What Every Member of the
Trade Community Should Know About:

U.S. Rules of Origin

Preferential and Non-Preferential Rules of Origin

U.S. CUSTOMS and BORDER PROTECTION

AN INFORMED COMPLIANCE PUBLICATION

MAY 2004

每位成员须知

贸易界应知：

美国原产地规则

优惠与非优惠原产地规则

U.S. CUSTOMS and BORDER PROTECTION

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2004年5月

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U.S. Rules of Origin

May 2004

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美国原产地规则

2004年5月

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PREFACE

On December 8, 1993, Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), also known as the Customs Modernization or “Mod” Act, became effective. These provisions amended many sections of the Tariff Act of 1930 and related laws.

Two new concepts that emerge from the Mod Act are “informed compliance” and “shared responsibility,” which are premised on the idea that in order to maximize voluntary compliance with the laws and regulations of U.S. Customs and Border Protection (CBP), the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the Mod Act imposes a greater obligation on the CBP to provide the public with improved information concerning the trade community's rights and responsibilities under customs regulations and related laws. In addition, both the trade community and the CBP share responsibility for carrying out these requirements. For example, under Section 484 of the Tariff Act, as amended (19 U.S.C. 1484), the importer of record is responsible for using reasonable care to enter, classify and determine the value of imported merchandise and to provide any other information necessary to enable the CBP to assess duties properly, collect accurate statistics, and determine whether other applicable legal requirements, if any, have been met. The CBP is then responsible for fixing the final classification and value of the merchandise. The failure of an importer of record to exercise reasonable care could delay release of the merchandise and, in some cases, could result in the imposition of penalties.

The Office of Regulations and Rulings has been given a major role in meeting the informed compliance responsibilities of the CBP. In order to provide information to the public, the CBP has issued a series of informed compliance publications and videos on new or revised requirements, regulations or procedures, and a variety of classification and valuation issues.

The Office of Regulations has prepared this publication on U.S. rules of origin. It covers preferential and non-preferential rules of origin. We sincerely hope that this material, together with seminars and increased access to administrative rulings of the CBP, will help the trade community to improve voluntary compliance with customs regulations and laws and to understand the relevant administrative processes.

The material in this publication is provided for general information purposes only. As many complicated factors can be involved in customs issues, an importer may wish to obtain an advance or pre-importation ruling under the CBP regulations (19 CFR Part 177) or to obtain advice from an expert who specializes in customs matters, for example, a licensed customs broker, attorney or consultant.

Comments and suggestions are welcomed and should be addressed to the Assistant Commissioner at the Office of Regulations and Rulings, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, (Mint Annex), Washington, D.C. 20229.

Michael T. Schmitz,
Assistant Commissioner
Office of Regulations and Rulings

前言

1993年12月8日，《北美自由贸易协定实施法》第六编(Pub.L.103-182, 107 Stat.2057)，也称为海关现代化或“Mod”法，生效。这些条款修订了1930年关税法及相关法律的许多章节。

《现代化法案》提出了两个新概念，即“知情合规”和“共同责任”，其前提理念是：为最大限度地促进贸易界自愿遵守美国海关与边境保护局(CBP)的法律法规，必须清晰、完整地告知贸易界其法律义务。因此，《现代化法案》对CBP施加了更大的义务，要求其向公众提供关于贸易界在海关法规及相关法律下的权利和责任的更完善信息。此外，贸易界和CBP共同承担执行这些要求的责任。例如，根据经修订的《关税法》第484条(19 U.S.C.1484)，登记进口商有责任以合理注意的方式申报、归类和确定进口货物的价值，并提供任何其他必要信息，以使CBP能够正确评估关税、收集准确统计数据，并确定是否满足其他适用的法律要求(如有)。随后，CBP负责确定货物的最终归类和价值。登记进口商未能行使合理注意可能导致货物发布延迟，在某些情况下还可能导致处罚。

法规与裁定办公室在履行CBP的知情合规职责方面被赋予了重要角色。为了向公众提供信息，CBP发布了一系列关于新的或修订的要求、法规或程序以及各种归类和估价问题的知情合规出版物和视频。

法规办公室编写了本关于美国原产地规则的出版物。它涵盖优惠和非优惠原产地规则。我们真诚希望本材料，连同研讨会和更多获取CBP行政裁定的途径，将有助于贸易界改善对海关法规和法律的自愿合规，并了解相关行政程序。

本出版物中的材料仅供一般信息参考。由于海关问题可能涉及许多复杂因素，进口商可能希望根据CBP法规(19 CFR Part 177)获得预进口裁定，或从专门从事海关事务的专家处获得建议，例如持证报关代理人、律师或顾问。

欢迎提出意见和建议，应寄送至美国海关与边境保护局法规与裁定办公室助理专员，地址：1300 Pennsylvania Avenue, NW,(Mint Annex), Washington, D.C.20229。

Michael T.Schmitz，助理专员
法规与裁定办公室

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INTRODUCTION

The country of origin of merchandise imported into the customs territory of the United States (the fifty states, the District of Columbia and Puerto Rico) is important for several reasons. The country of origin of merchandise can affect, among other things, the rate of duty, the eligibility for special programs, admissibility, quota, procurement by government agencies and marking requirements. This publication summarizes the various rules of origin for goods imported into the customs territory of the United States. The discussion is divided into "non-preferential" and "preferential" rules of origin. "Non-preferential" rules are those that generally apply to merchandise in the absence of bilateral or multilateral trade agreements. On the other hand, "preferential" rules are those that apply to merchandise to determine eligibility for special treatment under various trade agreements or special legislation. Some of the rules use a "tariff-shift" (or "change in tariff classification") method, which is based on the Harmonized Commodity Description and Coding System ("Harmonized System"). [1] The Harmonized System forms the core of the U.S. tariff system, the Harmonized Tariff Schedule of the United States ("HTSUS").[2] The rules of origin discussed below are administered by the U.S. Bureau of Customs and Border Protection ("CBP") of the U.S. Department of Homeland Security.

NON-PREFERENTIAL RULES OF ORIGIN

U.S. Non-preferential rules of origin schemes are used for several purposes:

- Most-Favored-Nation or Normal-Trade-Relations Treatment
- Country of Origin Marking
- Government Procurement
- Textile and Textile Products

All U.S. non-preferential rules of origin schemes employ the "wholly obtained" criterion for goods that are wholly the growth, product, or manufacture of a particular country.

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[1] *See* Annex to the International Convention on the Harmonized Commodity Description and Coding System.

[2] The Harmonized Tariff Schedule of the United States ("HTSUS") went into effect on January 1, 1989, pursuant to section 1204 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418, August 23, 1988) (19 U.S.C. § 3004) and Presidential Proclamation 5911 (November 19, 1988) (53 Fed. Reg. 47413, November 22, 1988). It replaced the Tariff Schedules of the United States (which had been in effect since August 31, 1963). Merchandise imported into the United States is classified under the HTSUS. *See* the CBP informed compliance publication entitled, "*What Every Member of the Trade Community Should Know About: Tariff Classification*." The HTSUS is available on the U.S. International Trade Commission's web site: www.usitc.gov.

引言

进口到美国关税领土(五十个州、哥伦比亚特区和波多黎各)的货物原产地因若干原因而十分重要。货物原产地除其他事项外，可影响税率、特殊计划的资格、可入境性、配额、政府机构采购和原产地标记要求。本出版物概述了进口到美国关税领土的货物的各种原产地规则。讨论分为"非优惠"和"优惠"原产地规则。"非优惠"规则是指在无双边或多边贸易协定的情况下一般适用于货物的规则。另一方面，"优惠"规则是指适用于货物以确定在各种贸易协定或特别立法下享受特殊待遇资格的规则。部分规则采用"税则转移"(或"归类变更")方法，该方法基于《商品名称及编码协调制度》("协调制度")。[1]协调制度构成美国关税体系--美国协调关税表("HTSUS")的核心。[2]下文讨论的原产地规则由美国国土安全部美国海关与边境保护局("CBP")执行。

非优惠原产地规则

U.S 非优惠原产地规则方案用于多种目的：

• 最惠国待遇或正常贸易关系待遇
• 原产国标记
• 政府采购
• 纺织品和纺织产品

所有美国非优惠原产地规则方案对完全在某一特定国家生长、生产或制造的货物采用"完全获得"标准。

[1]见《商品名称及编码协调制度国际公约》附件。

2 美国协调关税表("HTSUS")根据1988年《综合贸易与竞争法》第1204条(公法100-418,1988年8月23日)(19 U.S.C.3004)及第5911号总统公告(1988年11月19日)(53 Fed.Reg.47413,1988年11月22日)于1989年1月1日生效。它取代了美国关税税则(自1963年8月31日起生效)。进口至美国的商品根据HTSUS进行归类。参见CBP知情合规出版物，题为"贸易界每位成员都应了解的：关税归类"。HTSUS可在美国国际贸易委员会网站获取：www.usitc.gov。

On the other hand, all U.S. non-preferential rules of origin schemes employ the "substantial transformation" criterion for goods that consist in whole or in part of materials from more than one country. In the majority of the non-preferential schemes, the substantial transformation criterion is applied on a case-by-case basis, and it is based on a change in name/character/use method (i.e., an article that consists in whole or in part of materials from more than one country is a product of the country in which it has been substantially transformed into a new and different article of commerce with a name, character, and use distinct from that of the article or articles from which is was so transformed).

另一方面，所有美国非优惠原产地规则方案对全部或部分由来自一个以上国家的材料组成的商品均采用"实质性改变"标准。在大多数非优惠方案中，实质性改变标准按个案适用，并以名称/特征/使用方法的变化为依据(即，全部或部分由来自一个以上国家的材料组成的物品，其原产地为该国，在该国该物品经过实质性改变成为新的、不同的商业物品，其名称、特征和用途与据以如此改变的原物品不同)。

A rules of origin scheme for textiles and textile products exists that employs the substantial transformation criterion. It is based on a tariff-shift method. Another rules of origin scheme for products imported from Canada or Mexico exists that also employs the substantial transformation criterion. It is also based on a tariff-shift method. A brief discussion of the U.S. non-preferential rules of origin schemes is set forth below.

存在一项针对纺织品和纺织产品的原产地规则方案，采用实质性改变标准。它基于税则归类改变方法。另有一项针对从加拿大或墨西哥进口产品的原产地规则方案，同样采用实质性改变标准。它也基于税则归类改变方法。以下对美国非优惠原产地规则方案作简要讨论。

OUTLINE OF U.S. NON-PREFERENTIAL RULES OF ORIGIN

美国非优惠原产地规则概要最惠国或正常贸易关系待遇

Most-Favored-Nation or Normal-Trade-Relations Treatment

There is a rules of origin scheme that is used to determine the country of origin of a product for purposes of most-favored-nation or normal-trade-relations ("NTR") duty treatment. It employs the "wholly obtained" criterion for goods that are wholly the growth, product, or manufacture of a particular country. On the other hand, it employs the "substantial transformation" criterion for goods that consist in whole or in part of materials from more than one country. The substantial transformation criterion is based on a change in name/character/use method (i.e., an article that consists in whole or in part of materials from more than one country is a product of the last country in which it has been substantially transformed into a new and different article of commerce with a name, character, and use distinct from that of the article or articles from which is was so transformed).

