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**THE AREA PORT OF CHAMPLAIN, NY**  
**INFORMATION**  
**NOTICE**

Number: **03-FO-23**  
Date: **April 8, 2003**

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Subject: **“Do My Goods Qualify For NAFTA?”**

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**Distribution: Filers, importers, exporters and other interested parties**

This office has developed the attached guide to assist exporters to the U.S. that claim NAFTA tariff preference for their goods on the basis of a valid certificate of origin.

This checklist does not presume to answer every NAFTA question or to address every NAFTA scenario. Importers of record should exercise reasonable care when filing such claims and seek the advice of an expert on Customs requirements in the U.S. if they have any questions concerning the eligibility of their goods for such preference. In addition to such advice, claimants should resolve complex NAFTA issues by requesting an Advance Ruling pursuant to Customs Regulations 181, Subpart I.

Please contact the undersigned or Import Specialist Maribeth Dunajski at (518) 298-8312 or 298-8362 if you have any general questions concerning this checklist or the Advance Rulings program. Specific commodity questions should be addressed to the appropriate commodity specialist team. All parties may be reached by voice mail or email. Questions may also be faxed to this office at (518) 298-8314/8344.

In addition to internal distribution, filers are encouraged to share this guide with their clients and all other interested and affected parties. Thank you for your continued assistance in our efforts to identify and resolve NAFTA issues on an “up-front” basis.

This notice supersedes the checklist distributed by Information Notice 01-FO-57 (August 24, 2001) and previous notices. An *unofficial* French translation of this guide may be requested from this office.

C. Lee Noyes  
Port NAFTA Coordinator  
Customs & Border Protection

**Note:** This Notice is provided for the convenience of the public, but due to the nature of this medium, only the latest printed version of a law, regulation or **Federal Register** notice should be considered official.

**DO MY GOODS QUALIFY FOR NAFTA?\***  
**(Or, which letter do I put into Field 7**  
**of my Certificate of Origin?)**

**1)** Do you know: the background of your product? who produced it or where it grew or was taken from the ground? where the components or ingredients were manufactured or grown?

**If the answer is “no,” do not claim NAFTA!**

**2a)** Was your good last worked on in Canada, Mexico or the United States (other than minor processing such as repackaging, dilution, cleaning, etc.), or was it produced overseas?

**If the good was produced overseas and simply passed through North America, do not claim NAFTA!**

**2b)** If your good qualified for NAFTA, but was sent overseas temporarily: did your good leave Customs control? was anything done to it other than unloading, reloading or preservation?

**If “yes” to either of these questions, do not claim NAFTA!**

**3)** Is every atom and molecule of your good the product or growth of Canada, Mexico or the United States, or a combination thereof?

**If “yes,” claim criterion “A” in Field 7 and proceed to step 10.**

**4)** Do you know the U.S. tariff classification of the product you are exporting to the U.S. and of all components or ingredients produced outside of North America?

**If “no,” then you cannot look up the rule of origin to find out the specific requirements for your product and, therefore, cannot claim NAFTA. Ask for help! (See next page.)**

**5)** Do you know the specific NAFTA rule of origin for your product, and how to apply that rule?

**If “no,” ask for help: from your broker, U.S. Customs, sources listed on the next page....**

**6)** Did the offshore components for your product undergo the transformation required by the rule of origin? Did they undergo the specified classification change from imported material to exported good, or was sufficient value added in North America? (The requirements vary product by product.)

**If “yes,” claim criterion “B” in Field 7 and proceed to step 10.**

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## DO MY GOODS QUALIFY FOR NAFTA?

(2)

7) Was your product manufactured from components or sub-assemblies that contain non-NAFTA materials, but which themselves became NAFTA-eligible according to the rules of origin?

**If “yes,” claim criterion “C” in Field 7 and proceed to step 10.**

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*\*Use this checklist to determine if your goods meet the preferential rules of origin (NAFTA Chapter Four). Begin with #1 and, unless otherwise indicated, proceed to the next step*

8) Was your product merely assembled in North America? Did it fail to undergo a classification change because it was imported into Canada, Mexico or the United States in an unassembled or disassembled form and classified as an assembled good?

**If “yes,” criterion “D” may apply if sufficient value is added. Ask for help!**

9) Was your product made in North America? Did it fail to undergo a classification change because the imported parts for your good, and the finished good itself, are classified in the same tariff heading (4 digits) or subheading (6 digits)?

**If “yes,” criterion “D” may apply if sufficient value is added. Ask for help!**

10) *If you know the background of your product, if it complies with the applicable rule of origin, and if all other requirements (including documentation to support your claim) are met—*  
Congratulations! You may now prepare a Certificate of Origin.

**Remember! A good certificate is *complete, correct and clear!***

### **Please Note:**

- A NAFTA Certificate of Origin is not required for entry into the U.S., but is required for preferential treatment.
- Do not complete the Certificate unless you know (and can prove) that your product “originates.”
- Merely purchasing a good in a NAFTA country does NOT automatically make it NAFTA-eligible.
- The NAFTA Certificate, with supporting documentation, should be prepared prior to claiming NAFTA treatment and should be readily available upon request by U.S. Customs.
- An incomplete or erroneous certificate, or the absence of supporting documents, will lead to the denial of NAFTA preferential tariff treatment and to potential Customs penalties.
- If the NAFTA Certificate of Origin is not ready at time of export, you have one year from the date of importation to claim a refund.
- Goods can be properly marked “Made in Canada”--yet still not qualify for NAFTA duty rates.  
(Country of origin is determined by a different set of rules: the “marking rules.”)

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## DO MY GOODS QUALIFY FOR NAFTA?

(3)

- *This checklist is by necessity a general one, and there are many exceptions to the rules. If you are not familiar with or uncertain about these exceptions, **ASK!***

### For Further Information:

- *Customs and Border Protection, Champlain, NY: 518-298-8311, or your nearest CBP office*
- *Canada Customs, Customs information line: 1-800-461-9999; 204-983-3500; 506-636-5064*
- *Customs and Border Protection web site: [www.customs.gov](http://www.customs.gov)*
- *Revenue Canada web site: [www.ccra-adrc.gc.ca/menu-e.html](http://www.ccra-adrc.gc.ca/menu-e.html)*
- *Trilateral web site (Canada/Mexico/U.S.): [www.nafta-customs.org](http://www.nafta-customs.org)*
- *U.S. Dept. of Commerce: [www.mac.doc.gov/nafta/menu1.htm](http://www.mac.doc.gov/nafta/menu1.htm) ("Nafta Facts") or [www.trade.gov/td/tic](http://www.trade.gov/td/tic)*

### Attachment

Area Port of Champlain, NY Information Notice 03-FO-23, April 8, 2003

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