



THE AREA PORT OF CHAMPLAIN, NY
INFORMATION Number: **00-FO-54**
NOTICE Date: **June 8, 2000**

Subject: NAFTA Certificates of Origin based on knowledge

Distribution: All Filers

This office has verified several NAFTA claims that have involved exporters who are not the producers of the imported goods. Certificates of Origin submitted in support of these claims have asserted that the goods qualify for such preferential tariff treatment based on the exporter's "knowledge" (Customs Form 434 Field 8).

The purpose of this notice is to advise importers and other interested parties that the basic position of the U.S. Customs Service is that a claim for preference must be based either on a written statement from the producer or a Certificate of Origin executed by the producer. Claims based on knowledge of a person who is not the producer will not be accepted, except where they are based on direct, first person observation of the operative facts. Outside the realm of automobiles that are subject to unique circumstances, claims based on knowledge should be limited to products, such as fruits or vegetables, where it is possible to have direct knowledge that the goods satisfy the rule of origin.

With respect to entries of goods other than motor vehicles, claims for preference will be disallowed where, upon verification, the exporter or importer asserts either that the Customs Service is aware that the goods qualify or that the exporter's personal knowledge forms the basis of the claim. The exporter, not Customs, is responsible for providing satisfactory evidence of knowledge that the good originates. Such evidence should reflect careful inquiry into the NAFTA rules of origin and the origin of the good, not the impression that the good qualifies for tariff preference.

Thank you for distributing this information to your staff and all interested parties. Questions concerning this notice may be addressed to the undersigned at (518) 298-8312.

C. Lee Noyes
NAFTA Coordinator