存在一套原产地规则方案，用于为最惠国或正常贸易关系("NTR")关税待遇目的确定产品的原产地。该方案对完全在某一国家生长、生产或制造的货物采用"完全获得"标准。另一方面，对全部或部分由来自一个以上国家的材料组成的货物采用"实质性改变"标准。实质性改变标准以名称/特征/使用方法的变化为依据(即，全部或部分由来自一个以上国家的材料组成的物品，其原产地为最后一个对该物品进行实质性改变的国家，在该国该物品被实质性改变成为新的、不同的商业物品，其名称、特征和用途与据以如此改变的原物品不同)。

Country of Origin Marking

原产国标记

There are two sets of rules of origin schemes for country of origin marking purposes. The first scheme is used to determine the country of origin of a product for all countries except Canada and Mexico. It employs a rules of origin approach similar to that discussed above for NTR duty treatment. The second scheme is based on Annex 311 to the North American Free Trade Agreement ("NAFTA").[3] It is used for products

用于原产地标记目的的原产地规则方案有两套。第一套方案用于确定除加拿大和墨西哥以外所有国家的产品的原产地。它采用的的原产地规则方法类似于上文讨论的NTR关税待遇方法。第二套方案基于《北美自由贸易协定》("NAFTA")附件311。[3]它用于产品

[3] Annex 311 to the North American Free Trade Agreement requires the parties to the agreement to establish rules for determining whether a good is a good of a party for country of origin marking and duty purposes. *See* Annex 311, North American Free Trade Agreement, December 17, 1992, Can-Mex-U.S., 32 I.L.M. 289 (1993). The North American Free Trade Agreement was implemented into U.S. law through the North America Free Trade Agreement

3 《北美自由贸易协定》附件311要求协定各方制定规则，以确定某项货物是否为一方货物，用于原产地标记和关税目的。见《北美自由贸易协定》附件311,1992年12月17日，Can-Mex-U.S., 32 I.L.M.289(1993)。《北美自由贸易协定》通过《北美自由贸易协定》

imported into the United States from Canada or Mexico, and it is set forth in Part 102, Customs Regulations (19 CFR § 102). For goods that consist in whole or in part of materials from more than one country, this scheme employs the substantial transformation criterion, which is expressed or based exclusively on a tariff-shift method. This scheme includes the following general rules:

- a de minimis test of 7 percent of the value of a good except for goods of chapter 22 wherein the test is 10 percent of the value of a good and, except for textile and apparel goods wherein the test is 7 percent of the total weight of the good (goods of chapters 1-4, 7, 8, 11, 12, 15, 17, and 20 are excluded from the de minimis test);

- a chemical reaction origin rule for the goods of chapters 28, 29, 31, 32 or 38; and

- provisions relating to the treatment of certain packaging materials, accessories, spare parts, tools, indirect materials in determining origin, and certain non-qualifying operations (e.g., mere dilution with water).

Government Procurement

There is a rules of origin scheme that is used to determine the country of origin for government procurement for the purpose of granting waivers of certain “Buy American” restrictions in U.S. laws or practice for products for eligible countries. For purposes of this scheme, an article is a product of a country or instrumentality only if:

- it is wholly the growth, product, or manufacture of that country or instrumentality, or

- in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from which it was so transformed.

Textile and Textile Products

There is a rules of origin scheme that is used to determine the country of origin for

Implementation Act. Pub. L. 103-182, 107 Stat. 2057 (December 8, 1993). For the United States, the rules discussed in Annex 311 can be found in part 102 of the Customs Regulations. *See* 19 CFR § 102. They are known as the “NAFTA Marking Rules, “ and they are to be used for “determining whether a good is a good of a NAFTA country.” *See* 19 CFR § 134.1(j). A good of a NAFTA country is an article for which the country of origin is Canada, Mexico or the United States as determined under the NAFTA Marking Rules. See 19 CFR § 134.1(g). The NAFTA Marking Rules are the rules to be used to determine the country of origin for marking and duty purposes for goods imported into the United States from Canada or Mexico. *See generally, Bestfoods v. United States*, 165 F.3d 1371 (Fed. Cir. 1999).

从加拿大或墨西哥进口到美国，规定于《海关法规》第102部分(19 CFR102)。对于全部或部分由来自一个以上国家的材料组成的货物，该方案采用实质性改变标准，该标准完全以税则归类改变方法表达或基于该方法。该方案包括以下一般规则：

- 货物价值7%的最低限度测试，但第22章货物除外，其测试为货物价值的10%，且纺织品和服装货物除外，其测试为货物总重量的7%(第1-4、7、8、11、12、15、17和20章货物不适用最低限度测试);

- 第28、29、31、32或38章货物的化学反应原产地规则；以及

- 关于在确定原产地时某些包装材料、附件、备件、工具、间接材料的处理规定，以及某些不合格操作(例如仅用水稀释)。

政府采购

存在一项原产地规则方案，用于确定政府采购的原产地，以便对合格国家的产品给予美国法律或实践中某些“购买美国货”限制的豁免。就本方案而言，物品仅在以下情况下才是一国或机构的产物：

- 它完全在该国或机构生长、生产或制造，或

- 对于全部或部分由另一国或机构材料组成的物品，它已被实质性改变为具有与被改变前不同的名称、特征或用途的新且不同的商业物品。

纺织品及纺织制品

存在一项原产地规则方案，用于确定原产地，用于

实施法。Pub.L.103-182,107 Stat.2057(1993年12月8日)。对于美国而言，附件311中讨论的规则可见于《海关条例》第102部分。参见19 CFR 134.1(j)。NAFTA国家货物是指根据NAFTA原产地标记规则确定原产地为加拿大、墨西哥或美国的物品。参见19 CFR134.1(g)。NAFTA原产地标记规则是用于确定从加拿大或墨西哥进口至美国的货物在原产地标记和关税方面原产地的规则。一般性参见*Bestfoods*诉美国案,165 F.3d 1371(Fed.Cir.1999)。

textiles and textile products for, among other things, the application of quotas. It employs the substantial transformation criterion which is expressed or based exclusively on a tariff-shift method and covers the headings and chapters of the Harmonized System relevant to textile and textile products. A detailed discussion of these rules may be found in the CBP informed compliance publication entitled, "What Every Member of the Trade Community Should Know About: Textile and Apparel Rules of Origin," which is available on the CBP's website: <www.cbp.gov>.

Legislation and Implementing Regulations

Legislation and implementing regulations governing rules of origin in U.S. non-preferential schemes may be found as follows:

- Government Procurement
  - 19 U.S.C. § 2511 et seq. (Specifically § 2518(4)(B).)
  - 19 CFR §177.21
- Marking Rules of Origin
  - 19 U.S.C. §1304 for marking requirement
  - 19 CFR Part 134
  - 19 CFR §102.0
- Most-Favored-Nation or Normal-Trade-Relations Duty Assessment
  - No rules of origin are set forth in legislation, but see General Note 3 to the HTSUS (19 U.S.C. §1202) for a discussion of duty rates and columns.
- Textiles and Textile Products
  - 7 U.S.C. §1854
  - 19 U.S.C. § 3592
  - 19 CFR §§ 12.130, 102.21

纺织品和纺织产品，除其他事项外，用于配额适用。该方案采用实质性改变标准，该标准以关税转移方法表达或完全基于该方法，涵盖与纺织品和纺织产品相关的协调制度税目和章。关于这些规则的详细讨论可见于CBP知情合规出版物，题为"What Every Member of the Trade Community Should Know About: Textile and Apparel Rules of Origin"，可在CBP网站获取：。

立法与实施条例

管辖美国非优惠方案原产地规则的立法和实施法规可参见如下：

• 政府采购

19 U.S.C. 2518(4)(B)。 ）19 CFR177.21

• 原产地标记规则

19 U.S.C. 102.0

• 最惠国或正常贸易关系关税评估

立法中未规定原产地规则，但参见HTSUS总注释3
(19 U.S.C.1202)关于关税税率和关税栏的讨论。

• 纺织品和纺织产品

7 U.S.C. 3592

19 CFR 12.130, 102.21

PREFERENTIAL RULES OF ORIGIN

U.S. preferential rules of origin schemes are used for several special tariff programs:

- African Growth and Opportunity Act
- Andean Trade Preference Act
- Andean Trade Promotion and Drug Eradication Act
- Automotive Products Trade Act
- Caribbean Basin Economic Recovery Act
- Compact of Free Association Act
- Generalized System of Preferences
- Insular Possessions of the United States
- North American Free Trade Agreement Implementation Act
- Products of the West Bank, the Gaza Strip or a Qualifying Industrial Zone
- United States-Caribbean Basin Trade Partnership Act
- United States-Chile Free Trade Agreement Implementation Act
- United States-Israel Free-Trade Area Implementation Act
- United States-Jordan Free Trade Area Implementation Act
- United States-Singapore Free Trade Agreement Implementation Act

Most of the above-mentioned rules of origin schemes are set forth in the General Notes of the Harmonized Tariff Schedule of the United States (“HTSUS”). U.S. preferential rules of origin schemes employ the “wholly obtained” criterion for goods that are wholly the growth, product, or manufacture of a particular country. On the other hand, for goods that consist in whole or in part of materials from more than one country, the majority of U.S. preferential rules of origin schemes are based:

- on a change in name, character, and use (substantial transformation) and
- on a required minimum local value content; unless specified otherwise, the cost of foreign materials may not be included in local value content unless they undergo a double substantial transformation.

Other preferential rules of origin (e.g., NAFTA preferential rules of origin) are based on a tariff-shift method and/or regional value-content method for goods that are not wholly obtained from the applicable region or country.

Under these preferential programs, qualifying goods may enter the customs territory of the United States free of duty or at reduced rates of duty. A brief discussion of the U.S. preferential rules of origin schemes is set forth below.

优惠原产地规则

U.S 优惠原产地规则方案适用于若干特别关税计划：

- 《非洲增长与机会法案》
- 安第斯贸易优惠法
- 《安第斯贸易促进和毒品根除法》
- 《汽车产品贸易法》
- 加勒比盆地经济复苏法案
- 《自由联合协定法》
- 普遍优惠制
- 美国岛屿属地
- 《北美自由贸易协定实施法》
- 约旦河西岸、加沙地带或合格工业区的产品
- 美国-加勒比盆地贸易伙伴关系法案
- 《美国-智利自由贸易协定实施法》
- 美国-以色列自由贸易区实施法案
- 美国-约旦自由贸易区实施法案
- 美国-新加坡自由贸易协定实施法案

上述原产地规则方案大多载于美国协调关税表(“HTSUS”)的总注释中。美国优惠原产地规则方案对完全在某一特定国家生长、生产或制造的货物采用“完全获得”标准。另一方面，对于全部或部分由来自一个以上国家的材料组成的货物，大多数美国优惠原产地规则方案基于：

- 关于名称、性质和用途的变化(实质性改变)以及
- 规定的最低本地价值含量；除非另有规定，以下成本：
  外国材料的成本不得计入本地价值含量，除非其经过双重实质性改变。

其他优惠原产地规则(例如NAFTA优惠原产地规则)对并非完全从适用区域或国家获得的货物，基于税则归类改变方法和/或区域价值含量方法。

根据这些优惠计划，符合条件的货物可免税或以降低的关税税率进入美国关税领土。以下简要讨论美国优惠原产地规则方案。

OUTLINE OF U.S. NON-PREFERENTIAL RULES OF ORIGIN

African Growth and Opportunity Act

The African Growth and Opportunity Act ("AGOA") provides for the duty free entry of certain non-textile articles previously excluded from preferential treatment under the Generalized System of Preferences program as well as the duty and quota-free entry of certain textile and apparel articles that meet certain specific production requirements, as set forth in subchapter XIX, Chapter 98, HTSUS. The AGOA provides this special treatment to certain articles from the designated beneficiary sub-Saharan African countries. It is intended to encourage economic growth in those countries.

