

The Preface to Supplement 1 to the 2009 Edition July 1, 2009

Introduction to the Harmonized Tariff Schedule

The Harmonized Tariff Schedule of the United States, Annotated for Statistical Reporting Purposes ("HTS"), is published by the Commission pursuant to section 1207 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 19 U.S.C. 3007).¹ The publication contains the legal text of the Harmonized Tariff Schedule, as amended and modified, together with statistical annotations established pursuant to section 484(f) of the Tariff Act of 1930, as amended (19 U.S.C. 1484(f)). Legal instruments and administrative actions affecting the 2009 edition of the HTS are set forth below in the section entitled "Changes in the Current Edition." Information about statistical annotations is in the final section of the preface.

The legal text of the HTS includes all provisions enacted by Congress or proclaimed by the President. These legal provisions are the General Rules of Interpretation (GRIs); Additional U.S. Rules of Interpretation; General Notes; Chapters 1 through 99 (organized into Sections I through XXII), Section and Chapter notes, headings and subheadings through the 8-digit level (with their numbers, article descriptions, tariff rates, and special tariff programs), Chemical Appendix, Pharmaceutical Appendix, and Intermediate Chemicals for Dyes Appendix. The classification of goods and interpretation of the HTS are the responsibility of U.S. Customs and Border Protection.

The GRIs, 4- and 6-digit nomenclature categories, and associated notes (not including Additional U.S. Notes) in Chapters 1 through 97 reflect the international nomenclature structure of the Harmonized Commodity Description and Coding System, pursuant to a convention administered by the World Customs Organization (WCO). Pursuant to this convention, which became effective for the United States as of January 1, 1989, the international nomenclature--and thus the provisions reflected in the HTS--is modified when the WCO makes changes in the text or in the classification of goods at the 4- or 6-digit level. The international nomenclature categories may be subdivided at the 8-digit U.S. rate line level to provide particular rates of duty or to make classification distinctions of U.S. interest. All rates of duty in the HTS are established by U.S. legal action. Pursuant to the 1988 trade act, changes in the international nomenclature structure are periodically reflected in the HTS by proclamation, the most recent of which became effective on February 3, 2007 (Pres. Proc. 8097 of Dec. 29, 2006), following a USITC investigation under section 1205 of that act; the proclamation annexes were contained in USITC publication No. 3898. **NOTE that this edition of the HTS does not contain updated change of tariff classification rules for all U.S. free trade agreements, some of which are subject to renegotiation. However, the rules for the U.S.-Australia Free Trade Agreement, the U.S.-Chile FTA, and the U.S.-Singapore FTA have been updated.** For information on all investigations under section 1205, consult the USITC publications list, available at the USITC web site (www.usitc.gov).

The HTS also contains nonlegal statistical elements--namely, the annotations, notes, suffixes, units of quantity and other matters formulated under section 484(f) of the Tariff Act of 1930. Such elements as the Table of Contents, footnotes, Schedule C, Schedule D, alphabetical index, and Change Record are

¹ Section 1207(a) of the Act provides that "[t]he Commission shall compile and publish, at appropriate intervals, and keep up to date the Harmonized Tariff Schedule and related information in the form of printed copy....". Section 1207(b) of the Act provides that the published copy of the HTS "shall contain--(1) the then current Harmonized Tariff Schedule; (2) statistical annotations and related statistical information formulated under section 484(f) of the Tariff Act of 1930 (19 U.S.C. 1484(f)); and (3) such other matters as the Commission considers to be necessary or appropriate to carry out the purposes enumerated in the Preamble to the Harmonized System Convention." Parties attempting to classify goods or to ascertain rates of duty should be careful to consult the HTS, rather than the on-line trade dataweb or interactive tariff database presented at the USITC's Internet site. The latter do not contain legal rules, notes, or complete product descriptions, and it may be difficult to determine if provisions of chapter 98 or 99 apply to particular shipments.

inserted for ease of reference only. The presence or absence of a footnote or the language contained in footnotes has no effect on the legal text or its interpretation, and users are encouraged to consult the Preface, the Change Record, and Chapters 98 and 99 to locate any provisions that may apply to specific goods. Procedures for requesting changes in statistical provisions of the HTS are set forth below.

