

Presidential Documents

Title 3—

Proclamation 7800 of June 30, 2004

The President

To Modify Duty-Free Treatment Under the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to section 503(c)(1) of title V of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2463(c)(1)), the President may withdraw, suspend, or limit designation of specified articles provided for in the Harmonized Tariff Schedule of the United States (HTS) as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when imported from designated beneficiary developing countries.
2. Pursuant to section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries pursuant to section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), are subject to competitive need limitations on the preferential treatment afforded under the GSP to eligible articles.
3. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the competitive need limitations in section 503(c)(2)(A) during the preceding calendar year.
4. Section 503(c)(2)(F) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) (19 U.S.C. 2463(c)(2)(F)(ii)).
5. Pursuant to section 503(d) of the 1974 Act (19 U.S.C. 2463(d)), the President may waive the application of the competitive need limitations in section 503(c)(2)(A) with respect to any eligible article from any beneficiary developing country if certain conditions are met.
6. Pursuant to section 503(c)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c) (19 U.S.C. 2461 and 2462(c)), I have determined that it is appropriate to withdraw the designation of certain articles as eligible articles under the GSP when imported from any beneficiary developing country. In order to do so for two of the articles, it is necessary to subdivide and amend the nomenclature of existing sub-headings of the HTS.
7. Pursuant to section 503(c)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c), I have determined to limit the application of duty-free treatment accorded to a certain article from a certain beneficiary developing country.
8. Pursuant to section 503(c)(1) and 503(c)(2)(A) of the 1974 Act, I have determined that certain beneficiary countries should no longer receive preferential tariff treatment under the GSP with respect to certain eligible articles

that were imported in quantities exceeding the applicable competitive need limitation in 2003.

9. Pursuant to section 503(c)(2)(C) of the 1974 Act, I have determined that certain countries should be redesignated as beneficiary developing countries with respect to certain eligible articles that previously had been imported in quantities exceeding the competitive need limitations of section 503(c)(2)(A).

10. Pursuant to section 503(c)(2)(F) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) should be waived with respect to certain eligible articles from certain beneficiary developing countries.

11. Pursuant to section 503(d) of the 1974 Act, I have determined that the competitive need limitations of section 503(c)(2)(A) should be waived with respect to certain eligible articles from certain beneficiary developing countries. I have received the advice of the International Trade Commission on whether any industries in the United States are likely to be adversely affected by such waiver, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c), that such waivers are in the national economic interest of the United States.

12. Section 604 of the 1974 Act, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act (19 U.S.C. 2461–7, 2483), do proclaim that:

(1) In order to provide that one or more countries that have not been treated as beneficiary developing countries with respect to one or more eligible articles be redesignated as beneficiary developing countries with respect to such article or articles for purposes of the GSP, and, in order to provide that one or more countries no longer be treated as a beneficiary developing country with respect to one or more eligible articles for purposes of the GSP, general note 4(d) to the HTS is modified as provided in section A of Annex I to this proclamation.

(2) In order to withdraw the designation of certain articles as eligible articles for purposes of the GSP, the HTS is modified by amending and subdividing the nomenclature of certain existing HTS subheadings as provided in section B of Annex I to this proclamation.

(3) (a) In order to provide preferential tariff treatment under the GSP to a beneficiary developing country that has been excluded from the benefits of the GSP for certain eligible articles, the Rates of Duty 1-Special subcolumn for such HTS subheadings is modified as provided for in section C(1) of Annex I to this proclamation.

(b) In order to provide that one or more countries not be treated as a beneficiary developing country with respect to certain eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for such HTS subheadings is modified as provided for in section C(2) of Annex I to this proclamation.

(c) In order to withdraw preferential tariff treatment under the GSP for a certain article imported from any beneficiary developing country, the Rates of Duty 1-Special subcolumn for such HTS subheading is modified as provided for in section C(3) of Annex I to this proclamation.

(4) A waiver of the application of section 503(c)(2)(A) (i)(II) of the 1974 Act shall apply to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex II to this proclamation.

(5) A waiver of the application of section 503(c)(2)(A) of the 1974 Act shall apply to the eligible article in the HTS subheading and to the beneficiary developing country listed in Annex III to this proclamation.

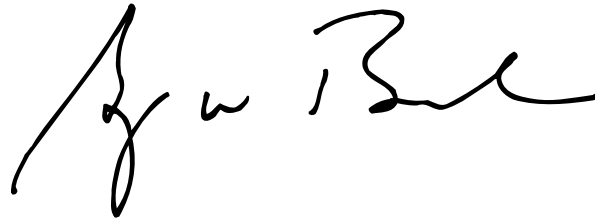
(6) Any provisions of previous proclamations or Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(7) (a) The modifications made by Annex I to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2004.

(b) The actions taken in Annex II to this proclamation shall be effective on July 1, 2004.

(c) The action taken in Annex III to this proclamation shall be effective on the date of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of June, in the year of our Lord two thousand four, and of the Independence of the United States of America the two hundred and twenty-eighth.

A handwritten signature in black ink, appearing to read "G. W. Bush". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Annex I

Modifications to the Harmonized Tariff
Schedule of the United States (HTS)

Effective with respect to articles entered, or withdrawn from
warehouse for consumption, on or after July 1, 2004.