With respect to the non-textile articles to which the AGOA extends duty free treatment, such treatment is granted under the AGOA to any otherwise eligible article that is the growth, product or manufacture of a designated beneficiary country if:

- That article is imported directly from a designated beneficiary country into the U.S. customs territory and

- The sum of (1) the cost or value of the materials produced in one or more designated beneficiary countries, plus (2) the direct costs of processing operations performed in the designated beneficiary country, or in one or more members of an association of countries which is treated as one country under section 507 (2) of the Trade Act of 1974, is at least 35 percent of the appraised value of the article. Up to 15 percent of the 35 percent local value content requirement may be attributable to the cost or value of materials produced in the United States.

Andean Trade Preference Act

The Andean Trade Preference Act (**"**ATPA") provides for the duty free entry of all but a few classes of merchandise from the following designated beneficiary countries: Bolivia, Ecuador, Colombia, and Peru. It is intended to encourage economic growth in those countries. Duty free treatment is granted under the ATPA to any otherwise eligible article that is the growth, product, or manufacture of a designated beneficiary country if:

- That article is imported directly from a beneficiary country into the U.S. customs territory and

- The sum of (1) the cost or value of materials produced in one or more Andean beneficiary countries or one or more Caribbean Basin beneficiary countries, plus (2) the direct costs of processing operations performed in one or more Andean or Caribbean Basin beneficiary countries, is at least 35 percent of the appraised value of the article.

- Puerto Rico and the Virgin Islands are considered "beneficiary countries" for purposes of 35 percent local value content.

美国非优惠原产地规则概要

非洲增长与机遇法案

《非洲增长与机会法案》("AGOA")规定，某些此前被排除在普遍优惠制方案优惠待遇之外的非纺织品物品可免税报关，以及符合HTSUS第98章第十九分章所载某些特定生产要求的某些纺织品和服装物品可免关税和免配额报关。AGOA向来自指定受益撒哈拉以南非洲国家的某些物品提供此特殊待遇。其旨在鼓励这些国家的经济增长。

对于AGOA给予免税待遇的非纺织品物品，如果某一原本符合条件的物品是指定受惠国生长、生产或制造的，则根据AGOA给予该物品免税待遇，条件为：

• 该物品从指定受惠国直接进口到美国关税领土，且

• (1) 在一个或多个指定受益国生产的材料的成本或价值，加上(2) 在指定受益国或根据1974年《贸易法》第507(2)条被视为一个国家的国家联盟的一个或多个成员国内进行的加工操作的直接成本，其总和至少占该物品估定价值的35%。在35%的本地价值含量要求中，最多15%可归因于在美国生产的材料的成本或价值。

安第斯贸易优惠法

《安第斯贸易优惠法》("ATPA")规定，除少数几类商品外，来自以下指定受益国的所有商品均可免税报关：玻利维亚、厄瓜多尔、哥伦比亚和秘鲁。该法旨在鼓励这些国家的经济增长。根据ATPA，任何其他方面符合条件的物品，只要是指定受益国的生长、产品或以该国制造，且满足以下条件，即可获得免税待遇：

• 该物品从受惠国直接进口到美国关税领土，且

• (1)在一个或多个安第斯受惠国或一个或多个加勒比盆地受惠国生产的材料的成本或价值，加上(2)在一个或多个安第斯或加勒比盆地受惠国进行的加工操作的直接成本，合计至少为该物品估定价值的35%。

• 就35%本地价值含量而言，波多黎各和维尔京群岛被视为"受惠国"。

- Up to 15 percent of the 35 percent local value content requirement may be attributable to the cost or value of materials produced in the United States.

Andean Trade Promotion and Drug Eradication Act

The Andean Trade Promotion and Drug Eradication Act (“ATPDEA”) extends and enhances trade benefits available under the ATPA as a way to create additional alternatives to illicit drug production in order to enhance political security in the Andean region and the hemisphere. The expanded trade benefits under the ATPDEA include the duty free entry of certain non-textile articles previously excluded from preferential treatment under the ATPA, as well as the duty and quota-free treatment of certain textile and apparel articles that meet certain specific production requirements, as set forth in subchapter XXI, Chapter 98, HTSUS. The non-textile articles to which the ATPDEA extends duty free treatment must satisfy the ATPA rules of origin.

Automotive Products Trade Act

The Automotive Products Trade Act implements into U.S. law the United States-Canada Automotive Agreement. It provides for the duty free entry of motor vehicles and specified original equipment parts that qualify as “Canadian articles” under General Note 5 to the HTSUS. The term “Canadian articles” refers to articles produced in Canada that satisfy the criteria for originating goods set forth in the NAFTA preferential rules of origin (as found in General Note 12 to the HTSUS).

Caribbean Basin Economic Recovery Act

The Caribbean Basin Economic Recovery Act (“CBERA”) is a program that provides for the duty free entry of all but a few classes of merchandise from the designated beneficiary countries or territories surrounding the Caribbean Sea. It is intended to encourage economic growth in those countries. Duty free treatment is granted under the CBERA to any otherwise eligible article that is the growth, product, or manufacture of a designated beneficiary country if:

- That article is imported directly from a beneficiary country into the U.S. customs territory and
- The sum of (1) the cost or value of materials produced in one or more Caribbean Basin beneficiary countries, plus (2) the direct costs of processing operations performed in one or more Caribbean Basin beneficiary countries, is at least 35 percent of the appraised value of the article.
- Puerto Rico and the Virgin Islands are considered “beneficiary countries” for purposes of 35 percent local value content.
- Up to 15 percent of the 35 percent local value content requirement may be attributable to the cost or value of materials produced in the United States.

• 35%本地价值含量要求中最多15%可归因于在美国生产的材料的成本或价值。

安第斯贸易促进和根除毒品法

《安第斯贸易促进与毒品根除法》(“ATPDEA”)扩展并增强了ATPA项下可获得的贸易优惠，作为在安第斯地区和西半球增强政治安全而创造非法毒品生产替代方式的途径。ATPDEA项下扩展的贸易优惠包括此前被ATPA排除在优惠待遇之外的某些非纺织品物品的免税报关，以及对符合HTSUS第98章第XXI分章所规定的某些特定生产要求的某些纺织品和服装物品的免税免配额待遇。ATPDEA给予免税待遇的非纺织品物品必须满足ATPA原产地规则。

汽车产品贸易法

《汽车产品贸易法》将《美加汽车协定》纳入美国法律。该法规定，符合HTSUS总注释5项下“加拿大物品”资格的机动车辆和特定原厂设备零件可免税进入。“加拿大物品”一词指在加拿大生产且符合NAFTA优惠原产地规则(见HTSUS总注释12)所规定原产货物标准的物品。

加勒比盆地经济复苏法案

《加勒比盆地经济复苏法》(“CBERA”)是一项计划，规定来自加勒比海周边指定受惠国或领土的除少数几类商品外的所有商品均可免税进入。该计划旨在鼓励这些国家的经济增长。根据CBERA，如果某一原本符合条件的物品是指定受惠国生长、生产或制造的，则给予该物品免税待遇，条件为：

• 该物品从受惠国直接进口到美国关税领土，且

• (1)在一个或多个加勒比盆地受惠国生产的材料的成本或价值，加上(2)在一个或多个加勒比盆地受惠国进行的加工操作的直接成本，合计至少为该物品估定价值的35%。

• 就35%本地价值含量而言，波多黎各和维尔京群岛被视为“受惠国”。

• 35%本地价值含量要求中最多15%可归因于在美国生产的材料的成本或价值。

Compact of Free Association Act

The Compact of Free Association Act (“FAS”) provides for the duty free entry of all but a few classes of merchandise from the following freely associated states: Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. It is intended to encourage economic growth and development in those countries. Duty free treatment is granted under the FAS to any otherwise eligible article that is the growth, product, or manufacture of a freely associated state if:

- That article is imported directly from a freely associated state into the U.S. customs territory and
- The sum of (1) the cost or value of materials produced in that freely associated state plus (2) the direct costs of processing operations performed in that freely associated state is at least 35 percent of the appraised value of the article.
- Up to 15 percent of the 35 percent local value content requirement may be attributable to the cost or value of materials produced in the United States.

Generalized System of Preferences

The Generalized System of Preferences (“GSP”) is a program that provides for the duty free entry of all but a few classes of merchandise from the designated beneficiary developing countries or territories around the world. It is intended to encourage economic growth and development in those countries. Duty free treatment is granted under the GSP to any otherwise eligible article that is the growth, product, or manufacture of a designated beneficiary developing country if:

- That article is imported directly from a beneficiary developing country into the U.S. customs territory and
- The sum of (1) the cost or value of materials produced in that beneficiary developing country (or produced in one or more members of an association of countries treated as one country under the GSP), plus (2) the direct costs of processing operations performed in that beneficiary developing country (or in one or members of an association of countries treated as one country under the GSP), is at least 35 percent of the appraised value of the article.

Insular Possessions of the United States

General Note 3(a)(iv) provides for the duty free entry of merchandise from the insular possessions of the United States that are outside the customs territory of the United States: U.S. Virgin Islands, Guam, American Samoa, Wake Island, Midway Islands, and Johnston Atoll. (For purpose of this provision, merchandise from the Commonwealth of the Northern Mariana Islands is given the same tariff treatment as merchandise from

自由联合协定法

《自由联系协定法》(“FAS”)规定，除少数几类商品外，来自以下自由联系国的所有商品均可免税报关：马绍尔群岛、密克罗尼西亚联邦和帕劳共和国。该法旨在鼓励这些国家的经济增长与发展。根据FAS，任何其他方面符合条件的物品，只要是自由联系国的生长、产品或以该国制造，且满足以下条件，即可获得免税待遇：

• 该物品从自由联合邦直接进口到美国关税领土，且

• (1)在该自由联合邦生产的材料的成本或价值，加上(2)在该自由联合邦进行的加工操作的直接成本，合计至少为该物品估定价值的35%。

• 35%本地价值含量要求中最多15%可归因于在美国生产的材料的成本或价值。

普遍优惠制

普遍优惠制(“GSP”)是一项计划，规定来自世界各地指定受惠发展中国家或领土的除少数几类商品外的所有商品均可免税进入。该计划旨在鼓励这些国家的经济增长和发展。根据GSP，如果某一原本符合条件的物品是指定受惠发展中国家生长、生产或制造的，则给予该物品免税待遇，条件为：

• 该物品从受惠发展中国家直接进口到美国关税领土，且

• (1)在该受惠发展中国家(或在根据GSP被视为一个国家的国家联盟的一个或多个成员)生产的材料的成本或价值，加上(2)在该受惠发展中国家(或在根据GSP被视为一个国家的国家联盟的一个或多个成员)进行的加工操作的直接成本，合计至少为该物品估定价值的35%。

美国岛屿属地

总注释3(a)(iv)规定，来自美国关税领土以外的美国岛屿属地的商品可免税进入：美属维尔京群岛、关岛、美属萨摩亚、威克岛、中途岛和约翰斯顿环礁。(就本规定而言，来自北马里亚纳群岛联邦的商品给予与来自

Guam.) Duty free treatment is granted under General Note 3(a)(iv) to any article which is the growth, product, or manufacture of an insular possession of the United States if:

- That article is imported directly from the insular possession into the U.S. customs territory and
- That article does not contain foreign materials (i.e., materials produced in other than an insular possession or the United States) valued at more than 70 percent of the appraised value of the imported article, or in the case of certain articles such as textiles subject to textile agreements, 50 percent of the appraised value of such articles.