Electronic Revisions to the Printed HTS

The on-line electronic revisions to the printed HTS and the elements are posted to the Commission's Internet site www.usitc.gov periodically as legal or statistical actions are made effective, along with links to published documents that may make changes to the HTS after the last-posted revision. The entire tariff schedule is posted for each revision, even if no changes were made in some chapters. The Change Record for such a revision should be read in conjunction with the Preface's list of legal or statistical bases for the changes in the revision. While each Change Record in a printed annual edition or supplement contains all changes since the last printed document, the Change Record for each revision relates only to that revision. Printed editions of the HTS since its enactment have included the following publications: first (1989)–annual publication, 4 supplements; second (1990)–annual, 2 supps.; third (1991)–annual, 1 supp.; fourth (1992)–annual, 1 supp.; fifth (1993)–annual, 1 supp.; sixth (1994)–annual, 2 supps.; seventh (1995)–annual, 1 supp.; eighth (1996)–annual, 1 supp.; ninth (1997)–annual, 1 supp.; tenth (1998)–annual, 1 supp.; eleventh (1999)–annual, 1 supp.; twelfth (2000)–annual, 1 supp.; thirteenth (2001)–annual, 1 supp.; fourteenth (2002)–annual only (no supp.), fifteenth (2003)–annual, 1 supp.; sixteenth (2004)–annual, 1 supp.; seventeenth (2005)–annual, 1 supp.; eighteenth (2006)–annual, 1 supp.; nineteenth (2007)–annual only (no supp.); twentieth (2008)–annual, 1 supp.; twenty-first (2009)–annual.

Changes in the Supplement 1 Edition

The principal changes in Supplement 1 reflect the following instruments and actions:

- (1) Presidential Proclamation 8394 of June 29, 2009: To Modify Duty-Free Treatment Under the Generalized System of Preference (GSP), and for Other Purposes (74 F.R. 31821), effective July 1, 2009;
- (2) Presidential Proclamation 8341 of January 16, 2009: To Implement the United States-Peru Trade Promotion Agreement and for Other purposes (74 F.R. 4105), effective February 1, 2009;
- (3) Presidential Proclamation 8334 of December 31, 2008: To Extend Duty-Free Treatment for Certain Agricultural Products of Israel, and for Other Purposes (74 F.R. 611), effective January 1, 2009;
- (4) United States Trade Representative Notice of April 14, 2009: Initiation of Section 302 Investigation, Determination of Action Under Section 301, and Request for Comments: Canada-Compliance With Softwood Lumber Agreement (74 F.R. 17276), effective April 15, 2009 [correction of item (5), below];
- (5) United States Trade Representative Notice of April 10, 2009: Initiation of Section 302 Investigation, Determination of Action Under Section 301, and Request for Comments: Canada-Compliance With Softwood Lumber Agreement (74 F.R. 16436), effective April 15, 2009;
- (6) United States Trade Representative Notice of March 24, 2009: Delay in

Modification of Action Taken in Connection With WTO Dispute Settlement Proceedings on the European Communities' Ban on Imports of U.S. Beef and Beef Products (74 F.R. 12402), effective March 23, 2009 and April 23, 2009;

- (7) United States Trade Representative Notice of March 18, 2009: Delay in Modification of Action Taken in Connection With WTO Dispute Settlement Proceedings on the European Communities' Ban on Imports of U.S. Beef and Beef Products (74 F.R. 11613), effective March 23, 2009 and April 23, 2009;
- (8) United States Trade Representative Notice of February 17, 2009: Notice of Correction to U. S. Note 1 Subchapter XXI of Chapter 98 of the Harmonized Tariff Schedule of the United States (74 F.R. 7493), effective December 15, 2008 and February 1, 2009;
- (9) United States Trade Representative Notice of February 9, 2009: Notice of Correction to General Notes 11(a) and 11(d) of the Harmonized Tariff Schedule of the United States (74 F.R. 6441), effective February 1, 2009;
- (10) United States Trade Representative Notice of January 29, 2009: Determination of Trade Surplus in Certain Sugar Goods of Peru (74 F.R. 5192), effective February 1, 2009;
- (11) United States Trade Representative Notice of January 23, 2009: Modification of Action Taken in Connection With WTO Dispute Settlement Proceedings on the European Communities' Ban on Imports of U.S. Beef and Beef Products (74 F.R. 4265), effective March 23, 2009.
- (12) United States Trade Representative Notice of January 5, 2009: Determination Regarding Waiver of Discriminatory Purchasing Requirements With Respect to Goods and Services Covered by Chapter Nine of the United States - Oman Free Trade Agreement (74 F.R. 326), effective January 1, 2009;
- (13) Changes approved by the Committee for Statistical Annotation of Tariff Schedule, effective July 1, 2009;
- (14) Corrections of typographical errors in the basic edition.