Section A. General note 4(d) to the HTS is modified by:

(1). deleting the following provisions and the country set out
opposite such subheading:

0410.00.00 Indonesia	
0711.40.00 India	4012.11.80 India
2917.12.10 India	8525.40.80 Indonesia

(2). adding, in numerical sequence, the following subheadings and
countries set out opposite them:

0202.30.02 Costa Rica	
0302.69.10 Ecuador	4107.12.70 Dominican Republic
0811.90.55 Guatemala	5308.90.10 Dominican Republic
1703.90.50 Dominican Republic	6802.91.25 Turkey
	8402.11.00 Peru

(3). adding, in alphabetical order, the country set out opposite
the following subheading:

1701.91.42 Colombia
1702.90.35 Guatemala
3920.62.00 Thailand

Section B. The HTS is modified as provided in this section, with
bracketed matter included to assist in the understanding of
proclaimed modifications. The following provisions supersede
matter now in the HTS. The subheadings and superior text are set
forth in columnar format, and material in such columns is inserted
in the columns of the HTS designated "Heading/Subheading",
"Article Description", "Rates of Duty 1 General", "Rates of Duty 1
Special", and "Rates of Duty 2", respectively.

(a) Subheadings 3901.10.00 and 3901.20.00 are superseded and the
following provisions inserted in numerical sequence:

[Polymers of ethylene, in primary forms:]		:	:	:
"3901.10	Polyethylene having a specific gravity of less than 0.94:	:	:	:
3901.10.10	Having a relative viscosity of 1.44 or more.....	6.5%	Free (CA,CL,E,IL, J,JO,MX)	43%
			5.7% (SG)	
3901.10.50	Other.....	6.5%	Free (A,CA,CL,E, IL,J,JO,MX)	43%
			5.7% (SG)	
3901.20	Polyethylene having a specific gravity of 0.94 or more:	:	:	:
3901.20.10	Having a relative viscosity of 1.44 or more.....	6.5%	Free (CA,CL,E,IL, J,JO,MX,SG)	43%
3901.20.50	Other.....	6.5%	Free (A,CA,CL,E, IL,J,JO,MX,SG)	43%"

(b). Conforming change: For subheadings 3901.10.10 and 3901.10.50 on January 1 for each of the dated columns listed below, the rate of duty in the Rates of Duty 1-Special subcolumn followed by the symbol "SG" is deleted and rate of duty for such dated column is inserted in lieu thereof:

<u>2005</u>	<u>2006</u>	<u>2007</u>
3.8%	1.9%	Free

Section C. Each enumerated article's preferential tariff treatment under the Generalized System of Preferences (GSP) in the HTS is modified as provided in this section.

(1). For the following provisions, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting an "A" in lieu thereof:

0410.00.00	
0711.40.00	4012.11.80
	8525.40.80

(2). For the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting an "A*" in lieu thereof:

0202.30.02			
0302.69.10	0811.90.55	4107.12.70	6802.91.25
	1703.90.50	5308.90.10	8402.11.00

(3). For subheading 2917.12.10, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*,".

Annex II

HTS subheading and countries for which the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the Trade Act of 1974 is waived

0302.70.20 Russia	2008.19.30 Turkey	4104.11.50 Brazil
0305.10.40 Thailand	2008.99.35 Thailand	4106.22.00 Pakistan
0305.69.60 Philippines	2008.99.50 Thailand	4107.11.40 India
0410.00.00 Indonesia	2305.00.00 Argentina	4107.11.60 Brazil
0710.29.15 India	2306.30.00 Argentina	4107.92.40 India
0711.40.00 India	2515.12.20 Turkey	4202.22.35 Philippines
0712.90.70 Egypt	2804.29.00 Russia	4202.92.04 Philippines
0802.50.20 Turkey	2840.11.00 Turkey	4602.10.23 Philippines
0804.50.80 Philippines	2840.19.00 Turkey	5007.10.30 India
0810.60.00 Thailand	2850.00.20 Russia	5208.31.20 India
0813.40.10 Thailand	2903.51.00 Romania	5208.32.10 India
1102.30.00 Thailand	2903.69.08 Brazil	5208.41.20 India
1202.10.40 Egypt	2909.50.40 Indonesia	5208.42.10 India
1515.90.60 Argentina	2910.20.00 Brazil	5209.31.30 India
1604.14.50 Fiji	2915.12.00 Turkey	5209.41.30 India
1806.10.43 Brazil	2915.35.00 Brazil	5607.90.35 Philippines
1806.20.22 Brazil	2931.00.25 Brazil	6406.10.72 Brazil
1806.90.15 Russia	2934.99.18 Brazil	8112.19.00 Kazakhstan
1901.20.02 Argentina	2938.10.00 Brazil	8528.12.44 Thailand
1901.20.30 Argentina	3603.00.30 Brazil	8606.10.00 India
1901.20.45 Argentina	4012.11.80 India	9507.20.40 Philippines
2001.90.45 India	4101.90.40 Argentina	9614.20.60 Turkey

Annex III

HTS Subheading and Country Granted A Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act

<u>HTS</u> <u>Subheading</u>	<u>Country</u>
8525.40.80	Indonesia