North American Free Trade Agreement Implementation Act

The North American Free Trade Agreement Implementation Act implements into U.S. law the North American Free Trade Agreement (“NAFTA”). The NAFTA eliminates tariffs on most goods originating in Canada, Mexico, and the United States over a maximum transition period of fifteen years. There are NAFTA rules of origin for preferential tariff purposes. The rules of origin for goods that are not wholly obtained from the NAFTA region are based on a tariff-shift method and/or regional value-content method. For the United States, these rules can be found in General Note 12 to the HTSUS. Detailed regulations implementing the NAFTA rules of origin may be found in the Appendix to Part 181 of the Customs Regulations (19 CFR Part 181, Appendix).

Products of the West Bank, the Gaza Strip or a Qualifying Industrial Zone

General Note 3(a)(v) provides for duty free entry of merchandise imported into the United States from the West Bank, Gaza Strip, or a Qualifying Industrial Zone. This provision is intended to promote peace within that region by stimulating economic growth and trade between those areas and the United States and Israel. Reduced or duty free treatment is granted under this program to any article that is the growth, product, or manufacture of the West Bank, Gaza Strip, or a Qualifying Industrial Zone if:

- That article is imported directly from the West Bank, Gaza Strip, or a Qualifying Industrial Zone or Israel into the U.S. customs territory and
- The sum of (1) the cost or value of materials produced in the West Bank, Gaza Strip, or a Qualifying Industrial Zone or Israel, plus (2) the direct costs of processing operations performed in the West Bank, Gaza Strip, or a Qualifying Industrial Zone or Israel, is at least 35 percent of the appraised value of the article.
- Up to 15 percent of the 35 percent local value content requirement may be attributable to the cost or value of materials produced in the United States.

关岛的商品相同的关税待遇。)根据总注释3(a)(iv)，如果某一物品是美国岛屿属地生长、生产或制造的，则给予该物品免税待遇，条件为：

- 该物品从该岛屿属地直接进口到美国关税领土，且
- 该物品所含外国材料(即非岛屿属地或美国生产的材料)的价值不超过进口物品估定价值的70%，或者对于某些物品(如受纺织品协定约束的纺织品)，不超过此类物品估定价值的50%。

北美自由贸易协定实施法

《北美自由贸易协定实施法》将《北美自由贸易协定》(“NAFTA”)纳入美国法律。NAFTA在最长十五年的过渡期内取消对原产于加拿大、墨西哥和美国的大多数货物的关税。存在用于优惠关税目的的NAFTA原产地规则。对于非完全在NAFTA区域内获得的货物，其原产地规则基于税则归类改变方法和/或区域价值成分方法。对于美国而言，这些规则可见于HTSUS一般注释12。《海关条例》第181部分附录(19 CFR Part 181,Appendix)中可找到实施NAFTA原产地规则的详细条例。

约旦河西岸、加沙地带或合格工业区的产品

总注释3(a)(v)规定，从西岸、加沙地带或合格工业区进口到美国的商品可免税报关。该条款旨在通过刺激这些地区与美国和以色列之间的经济增长和贸易来促进该区域内的和平。根据该计划，任何为西岸、加沙地带或合格工业区的生长、产品或制造品的物品，如果符合以下条件，则可获得减免或免税待遇：

- 该物品从约旦河西岸、加沙地带或合格工业区或以色列直接进口到美国关税领土，且
- (1)在约旦河西岸、加沙地带或合格工业区或以色列生产的材料的成本或价值，加上(2)在约旦河西岸、加沙地带或合格工业区或以色列进行的加工操作的直接成本，合计至少为该物品估定价值的35%。
- 35%本地价值含量要求中最多15%可归因于在美国生产的材料的成本或价值。

United States-Caribbean Basin Trade Partnership Act

The United States-Caribbean Basin Trade Partnership Act ("CBTPA") builds on the CBERA and extends additional trade benefits to designated countries in the Caribbean Basin from October 1, 2002, and ending on the earlier of September 30, 2008, or on the date on which a free trade agreement enters into force between the United States and the CBTPA beneficiary countries. The expanded trade benefits under the CBTPA include the duty free entry of certain non-textile articles previously excluded from preferential treatment under the CBERA, as well as the duty and quota-free treatment of certain textile and apparel articles that meet certain specific production requirements, as set forth in subchapter XX, Chapter 98, HTSUS.

With respect to the non-textile articles to which the CBTPA extends preferential treatment, such treatment is granted under the CBTPA to any otherwise eligible good that is the growth, product or manufacture of a designated beneficiary country if:

- That article is imported directly from a beneficiary country into the U.S. customs territory and
- The article meets the rules of origin for a good as set forth in General Note 12, HTSUS.

United States-Chile Free Trade Agreement Implementation Act

The United States-Chile Free Trade Agreement Implementation Act implements into U.S. law the United States-Chile Free Trade Agreement ("UCFTA"). The UCFTA eliminates tariffs on most goods originating in the United States and Chile over a maximum transition period of twelve years. There are UCFTA rules of origin for preferential tariff purposes. The rules of origin for goods that are not wholly obtained from the United States or Chile are based on a tariff-shift method and/or regional value-content method. For the United States, these rules can be found in General Note 26 to the HTSUS.

United States-Israel Free Trade Area Implementation Act

The United States-Israel Free Trade Area Implementation Act implements into U.S. law the United States-Israel Free Trade Area Agreement ("IFTA"). The IFTA provides for free or reduced rates of duty for merchandise imported into the United States from Israel. The IFTA is intended to stimulate trade between the United States and Israel. Reduced or duty free treatment is granted under the IFTA to any article which is the growth, product, or manufacture of Israel if:

- That article is imported directly from Israel, West Bank, Gaza Strip, or a Qualifying Industrial Zone into the U.S. customs territory and

美国-加勒比盆地贸易伙伴关系法案

《美国-加勒比盆地贸易伙伴关系法》("CBTPA")以CBERA为基础，自2002年10月1日起至2008年9月30日或美国与CBTPA受益国之间自由贸易协定生效之日(以较早者为准)止，向加勒比盆地指定国家扩展额外的贸易优惠。CBTPA项下扩展的贸易优惠包括此前根据CBERA被排除在优惠待遇之外的某些非纺织品物品的免税报关，以及对符合HTSUS第98章第XX分章所规定的某些特定生产要求的某些纺织品和服装物品的免税和免配额待遇。

关于CBTPA给予优惠待遇的非纺织品，对于任何其他方面符合条件的、系指定受益国种植、生产或制造的产品，如果满足以下条件，则根据CBTPA给予此类待遇：

• 该物品从受惠国直接进口到美国关税领土，且

• 该物品符合HTSUS总注释12所规定的原产地规则。

美国-智利自由贸易协定实施法

《美国-智利自由贸易协定实施法》将《美国-智利自由贸易协定》("UCFTA")纳入美国法律。UCFTA在最长十二年的过渡期内取消对原产于美国和智利的大多数货物的关税。UCFTA为优惠关税目的制定了原产地规则。对于并非完全在美国或智利获得的货物，其原产地规则基于税则归类改变方法和/或区域价值成分方法。对于美国而言，这些规则可见于HTSUS总注释26。

美国-以色列自由贸易区实施法

《美国-以色列自由贸易区实施法》将《美国-以色列自由贸易区协定》("IFTA")纳入美国法律。IFTA规定对从以色列进口至美国的商品适用免税或减税税率。IFTA旨在促进美国与以色列之间的贸易。对于任何系以色列种植、生产或制造的物品，如果满足以下条件，则根据IFTA给予减税或免税待遇：

• 该物品从以色列、约旦河西岸、加沙地带或合格工业区直接进口至美国关税领土，且

- The sum of (1) the cost or value of materials produced in Israel, West Bank, Gaza Strip, or a Qualifying Industrial Zone, plus (2) the direct costs of processing operations performed in Israel, West Bank, Gaza Strip, or a Qualifying Industrial Zone, is at least 35 percent of the appraised value of the article.

- Up to 15 percent of the 35 percent local value content requirement may be attributable to the cost or value of materials produced in the United States.

United States-Jordan Free Trade Area Implementation Act

The United States-Jordan Free Trade Area Implementation Act implements into U.S. law the "Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area" (United States-Jordan Free Trade Area Agreement). The Agreement eliminates tariffs on most goods originating in Jordan and the United States over a maximum transition period of ten years.

Duty free treatment is granted under the Act to any otherwise eligible article that is imported directly from Jordan into the U.S. customs territory and

- That is wholly the growth, product or manufacture of Jordan or a new or different article of commerce that has been grown, produced or manufactured in Jordan and

- The sum of (1) the cost or value of the materials produced in Jordan, plus (2) the direct costs of processing operations performed in Jordan is not less than 35 percent of the appraised value of such article. Up to 15 percent of the 35 percent local value content requirement may be attributable to the cost or value of materials produced in the United States.

United States-Singapore Free Trade Agreement Implementation Act

The United States-Singapore Free Trade Agreement Implementation Act implements into U.S. law the United States-Singapore Free Trade Agreement ("SFTA"). The SFTA eliminates tariffs on most goods originating in the United States and Singapore over a maximum transition period of ten years. There are SFTA rules of origin for preferential tariff purposes. The rules of origin for goods that are not wholly obtained from the United States or Singapore are based on a tariff-shift method and/or regional value-content method. For the United States, these rules can be found in General Note 25 to the HTSUS.

