if the invoice number is not known, include another unique reference number such as the shipping order number.

6. In block 5, insert the letter that designates the preference group (A-I) which applies to the article according to the description contained in the US Code of Federal Regulations (CFR) provision cited on the certificate for that group. The preference group description is only a summary of the US CFR.

7. Blocks 6 through 10 must be completed only when the block in question calls for information that is relevant to the preference group identified in block 5.

8. Block 6 should state the legal name and address (including country) of the fabric producer.

9. Block 7 should state the legal name and address (including country) of the yarn producer.

10. Block 8 should state the legal name and address (including country) of the thread producer.

11. Block 9 should state the name of the folklore article or should state that the article is handloomed or handmade.

12. Block 10, which should be completed only when preference group "H" is inserted in Block 5, should state the name of the fabric or yarn that is not formed in the United States or a beneficiary country and that is not available in commercial quantities in the United States.

13. Block 16A should reflect the date on which the certificate was completed and signed.

14. Block 16B should be completed if the certificate is intended to cover multiple shipments of identical articles as described in Block 4 that are imported into the United States during a specified period of up to one year (see I 10.216 (B) (4) (II)). The "from" date is the date on which the certificate became applicable to the article covered by the blanket certificate (this date may be prior to the date reflected in Block 16A). The "to" Date is the date on which the blanket period expires.

15. The certificate may be printed and reproduced locally. If more space is needed to complete the certificate, attach a continuation sheet.

SAM K. KUTESA,

Minister responsible for Finance