

# *Southern Currents*



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## **Notice to the Area Port of New Orleans Trade Community**

**Date** September 27, 2004

**No.:** 04-036

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**SUBJECT:** Amendments to the U.S.-Singapore Free Trade Agreement  
Implementation Information of January 30, 2004

### **Background**

The U.S.-Singapore Free Trade Agreement (US-SFTA) entered into force on January 1, 2004. This memorandum provides updates to the instructions issued on January 30, 2004 in a memorandum titled "Amendments to the U.S.-Singapore Free Trade Agreement Implementation Information", which can be viewed at the Customs and Border Protection (CBP) website at:

[http://cbp.gov/xp/cgov/import/international\\_agreements/us\\_singapore/](http://cbp.gov/xp/cgov/import/international_agreements/us_singapore/)

Field offices will be notified when Title 19 of the U.S. Code of Federal Regulations (CFR) have been amended to include new provisions for the US-SFTA. Until the regulations are implemented, these instructions are interim only.

### **Verification by CBP**

Because the US-SFTA is an importer-focused agreement, it is the importer's responsibility to substantiate a claim for preferential treatment. Generally CBP will issue the CBP Form 28, Request for Information, to the importer to obtain supporting documentation to prove eligibility. When the importer cannot access business sensitive information it will be the importer's responsibility to request that the exporter or producer provide the documentation directly to CBP.

The following are examples of actions that CBP may take when verifying a claim:

1. Since the US-SFTA is an "importer-focused" agreement, a CBP Form 28 should be issued to the importer. If the requested information is not in the importer's possession, the importer may have the exporter or producer provide it directly to CBP. CBP at its discretion may issue CBP Form 28 to the exporter/producer.

2. If the importer is unsuccessful either in obtaining the documentation from the exporter or producer or in arranging for the exporter/producer to provide CBP with the documentation, CBP will issue a negative determination to the importer.
3. Conduct a joint visit (CBP and Singapore Customs together), if consent is given, after both parties adopt procedures for such a visit.

### **Determination of a Claim**

CBP will issue a copy of the CBP Form 29, Notice of Action to the exporter/producer as well as the importer only when the exporter/producer has supplied supporting documentation directly to CBP. Otherwise, only the importer will be issued a CBP Form 29.

### **Post Entry Claims**

Importers and other interested parties may avail themselves of post-entry administrative and judicial procedures, such as 19 USC 1520(a) or (c), or use of Supplemental Information Letters (or Post Entry Adjustments for high volume claims) to receive a refund of duties and/or merchandise processing fees.

### **Marking Rules**

The US-SFTA does not use the North American Free Trade Agreement 19 CFR 102 marking rules. The general marking regulations apply as set forth in 19 CFR 134.

### **Integrated Sourcing Initiative (ISI)**

The January 30 memo states that “in order for ISI eligible goods to receive preferential treatment under the US-SFTA, the goods must be shipped from a non-FTA country (countries other than Singapore and the U.S.) to the territory of Singapore, then shipped directly to the U.S. for importation”. The subsequent paragraph states that “the country of origin may be any country”. Please be advised that the country of origin may be any country, including Singapore or the U.S.

The January 30 memo uses the term “shipped from” in reference to ISI eligible goods coming from Singapore. For enforcement purposes, CBP will require goods seeking ISI treatment to be exported from Singapore. Exported means the goods were actually offloaded in Singapore. Upon CBP demand the importer must provide documentary evidence in the form of official shipping records, Singapore entry documentation, or any other documents that satisfy CBP officers that the goods were offloaded in Singapore. Goods that are merely shipped through the territorial waters, docked at the port without offloading, or passed through the airspace of Singapore will not qualify.

**Action**

Per Administrative message 04-0859 issued on 04/08/04, the Automated Commercial System (ACS) was updated in February 2004 to allow automated entry of imports claiming preferential treatment under the US-SFTA. The Special Program Indicator (SPI) "SG" will appear on all entry summaries for which preferential treatment is claimed for non-ISI goods only.

All ISI goods – those goods that appear on the list in General Note 25(m) of the Harmonized Tariff Schedule of the U.S.- will not use the SPI "SG". Instead, these goods will be entered under the primary tariff number 9999.00.84, and the secondary tariff number (the actual descriptive tariff classification number) will appear on the next line. Even ISI goods with Singapore as the country of origin should be entered using the Chapter 99 number.

Questions regarding the US-SFTA should be directed to Supervisory Import Specialist Howard Hodes @ 504 670-2161.

/s/

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