• (1)在以色列、约旦河西岸、加沙地带或合格工业区生产的材料的成本或价值，加上(2)在以色列、约旦河西岸、加沙地带或合格工业区进行的加工操作的直接成本，之和不低于该物品估定价值的35%。

• 35%本地价值含量要求中最多15%可归因于在美国生产的材料的成本或价值。

美国-约旦自由贸易区实施法案

《美国-约旦自由贸易区实施法》将《美利坚合众国与约旦哈希姆王国关于建立自由贸易区的协定》(美国-约旦自由贸易区协定)纳入美国法律。该协定在最长十年的过渡期内取消对原产于约旦和美国的大部分商品的关税。

对于任何其他方面符合条件的、从约旦直接进口至美国关税领土的物品，如果满足以下条件，则根据该法给予免税待遇：

• 该物品完全系约旦种植、生产或制造，或者系在约旦种植、生产或制造的新的或不同的商品，且

• (1)在约旦生产的材料的成本或价值，加上(2)在约旦进行的加工操作的直接成本，之和不低于该物品估定价值的35%。35%本地价值含量要求中最多15%可归因于在美国生产的材料的成本或价值。

美国-新加坡自由贸易协定实施法案

《美国-新加坡自由贸易协定实施法》将《美国-新加坡自由贸易协定》("SFTA")纳入美国法律。SFTA在最长十年的过渡期内取消对原产于美国和新加坡的大多数货物的关税。SFTA有用于优惠关税目的的原产地规则。对于并非完全从美国或新加坡获得的货物，其原产地规则基于税则归类改变方法和/或区域价值成分方法。对于美国而言，这些规则可见于HTSUS第25号总注释。

Preferential Duty Trade Initiatives

Initiative	Status	Preference Flow
African Growth and Opportunity Act	Unilateral	Non-reciprocal
Andean Trade Preference Act	Unilateral	Non-reciprocal
Andean Trade Promotion and Drug Eradication Act	Unilateral	Non-reciprocal
Automotive Products Trade Act	Bilateral	Reciprocal
Caribbean Basin Economic Recovery Act	Unilateral	Non-reciprocal
Compact of Free Association Act	Unilateral	Non-reciprocal
Generalized System of Preferences	Unilateral	Non-reciprocal
North American Free Trade Agreement	Trilateral	Reciprocal
Products of Insular Possessions	Unilateral	Non-reciprocal
Products of the West Bank, Gaza Strip or a Qualifying Industrial Zone	Unilateral	Non-reciprocal
United States-Caribbean Basin Trade Partnership Act	Unilateral	Non-reciprocal
United States-Chile Free Trade Agreement	Bilateral	Reciprocal
United States-Israel Free Trade Area Agreement	Bilateral	Reciprocal
United States-Jordan Free Trade Agreement	Bilateral	Reciprocal
United States-Singapore Free Trade Agreement	Bilateral	Reciprocal

优惠关税贸易倡议

倡议	状态偏好流程	
非洲增长与机会法案	单边	非互惠
安第斯贸易优惠法案	单边	非互惠
《安第斯贸易促进和根除毒品法》	单边	非互惠
汽车产品贸易法案	双边	互惠
加勒比盆地经济复苏法案	单边	非互惠
自由联合协定法案	单边	非互惠
普遍优惠制	单边	非互惠
北美自由贸易协定	三边	互惠
岛屿领地产品	单边	非互惠
约旦河西岸、加沙地带或合格工业区的产品	单边	非互惠
美国-加勒比盆地贸易伙伴关系法案	单边	非互惠
美国-智利自由贸易协定	双边	互惠
美国-以色列自由贸易区协定	双边	互惠
美国-约旦自由贸易协定	双边	互惠
美国-新加坡自由贸易协定	双边	互惠

Eligible Products & Preferential Rates of Duty in the HTSUS

The HTSUS lists the eligible products and preferential rates of duty throughout the schedule for particular special tariff programs. The rates of duty for the preferential tariff programs are generally found in the column 1 sub-column entitled “Special.” A summary of the symbols used in the “Special” sub-column and a list of the programs they represent may be found in General Note 3(c) to the HTSUS. Some articles may be subject to temporary modifications found in Chapter 99, HTSUS. As indicated above, the goods must meet the requirements for the particular special tariff program in order to be eligible for the applicable preferential rate of duty.

HTSUS中的合格产品与优惠关税税率

HTSUS在整个税则表中为特定特殊关税计划列出了合格产品和优惠关税税率。优惠关税计划的关税税率通常见于第1栏中题为"Special"的子栏。关于"Special"子栏中所用符号的摘要及其所代表计划的清单，可见于HTSUS第3(c)号总注释。某些物品可能适用HTSUS第99章中的临时修改。如上所述，货物必须满足特定特殊关税计划的要求，才有资格享受适用的优惠关税税率。

Legislation and Implementing Regulations

Legislation and implementing regulations governing rules of origin in U.S. preferential schemes may be found as follows:

- African Growth and Opportunity Act
  - General Note 16 to HTSUS (19 U.S.C. § 1202)
  - 19 U.S.C. § 3701
  - 19 CFR §§ 10.178a,10.211
- Andean Trade Preference Act
  - General Note 11 to HTSUS (19 U.S.C. § 1202)
  - 19 U.S.C. § 3201
  - 19 CFR § 10.201
- Andean Trade Promotion and Drug Eradication Act
  - 19 U.S.C. § 3201
  - 19 CFR §§ 10.241, 251
- Automotive Products Trade Act
  - General Note 5 to HTSUS (19 U.S.C. § 1202)
  - 19 CFR § 10.84
  - 19 U.S.C. § 2001
- Caribbean Basin Economic Recovery Act
  - General Note 7 to HTSUS (19 U.S.C. § 1202)
  - 19 CFR § 10.191
  - 19 U.S.C. § 2701
- Compact of Free Association Act
  - General Note 10 to HTSUS (19 U.S.C. § 1202)
- Generalized System of Preferences
  - General Note 4 to HTSUS (19 U.S.C. § 1202)
  - 19 CFR § 10.171
  - 19 U.S.C. § 2461
- North American Free Trade Agreement Implementation Act
  - Article 401 of the North American Free Trade Agreement
  - General Note 12 to HTSUS (19 U.S.C. § 1202)
  - 19 CFR Part 181 (including Appendix)
  - 19 U.S.C. § 3332

立法与实施条例

管辖美国优惠方案中原产地规则的立法和实施法规可参见以下内容：

- 《非洲增长与机会法案》

  HTSUS 第16号总注释(19 U.S.C.3701 19 CFR 10.178a、10.211

- 安第斯贸易优惠法

  HTSUS 第11号总注释(19 U.S.C.3201 19 CFR10.201

- 《安第斯贸易促进和毒品根除法》

  19 美国法典3201
  19 CFR 10.241, 251

- 《汽车产品贸易法》

  HTSUS 第5号一般注释(19 U.S.C.10.84 19 U.S.C.2001

- 加勒比盆地经济复苏法案

  HTSUS 第7号总注释(19 U.S.C.10.191 19 U.S.C.2701

- 《自由联合协定法》

  HTSUS 第10号一般注释(19 U.S.C.1202)

- 普遍优惠制

  HTSUS 第4号总注释(19 U.S.C.10.171 19 U.S.C.2461

- 《北美自由贸易协定实施法》

  北美自由贸易协定第401条 HTSUS 第12号总注释(19 U.S.C.3332

- Products of Insular Possessions
  - General Note 3(a)(iv) to HTSUS (19 U.S.C. § 1202)
  - 19 CFR §§ 7.2,7.3
- Products of the West Bank, the Gaza Strip or a Qualifying Industrial Zone
  - General Note 3(a)(v) to HTSUS (19 U.S.C. § 1202)
  - 19 U.S.C. § 2112
- United States-Caribbean Basin Trade Partnership Act
  - General Note 17 to HTSUS (19 U.S.C. § 1202)
  - 19 U.S.C. § 2701
  - 19 CFR §§ 10.221 & 10.231
- United States-Chile Free Trade Agreement Implementation Act
  - General Note 26 to HTSUS (19 U.S.C. § 1202)
  - 19 U.S.C. § 3805
- United States-Israel Free Trade Area Implementation Act
  - General Note 8 to HTSUS (19 U.S.C. § 1202)
  - 19 U.S.C. § 2112
- United States-Jordan Free Trade Area Implementation Act
  - General Note 18 to HTSUS (19 U.S.C. § 1202)
  - 19 U.S.C. § 2112
- United States-Singapore Free Trade Agreement Implementation Act
  - General Note 25 to HTSUS (19 U.S.C. § 1202)
  - 19 U.S.C. § 3805

ADDITIONAL LEGAL RESOURCES

In addition to the above-mentioned legislation and regulations, additional legal resources one can consult with respect to U.S. rules of origin include CBP administrative rulings and U.S. federal court decisions (which deal with the interpretation and application of the various U.S. rules of origin with regard to specific factual circumstances). CBP administrative rulings are available free of charge on the CBP's Customs Rulings Online Search System (CROSS) as located on the CBP's website: <www.cbp.gov>.

• 岛屿属地产品

HTSUS 一般注释 3(a)(iv)(19 U.S.C.1202) 19 CFR 7.2,7.3

• 约旦河西岸、加沙地带或合格工业区的产品

HTSUS 一般注释 3(a)(v)(19 U.S.C.2112

• 美国-加勒比盆地贸易伙伴关系法案

HTSUS 第17号总注释(19 U.S.C.2701 19 CFR 10.221 和 10.231

• 《美国-智利自由贸易协定实施法》

HTSUS 第 26 号一般注释(19 U.S.C.3805

• 美国-以色列自由贸易区实施法

HTSUS 第8号总注释(19 U.S.C.2112

• 美国-约旦自由贸易区实施法案

HTSUS 第18号一般注释(19 U.S.C.2112

• 美国-新加坡自由贸易协定实施法案

HTSUS 第25号一般注释(19 U.S.C.3805

附加法律资源

除上述立法和法规外，可就美国原产地规则查阅的其他法律资源包括CBP行政裁定和美国联邦法院判决(涉及针对具体事实情况对各种美国原产地规则的解释和适用)。CBP行政裁定可在CBP网站上的CBP海关裁定在线搜索系统(CROSS)免费获取。

RESPONSIBILITY FOR CORRECT DETERMINATION OF ORIGIN

Pursuant to 19 U.S.C. §§1481, 1484, and the applicable implementing regulations, importers of record are required to use “reasonable care” to declare the correct country of origin of imported goods. CBP officials at CBP ports of entry are responsible for verifying the accuracy of those declarations during the clearance of goods through customs. That responsibility is discharged and monitored though the review of pertinent documents (or electronically transmitted information) and through selected audits of the merchandise and the importer. Pertinent entry documents (which may include declarations) are used to declare the country of origin of a good for non-preferential rules of origin purposes. Incorrect country of origin information may lead to delays and detentions and, if the country of origin affects admissibility, to denials of entry. In addition, negligent or fraudulent country of origin information can lead to monetary penalties or, in certain cases, to criminal sanctions.

OBTAINING PRE-IMPORTATION (ADVANCE) RULINGS

As explained above, it is the responsibility of the importer of record to use “reasonable care” when declaring the correct country of origin. In order to meet the reasonable care requirement, a person may seek a pre-importation or advance ruling from the CBP with respect to whether merchandise is eligible for preferential tariff treatment under a particular U.S. rules of origin scheme.

General Requirements for Origin Ruling Requests

Subject to special provisions for certain government procurement and NAFTA rulings (which are both discussed below), Subpart A of Part 177 of title 19 of the Code of Federal Regulations (19 CFR Part 177, Subpart A) permits interested persons to obtain a binding ruling on prospective importations of merchandise into the United States. A pre-importation administrative ruling may be obtained by submitting a written request to:

Chief, Special Classification and Marking Branch
Office of Regulations and Rulings,
U.S. Bureau of Customs & Border Protection
1300 Pennsylvania Avenue, NW, Mint Annex
Washington, DC 20229

正确判定原产地的责任

依据19 U.S.C.1481、1484及适用的实施法规，登记进口商须以“合理注意”申报进口货物的正确原产地。CBP口岸的CBP官员负责在货物通关过程中核实上述申报的准确性。该职责通过审查相关单证(或电子传输信息)以及对货物和进口商进行抽查审计来履行和监督。相关报关单证(可能包括申报单)用于为非优惠原产地规则目的申报货物的原产地。错误的原产地信息可能导致延误和扣留，并且如果原产地影响可准入性，还可能导致拒绝入境。此外，疏忽或欺诈性的原产地信息可能导致 monetary penalties，或在某些情况下导致刑事制裁。

获取进口前(预先)裁定

如上所述，登记进口商有责任在申报正确的原产地时行使“合理注意”。为满足合理注意要求，个人可就某商品是否有资格根据特定美国原产地规则方案享受优惠关税待遇，向CBP申请进口前裁定或预裁定。

原产地裁定申请的一般要求

除某些政府采购和NAFTA裁定的特别规定(两者均在下文讨论)外，《联邦法规汇编》第19编第177部分A子部分(19 CFR Part 177, Subpart A)允许利害关系人就拟进口至美国的商品获得约束性裁定。可通过向以下地址提交书面请求获得进口前行政裁定：

法规与裁定办公室特别归类与原产地标记处主管

美国海关与边境保护局 1300 Pennsylvania Avenue,
NW, Mint Annex Washington, DC 20229

Marking ruling requests may also be submitted to:

Director, National Commodity Specialist Division,
U.S. Bureau of Customs & Border Protection
One Penn Plaza, 10th Floor
New York, NY 10119

The ruling will be binding at all ports of entry unless modified or revoked by the CBP's Commercial Rulings Division of the Office of Regulations and Rulings, pursuant to 19 U.S.C. §1625, or overturned by a federal court. In some cases, CBP may issue an information letter or guidance rather than a ruling.

The following general information must be submitted as part of a pre-importation ruling request:

- The names, addresses and other identifying information of all interested parties (if known) and the manufacturer identification code (if known).
- The name(s) of the port(s) in which the merchandise will be entered (if known).
- A description of the transaction, for example, a prospective importation of (merchandise) from (country).
- A statement that there are, to the best of the exporter's or importer's knowledge, no issues concerning the commodity for which a ruling is sought pending before the CBP (including by any CBP field office or at any port of entry) or before any court (including the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit).
- A statement indicating whether advice has been previously sought from the CBP concerning the commodity for which a ruling is sought, and if so, then from whom and what advice was rendered, if any.

Ruling requests must contain sufficient detailed information to enable the CBP to determine the proper tariff classification and country of origin of the merchandise. Accordingly, ruling requests should include the following information:

- A complete and detailed written description of the goods. Samples (if practical), list of ingredients and percentages thereof, sketches, diagrams, or other illustrative material should be submitted with the request if useful in supplementing the written description.
- Cost breakdowns of component materials or parts and their respective quantities shown in percentages of the goods, if possible.
- A description of the principal use of the goods, as a class or kind of merchandise, in the United States.

标记裁定请求也可提交至：

国家商品专家司司长，
美国海关与边境保护局 One Penn Plaza, 10 th
Floor New York, NY 10119

该裁定对所有入境口岸具有约束力，除非依据19 U.S.C.1625被CBP法规与裁定办公室商业裁定处修改或撤销，或被联邦法院推翻。在某些情况下，CBP可能发布信息函或指导意见而非裁定。

作为进口前裁定请求的一部分，必须提交以下一般信息：

• 所有利害关系人的名称、地址及其他识别信息(如已知)以及制造商识别代码(如已知)。

• 商品将申报入境的口岸名称(如已知)。

• 交易描述，例如，拟从(国家)进口(商品)。

• 一份声明，说明据出口商或进口商所知，就寻求裁定所涉商品而言，目前不存在待决于美国海关与边境保护局(包括任何美国海关与边境保护局现场办公室或任何入境口岸)或任何法院(包括美国国际贸易法院和美国联邦巡回上诉法院)的问题。

• 一份声明，说明此前是否曾就寻求裁定所涉商品向美国海关与边境保护局寻求过意见，如曾寻求，则说明向何人寻求以及所给出的意见(如有)。

裁定请求必须包含足够详细的信息，使美国海关与边境保护局能够确定商品的正确关税归类和原产地。因此，裁定请求应包括以下信息：

• 对货物的完整、详细书面描述。如实际可行，应随请求提交样品、成分清单及其百分比、草图、示意图或其他说明性材料，如有助于补充书面描述。

• 如可能，以货物百分比表示的组件材料或零件及其各自数量的成本明细。

• 对货物作为一类或一种商品在美国的主要用途的描述。

- Information as to the commercial, scientific, technical or common name or designation of the merchandise (or as otherwise may be applicable).

- A detailed description of each of the manufacturing or production processes which the goods undergo, and the country or countries in which they are performed.

- Any other information or materials that may be pertinent or required for classifying the merchandise and determining its origin.

Government Procurement Advisory Rulings and Determinations

If the ruling is for the purpose of determining origin for government procurement eligibility, the procedures in 19 CFR Part 177, Subpart B (Sections 177.21- 177.31) must be followed. Country of origin rulings in the government procurement arena fall into two categories: “advisory rulings” and “final determinations.” An advisory ruling is a non-binding, non-reviewable written statement which calls attention to a well-established interpretation or principle of law relating to the country of origin without applying it to a particular set of facts. A final determination is a binding, judicially reviewable statement issued by CBP in response to a written request under 19 CFR 177, Subpart B that interprets and applies the provisions of law and regulation relating to the country of origin to a specific set of facts. Country of origin rulings may be requested under Subpart B by:

- foreign manufacturers, producers or exporters or U. S. importers;
- manufacturers, producers, or wholesalers in the United States of like products;
- U. S. members of labor unions or workers’ organizations who are employed in the manufacture, production or wholesale in the United States of like products; or
- trade or business associations, a majority of whose members manufacture, produce or wholesale a like product in the United States.

A request for an advisory ruling shall be in writing and shall contain such information as will enable the CBP to provide the requester with the applicable principle of law or well-established interpretation relating to the particular country of origin. A request for a final determination shall be in writing and shall contain the following information:

- The name of the requester, the requester's principal place of business, and a statement that the requester is authorized to file the request under the provisions of §177.24;
- A description of the existing article for which a country-of-origin determination is requested;
- The country or instrumentality an article is claimed to be the product of;
- Such further information as will enable the CBP to determine if an article is a product of a specific country or instrumentality, and;
- If applicable, the specific procurement for which the final determination is requested.

• 关于商品的商业、科学、技术或通用名称或称谓的信息(或视情况适用的其他信息)。

• 对货物所经历的每道制造或生产过程的详细描述，以及这些过程所在的国家或国家们。

• 可能相关或为归类商品和确定其原产地所需的任何其他信息或材料。

政府采购咨询裁决与决定

如果裁定是为了确定政府采购资格的原产地，则必须遵循19 CFR Part 177, Subpart B(Sections 177.21-177.31)中的程序。政府采购领域的原产地裁定分为两类：“咨询性裁定”和“最终裁定”。咨询性裁定是一种不具约束力、不可复审的书面声明，其提请注意与原产地相关的既定法律解释或原则，但不将其适用于特定事实。最终裁定是CBP根据19 CFR 177, Subpart B下的书面请求发布的具有约束力、可司法复审的声明，其解释并适用与原产地相关的法律和法规规定于特定事实。原产地裁定可根据Subpart B由以下各方请求：

• 外国制造商、生产商或出口商或美国进口商；
• 美国同类产品的制造商、生产商或批发商；
• 在美国受雇于同类产品制造、生产或批发的工会或工人组织的美国成员；或

• 其多数成员在美国制造、生产或批发同类产品的贸易或商业协会。

咨询性裁定请求应以书面形式提出，并应包含使美国海关与边境保护局能够向请求人提供与特定原产地相关的适用法律原则或公认解释的信息。最终裁定请求应以书面形式提出，并应包含以下信息：

• 请求人的名称、请求人的主要营业地，以及一份声明，说明请求人有权根据177.24的规定提出该请求；

• 对请求进行原产地裁定的现有物品的描述；

• 该物品被声称为其产品的国家或工具；
• 使美国海关与边境保护局能够确定某物品是否为特定国家或机构产品的进一步信息，以及；

• 如适用，请求最终裁定所针对的具体采购。

The CBP will issue an advisory ruling in response to a request for a final determination if:

- The request suggests that general information, rather than a final determination, is actually being sought,
- The request is incomplete or otherwise fails to meet the requirements set forth in §177.25(a), or
- The ruling requested cannot be issued for any other reason, and CBP believes that the general information supplied by an advisory ruling may be of some benefit to the party making the request.

An advisory ruling is not a ruling issued prior to importation under 28 U.S.C. 1581(h). Notices of a final determination are published in the Federal Register and are subject to administrative reconsideration and judicial review.

Procurement ruling requests should be submitted to:

Office of Regulations and Rulings
U. S. Bureau of Customs & Border Protection
1300 Pennsylvania Avenue, N.W., Mint Annex
Washington, DC 20229

NAFTA Advance Rulings

In the case of NAFTA transactions, requests for rulings may fall under Part 177 or 19 CFR Part 181, Subpart I (19 CFR 181.92, et seq.) depending on the nature of the request. Part 181, Subpart I sets forth the rules which govern the issuance and application of advance rulings under Article 509 of the NAFTA and the procedures which apply for purposes of review of advance rulings under Article 510 of the NAFTA. Importers in the United States and exporters and producers located in Canada or Mexico (or their duly authorized agents) may request and obtain an advance ruling on a NAFTA transaction only in accordance with the provisions of Subpart I whenever the requested ruling involves the subject matters specified in §181.92(b)(6), which are summarized as follows:

- Whether materials imported from a country other than the United States, Canada or Mexico and used in the production of a good undergo an applicable change in tariff classification, as a result of production occurring entirely in the United States, Canada and/or Mexico;
- Whether a good satisfies a regional value-content requirement under the transaction value method or under the net cost method;
- For purposes of determining whether a good satisfies a regional value-content requirement, the appropriate basis or method for value to be applied by an exporter or a producer in Canada or Mexico, for calculating the transaction value of the good or of the materials used in the production of the good;

美国海关与边境保护局将针对最终裁定请求发布咨询性裁定

• 请求表明实际寻求的是一般信息而非最终裁定，

• 请求不完整或不符合177.25(a)规定的要求，或

• 因任何其他原因无法发布所请求的裁定，且美国海关与边境保护局认为咨询性裁定所提供的一般信息可能对提出请求的一方有一定益处。

咨询性裁定不是根据28 U.S.C.1581(h)在进口前发布的裁定。最终裁定通知在《联邦公报》上公布，并须经行政复审和司法审查。

采购裁定申请应提交至：

法规与裁定办公室
美国海关与边境保护局 1300 Pennsylvania Avenue,
N.W., Mint Annex Washington, DC 20229

NAFTA 预裁定

在NAFTA交易的情况下，裁定请求可能属于Part 177或19 CFR Part 181, Subpart I(19 CFR 181.92, et seq.)，取决于请求的性质。Part 181, Subpart I规定了根据NAFTA第509条发布和适用预裁定的规则，以及根据NAFTA第510条复审预裁定的适用程序。美国的进口商以及位于加拿大或墨西哥的出口商和生产商(或其正式授权代理人)仅可依照Subpart I的规定请求并获得关于NAFTA交易的预裁定，只要所请求的裁定涉及181.92(b)(6)中规定的主题事项，其概述如下：

• 从美国、加拿大或墨西哥以外的国家进口并用于生产货物的材料，是否因生产完全在美国、加拿大和/或墨西哥进行而发生适用的关税归类改变；

• 货物是否满足成交价格法或净成本法下的区域价值成分要求；

• 为确定货物是否满足区域价值成分要求，加拿大或墨西哥的出口商或生产商为计算货物或用于生产货物的材料的成交价格而应采用的适当价值基础或方法；

- For purposes of determining whether a good satisfies a regional value-content requirement, the appropriate basis or method for reasonably allocating costs, for calculating the net cost of the good or the value of an intermediate material;
- Whether a good qualifies as an originating good;
- Whether a good that re-enters the United States after having been exported from the United States to Canada or Mexico for repair or alteration qualifies for duty-free treatment;
- Whether the proposed or actual marking of a good satisfies country of origin marking requirements;
- Whether an originating good qualifies as a good of Canada or Mexico under Annex 300 - B, Annex 302.2 and Chapter Seven of the NAFTA; and
- Whether a good is a qualifying good under Chapter Seven of the NAFTA.

The provisions of Subpart I of Part 181 apply in lieu of the administrative ruling provisions contained in subpart A of part 177 of this chapter except where the request for a ruling involves a subject matter not specified in §181.92(b)(6).

A request for an advance ruling under NAFTA should be written in English in the form of a letter directed either to:

Commissioner
U.S. Bureau of Customs & Border Protection
Attention: Office of Regulations and Rulings (Mint Annex)
1300 Pennsylvania Avenue, NW
Washington, DC 20229,

or to:

Director, National Commodity Specialist Division,
U.S. Bureau of Customs & Border Protection
One Penn Plaza, 10th Floor
New York, NY 10119

unless the subject matter relates to regional value content, in which case it must be directed to the Commissioner, U.S. Bureau of Customs & Border Protection, Attention: Office of Regulations and Rulings (Mint Annex), 1300 Pennsylvania Avenue, NW, Washington, DC 20229. The request for an advance ruling must be signed. An advance ruling requested by a principal or authorized agent may direct that the advance ruling letter be addressed to the other.

• 为确定货物是否满足区域价值成分要求，为计算货物的净成本或中间材料的价值而合理分配成本的适当基础或方法；

• 货物是否符合原产资格；
• 从美国出口至加拿大或墨西哥进行修理或改装后重新进入美国的货物是否有资格享受免税待遇；

• 货物的拟定或实际标记是否符合原产地标记要求；

• 根据附件，一项原产货物是否符合加拿大或墨西哥货物的资格
300 - B、附件302.2及NAFTA第七章；以及
• 该货物是否为NAFTA第七章下的合格货物。

第181部分第I子部分的规定替代本章第177部分A子部分所载的行政裁定规定适用，但裁定请求涉及181.92(b)(6)未规定的事项除外。

根据NAFTA提出的预裁定请求应以英文书面形式，以信函方式提交至以下任一地址：

局长
U.S 海关与边境保护局
收件人：法规与裁定办公室(Mint Annex)1300 Pennsylvania Avenue, NW Washington, DC 20229,

或致：

美国海关与边境保护局国家商品专家处处长 One Penn Plaza, 10 th Floor New York, NY 10119

除非该事项涉及区域价值成分，在此情况下必须提交至美国海关与边境保护局局长，收件人：法规与裁定办公室(Mint Annex),1300 Pennsylvania Avenue, NW, Washington, DC 20229。预裁定请求必须签名。由委托人或者授权代理人提出的预裁定请求可以要求将预裁定函寄送给另一方。

Each request for an advance ruling must identify the specific subject matter to which the request relates, and must contain:

- A complete statement of all relevant facts relating to the NAFTA transaction and must state that the information presented is accurate and complete;
- The names, addresses, and other identifying information of all interested parties (if known);
- The name of the port or place at which any good involved in the transaction will be imported or which will otherwise have jurisdiction with respect to the act or activity described in the transaction; and
- A description of the transaction itself, appropriate in detail to the subject matter of the requested advance ruling.

Where the request for an advance ruling is submitted by or on behalf of the importer of the good involved in the transaction, the request must include the name and address of the exporter and, if known, producer of the good. Where the request for an advance ruling is submitted by or on behalf of the exporter of the good involved in the transaction, the request must include the name and address of the producer and importer of the good, if known. Where the request for an advance ruling is submitted by or on behalf of the producer of the good involved in the transaction, the request must include the name and address of the exporter and importer of the good, if known.

In addition, where relevant to the issue that is the subject of the request for an advance ruling, and regardless of the specific nature of the advance ruling requested, the request must include:

- A copy of any advance ruling or other ruling with respect to the tariff classification of the good that has been issued by the CBP to the person submitting the request; or
- Sufficient information to enable the CBP to classify the good where no advance ruling or other ruling with respect to the tariff classification of the good has been issued by the CBP to the person submitting the request. Such information includes a full description of the good, including, where relevant, the composition of the good, a description of the process by which the good is manufactured, a description of the packaging in which the good is contained, the anticipated use of the good and its commercial, common or technical designation, and product literature, drawings, photographs or schematics.

The prospective customs transaction to which the advance ruling request relates must be described in sufficient detail in order to permit proper the application of the relevant NAFTA provisions.

每份预裁定请求必须指明该请求所涉及的具体事项，并且必须包含：

• 与NAFTA交易有关的所有相关事实的完整陈述，并且必须声明所提供的信息准确且完整；

• 所有利害关系方的名称、地址及其他识别信息(如已知);

• 交易中涉及的任何货物将进口的港口或地点的名称，或对交易中所述行为或活动具有管辖权的港口或地点的名称；以及

• 对交易本身的描述，其详细程度应与所请求预裁定的事项相适应。

如果预裁定请求由交易相关货物的进口商或代表其提交，请求必须包括出口商的名称和地址，以及如果已知，货物生产商的名称和地址。如果预裁定请求由交易相关货物的出口商或代表其提交，请求必须包括如果已知，货物生产商和进口商的名称和地址。如果预裁定请求由交易相关货物的生产商或代表其提交，请求必须包括如果已知，货物出口商和进口商的名称和地址。

此外，在与预裁定请求所涉问题相关的情况下，无论所请求预裁定的具体性质如何，该请求必须包括：

• CBP向提交请求的人签发的关于该货物关税归类的任何预裁定或其他裁定的副本；或

• 足以使CBP对货物进行归类的信息，前提是CBP尚未向提交请求的人就该货物的关税归类发布预裁定或其他裁定。此类信息包括货物的完整描述，包括在相关情况下货物的成分、货物制造过程的描述、货物包装的描述、货物的预期用途及其商业、通用或技术名称，以及产品文献、图纸、照片或示意图。

预裁定请求所涉及的预期海关交易必须足够详细地描述，以便能够正确适用相关NAFTA规定。

In addition, 19 CFR § 181.93 lists specific requirements for the rulings listed below:

- Tariff change rulings
- Issues involving a change in tariff classification of a material
- NAFTA rulings on regional value content
- NAFTA rulings on producer materials

Each request for an advance ruling should be accompanied by photographs, drawings, or other pictorial representations of the good and, whenever possible, by a sample of the good (which may be damaged or consumed in the course of examination, testing, analysis, or other actions) unless a precise description of the good is not essential to the advance ruling requested. Any good consisting of materials in chemical or physical combination for which a laboratory analysis has been prepared by or for the manufacturer should include a copy of that analysis, flow charts, CAS number, and related information.

If the question or questions presented in the advance ruling request directly relate to matters set forth in any invoice, contract, agreement, or other document, a copy of the document must be submitted with the request. The relevant facts reflected in any documents submitted, and an explanation of their bearing on the question or questions presented, must be expressly set forth in the advance ruling request.

Each request for an advance ruling must also state:

- Whether, to the knowledge of the person submitting the request, the same transaction or issue, or one identical to it, has ever been considered, or is currently being considered by any CBP office;

- Whether, to the knowledge of the person submitting the request, the issue involved has ever been, or is currently, the subject of: (1) review by the United States Court of International Trade, or any court of appeal therefrom, or review by a judicial or quasi-judicial body in Canada or Mexico; (2) a verification of origin performed in the United States, Canada or Mexico; (3) an administrative appeal in the United States, Canada or Mexico; or (4) a request for an advance ruling under this subpart, or a request for an advance ruling in Canada or Mexico under an appropriate authority referred to in §181.76 of the regulations; and (5) the status or disposition of any of these matters; and

- Whether the transaction described in the advance ruling request is but one of a series of similar and related transactions.

FOIA AND INFORMATION SUBMITTED FOR A RULING REQUEST

As a general rule, no part of a ruling is deemed to constitute privileged or confidential commercial or financial information or trade secrets unless confidentially was requested

此外，19 CFR181.93列出了下列裁定的具体要求：

• 关税变更裁定
• 涉及材料关税分类变更的问题
• NAFTA 关于区域价值含量的裁定
• NAFTA 关于生产商材料的裁定

每项预裁定请求应附有货物的照片、图纸或其他图示，并在可能的情况下附上货物样品(样品在检查、测试、分析或其他过程中可能被损坏或消耗)，除非对货物的精确描述对请求的预裁定并非必要。任何由化学或物理组合材料组成的货物，若制造商或为制造商准备了实验室分析报告，则应包括该分析报告的副本、流程图、CAS编号及相关信息。

如果预裁定请求中提出的一个或多个问题直接涉及任何发票、合同、协议或其他文件中载明的事项，则必须随请求提交该文件的副本。所提交任何文件中反映的相关事实，以及其对所提出一个或多个问题的影响的说明，必须在预裁定请求中明确载明。

每份预裁定申请还必须说明：

• 据提交请求的人所知，同一交易或问题，或与其相同的一项交易或问题，是否曾经或目前正由任何CBP办公室审议；

• 据提交请求的人所知，所涉问题是否曾经或目前是以下事项的主题：(1) 美国国际贸易法院或任何上诉法院的复审，或加拿大或墨西哥司法或准司法机构的复审；(2) 在美国、加拿大或墨西哥进行的原产地验证；(3) 在美国、加拿大或墨西哥的行政上诉；或(4) 根据本子部分提出的预裁定请求，或根据法规181.76所述适当机构在加拿大或墨西哥提出的预裁定请求；以及(5) 任何上述事项的状态或处置情况；以及

• 预裁定请求中所述的交易是否仅为一系列类似和相关交易中的一项。

FOIA 与为裁定请求提交的信息

作为一般规则，裁定的任何部分均不被视为构成特权或保密的商业或财务信息或商业秘密，除非已请求保密

as provided for in 19 CFR § 177.2(b)(7), or 181.93(b)(7) and granted as provided for in 19 CFR § 177.8(a)(3), or 181.99(a)(3). Pursuant to 19 U.S.C. § 1625, rulings are published electronically. Information submitted to the CBP as part of a ruling request may be disclosed or withheld in accordance with the provisions of the Freedom of Information Act, as amended. See 5 U.S.C. § 552 and 19 CFR § 177.8(a)(3).

ADMINISTRATIVE REVIEW OF PRE-IMPORTATION RULINGS

A recipient of a pre-importation ruling who disagrees with the decision contained in the ruling may seek an administrative review of the decision from the Director, Commercial Rulings Division, Office of Regulations and Rulings (Mint Annex), U. S. Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. A request for an administrative review of a decision contained in a pre-importation ruling must be in writing and must set forth the basis for disagreement with the decision and provide all information and materials necessary to conduct a proper and complete review.

POST-IMPORTATION REVIEW PROCEDURES

After importation of the merchandise and liquidation of the entry, one may seek an administrative review of a country of origin decision by the CBP by protesting the decision to the CBP. A protest will result in the decision being internally reviewed by the CBP at a higher level of authority than the level at which the decision was originally rendered. If not satisfied with the decision resulting from a protest, one may seek judicial review of the decision by the United States Court of International Trade (www.cit.uscourts.gov). If not satisfied with the decision by the United States Court of International Trade, one may seek review of the decision through an appeal to the United States Court of Appeals for the Federal Circuit (www.fedcir.gov). Finally, if not satisfied with the decision of the United States Court of Appeals for the Federal Circuit, one may request a review of the decision by the United States Supreme Court (www.supremecourtus.gov), which is the final court of review at the federal level in the United States.

按19 CFR 177.8(a)(3)或181.99(a)(3)的规定授予。依据19 U.S.C. 552和19 CFR177.8(a)(3)。

进口前裁定行政复审

进口前裁定的接收人如不同意裁定中所含的决定，可向美国海关与边境保护局法规与裁定办公室商业裁定司司长(Mint Annex)，地址：1300 Pennsylvania Avenue, N.W., Washington, D.C.20229，寻求对该决定的行政复审。对进口前裁定中所含决定的行政复审请求必须以书面形式提出，必须列明不同意该决定的依据，并提供进行适当和完整复审所需的所有信息和材料。

进口后审查程序

在商品进口和报关清关核定之后，可通过对CBP的决定提出异议，寻求CBP对原产地决定的行政复审。异议将导致该决定由CBP在比最初作出决定的层级更高的权力层级进行内部复审。如对异议产生的决定不满意，可寻求美国国际贸易法院(www.cit.uscourts.gov)对该决定的司法复审。如对美国国际贸易法院的决定不满意，可通过向美国联邦巡回上诉法院(www.fedcir.gov)上诉寻求对该决定的复审。最后，如对美国联邦巡回上诉法院的决定不满意，可请求美国最高法院(www.supremecourtus.gov)对该决定进行复审，该法院是美国联邦层面的最终复审法院。

ADDITIONAL INFORMATION

The Internet

The home page of U.S. Customs and Border Protection on the Internet's World Wide Web, provides the trade community with current, relevant information regarding CBP operations and items of special interest. The site posts information -- which includes proposed regulations, news releases, publications and notices, etc. -- that can be searched, read on-line, printed or downloaded to your personal computer. The web site was established as a trade-friendly mechanism to assist the importing and exporting community. The web site also links to the home pages of many other agencies whose importing or exporting regulations that U.S. Customs and Border Protection helps to enforce. The web site also contains a wealth of information of interest to a broader public than the trade community. For instance, on June 20, 2001, CBP launched the "Know Before You Go" publication and traveler awareness campaign designed to help educate international travelers.

The web address of U.S. Customs and Border Protection is http://www.cbp.gov.

Customs Regulations

The current edition of Customs Regulations of the United States is a loose-leaf, subscription publication available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; telephone (202) 512-1800. A bound, 2003 edition of Title 19, Code of Federal Regulations, which incorporates all changes to the Regulations as of April 1, 2003, is also available for sale from the same address. All proposed and final regulations are published in the Federal Register, which is published daily by the Office of the Federal Register, National Archives and Records Administration, and distributed by the Superintendent of Documents. Information about on-line access to the Federal Register may be obtained by calling (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time. These notices are also published in the weekly Customs Bulletin described below.

Customs Bulletin

The Customs Bulletin and Decisions ("Customs Bulletin") is a weekly publication that contains decisions, rulings, regulatory proposals, notices and other information of interest to the trade community. It also contains decisions issued by the U.S. Court of International Trade, as well as customs-related decisions of the U.S. Court of Appeals for the Federal Circuit. Each year, the Government Printing Office publishes bound volumes of the Customs Bulletin. Subscriptions may be purchased from the Superintendent of Documents at the address and phone number listed above.

附加信息

互联网

美国海关与边境保护局在互联网万维网上的主页为贸易界提供有关CBP运作和特别关注事项的当前相关信息。该网站发布信息--包括拟议法规、新闻稿、出版物和通知等--可搜索、在线阅读、打印或下载到您的个人电脑。该网站是作为协助进出口界的贸易友好机制而建立的。该网站还链接到许多其他机构的主页，美国海关与边境保护局协助执行这些机构的进出口法规。该网站还包含贸易界以外的更广泛公众感兴趣的大量信息。例如，2001年6月20日，CBP推出了"Know Before You Go"出版物和旅行者意识宣传活动，旨在帮助教育国际旅行者。

美国海关与边境保护局的网址是http://www.cbp.gov.

海关条例

现行版《美国海关法规》为活页订阅出版物，可从华盛顿特区20402，美国政府印刷局文件主管处获取；电话(202) 512-1800。2003年精装版《联邦法规汇编》第19编(收录截至2003年4月1日对法规的所有修改)也可从同一地址购买。所有拟议和最终法规均公布在《联邦公报》上，《联邦公报》由国家档案和记录管理局联邦公报办公室每日出版，由文件主管处发行。有关在线访问《联邦公报》的信息，可在东部时间上午7点至下午5点之间致电(202) 512-1530获取。这些通知也公布在以下所述的每周《海关公报》上。

海关公报

《海关公报与裁决》("海关公报")是一份每周出版物，包含裁决、裁定、法规提案、通知及其他贸易界感兴趣的信息。它还包含美国国际贸易法院发布的裁决，以及美国联邦巡回上诉法院与海关相关的裁决。政府印刷局每年出版《海关公报》的精装合订本。订阅可向上述地址和电话号码的文件主管处购买。

Importing Into the United States

This publication provides an overview of the importing process and contains general information about import requirements. The February 2002 edition of Importing Into the United States contains much new and revised material brought about pursuant to the Customs Modernization Act (“Mod Act”). The Mod Act has fundamentally altered the relationship between importers and U.S. Customs and Border Protection by shifting to the importer the legal responsibility for declaring the value, classification, and rate of duty applicable to entered merchandise.

The February 2002 edition contains a section entitled "Informed Compliance." A key component of informed compliance is the shared responsibility between U.S. Customs and Border Protection and the import community, wherein CBP communicates its requirements to the importer, and the importer, in turn, uses reasonable care to assure that CBP is provided accurate and timely data pertaining to his or her importation.

Single copies may be obtained from local offices of U.S. Customs and Border Protection, or from the Office of Public Affairs, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229. An on-line version is available at the CBP web site. Importing Into the United States is also available for sale, in single copies or bulk orders, from the Superintendent of Documents by calling (202) 512-1800, or by mail from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7054.

Informed Compliance Publications

U.S. Customs and Border Protection has prepared a number of Informed Compliance publications in the “What Every Member of the Trade Community Should Know About:…” series. Check the Internet web site http://www.cbp.gov for current publications.

进口至美国

本出版物概述进口流程，并包含有关进口要求的一般信息。2002年2月版《进口美国》包含根据《海关现代化法》(“Mod Act”)作出的许多新内容和修订内容。《海关现代化法》从根本上改变了进口商与美国海关与边境保护局之间的关系，将申报已入境商品的价值、归类及适用关税税率的法律责任转移给进口商。

2002年2月版包含题为“知情合规”的一节。知情合规的一个关键组成部分是美国海关与边境保护局与进口界之间的共同责任，其中CBP向进口商传达其要求，而进口商则利用合理注意确保向CBP提供与其进口有关的准确和及时的数据。

单本可从美国海关与边境保护局当地办公室获取，或从美国海关与边境保护局公共事务办公室获取，地址：1300 Pennsylvania Avenue NW, Washington, DC 20229。在线版本可在CBP网站上获取。《进口美国》也可通过致电(202) 512-1800向文件主管处购买单本或批量订购，或通过邮寄方式从政府印刷局文件主管处购买，地址：P.O.Box 371954, Pittsburgh, PA 15250-7054。

知情合规出版物

美国海关与边境保护局已在“What Every Member of the Trade Community Should Know About:...”系列中编写了若干知情合规出版物。请访问互联网网站http://www.cbp.gov获取当前出版物。

Value Publications

Customs Valuation under the Trade Agreements Act of 1979 is a 96-page book containing a detailed narrative description of the customs valuation system, the customs valuation title of the Trade Agreements Act (§402 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (19 U.S.C. §1401a)), the Statement of Administrative Action which was sent to the U.S. Congress in conjunction with the TAA, regulations (19 C.F.R. §§152.000-152.108) implementing the valuation system (a few sections of the regulations have been amended subsequent to the publication of the book) and questions and answers concerning the valuation system. A copy may be obtained from U.S. Customs and Border Protection, Office of Regulations and Rulings, Value Branch, 1300 Pennsylvania Avenue, NW, (Mint Annex), Washington, D.C. 20229.

Customs Valuation Encyclopedia (with updates) is comprised of relevant statutory provisions, CBP Regulations implementing the statute, portions of the Customs Valuation Code, judicial precedent, and administrative rulings involving application of valuation law. A copy may be purchased for a nominal charge from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7054. This publication is also available on the Internet web site of U.S. Customs and Border Protection.

The information provided in this publication is for general information purposes only. Recognizing that many complicated factors may be involved in customs issues, an importer may wish to obtain a ruling under CBP Regulations, 19 C.F.R. Part 177, or obtain advice from an expert (such as a licensed Customs Broker, attorney or consultant) who specializes in customs matters. Reliance solely on the general information in this pamphlet may not be considered reasonable care.

Additional information may also be obtained from U.S. Customs and Border Protection ports of entry. Please consult your telephone directory for an office near you. The listing will be found under U.S. Government, Department of Homeland Security.

价值出版物

《1979年贸易协定法下的海关估价》是一本96页的书，详细叙述了海关估价制度、《贸易协定法》的海关估价标题(《1930年关税法》第402条，经1979年贸易协定法修订(19 U.S.C.1401a))、随TAA一同提交美国国会的行政行动声明、实施估价制度的法规(19 C.F.R.152.000-152.108)(该书出版后法规的少数条款已作修订)以及有关估价制度的问答。副本可从美国海关与边境保护局法规与裁决办公室估价处获取，地址：1300 Pennsylvania Avenue, NW, (Mint Annex), Washington, D.C.20229。

《海关估价百科全书》(含更新)由相关法定条款、实施该法规的美国海关与边境保护局规章、《海关估价法典》部分内容、司法判例以及涉及估价法适用的行政裁定组成。可向政府印刷局文件主管(地址：P.O.Box 371954, Pittsburgh, PA 15250-7054)以象征性费用购买一份。该出版物也可在美国海关与边境保护局互联网网站上获取。

本出版物中提供的信息仅供一般参考之用。认识到海关问题可能涉及许多复杂因素，进口商可能希望根据CBP法规19 C.F.R.Part 177获得裁定，或从专门从事海关事务的专家(如持牌报关代理人、律师或顾问)处获得建议。仅依赖本手册中的一般信息可能不被视为合理注意。

也可从美国海关与边境保护局入境口岸获取更多信息。请查阅电话簿以获取您附近的办公室。该名录列于U.S.Government, Department of Homeland Security项下。

“Your Comments are Important”

The Small Business and Regulatory Enforcement Ombudsman and 10 regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement activities and rate each agency’s responsiveness to small business. If you wish to comment on the enforcement actions of U.S. Customs and Border Protection, call 1-888-REG-FAIR (1-888-734-3247).

REPORT SMUGGLING 1-800-BE-ALERT OR 1-800-NO-DROGA

Visit our Internet web site: http://www.cbp.gov

“您的意见很重要”

设立小企业监管执法监察员和10个地区公平委员会，旨在接收小企业关于联邦机构执法活动的意见，并评估各机构对小企业的响应能力。如果您希望就美国海关与边境保护局的执法行动提出意见，请致电1-888-REG-FAIR(1-888-734-3247)。

举报走私 1-800-BE-ALERT 或 1-800-NO-DROGA

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