For the nature of the changes, please see the Change Record.

Changes in the 2009 HTSA basic Edition

The principal changes in the 2009 basic edition reflect the following instruments and actions:

- (1) Presidential Proclamation 8332 of December 29, 2008, To Implement the United State-Oman Free Trade Agreement (73 F.R. 80289), effective January 1, 2009;
- (2) Presidential Proclamation 8331 of December 23, 2008, To Implement the Dominican Republic-Central America-United States Free Trade Agreement with Respect to Costa Rica and for Other Purposes (73 F.R. 79585), effective January 1, 2009;
- (3) Presidential Proclamation 8330 of December 19, 2008, To Take Certain Action Under the African Growth and Opportunity Act and the Generalized System of Preferences (73 F.R. 78913), effective January 1, 2009;
- (4) Presidential Proclamation 8323 of November 28, 2008, To Provide for Duty-free Treatment Under the Earned Import Allowance Program, and for Other Purposes (73 F.R. 72677), effective October 31, 2008;
- (5) Presidential Proclamation 8296 of September 30, 2008, To Modify Duty-Free Treatment Under the Caribbean Basin Economic Recovery Act and for Other Purposes (73 F.R. 57475), effective October 1, 2008;
- (6) Presidential Proclamation 8294 of October 1, 2008, To Implement Amendments to the Burmese Freedom and Democracy Act of 2003 (73 F.R. 57223), effective September 27, 2008;
- (7) Presidential Proclamation 8272 of July 3, 2008, To Modify Duty-Free Treatment Under the Generalized System of Preferences, Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes (73 F.R. 38297), effective July 1, 2008;
- (8) Presidential Proclamation 8240 of April 21, 2008, To Take Certain Actions Under the African Growth and Opportunity Act and the Generalized System of Preferences and for Other Purposes (73 F.R. 21515), effective October 1, 2007;
- (9) Presidential Proclamation 8228 of April 2, 2008, To Modify the Harmonized Tariff Schedule of the United States and for Other Purposes (73 F.R. 18141), effective February 3, 2007;
- (10) Presidential Proclamation 8214 of January 8, 2008, To Adjust the Rules of Origin Under the United States-Chile Free Trade Agreement and the United States-Singapore Free Trade Agreement (73 F.R. 1439), effective February 1, 2008;
- (11) Office of the United States Trade Representative Notice of August 7, 2008, Notice of Effective Dates for DR-CAFTA Amendment and Rules of Origin for Woven Apparel, effective August 15, 2008;
- (12) Office of the United States Trade Representative Notice of April 28, 2008, Determinations Under the African Growth and Opportunity Act (The Gambia is eligible for the textile and apparel benefits provided for under AGOA), effective April 28, 2008;
- (13) Office of the United States Trade Representative Notice of May 9, 2008, Implementation of Textile Safeguard Measure Under the Dominican Republic-Central America-United States Free Trade Agreement, effective May 1, 2008;
- (14) The Bureau of the Census changes in the Notice to Exporters, Schedule C (Classification of Country & Territory Designations for U.S. Import Statistics) and Schedule D (Customs District and Port Codes).

- (15) Changes approved by the Committee for Statistical Annotation of Tariff Schedules (formulated pursuant to section 484(f), Tariff Act of 1930, as amended), effective July 1, 2008, and January 1, 2009;
- (16) Corrections of typographical errors in the basic edition and Supplement.

For the nature of the substantive changes, please see the Change Records at the end of this publication.

Statistical Reporting Under the HTS²

The statistical annotations contained in the HTS prescribe the statistical information to be supplied on customs entry and withdrawal forms or in electronic filings with respect to articles imported into the customs territory of the United States. Thus, this publication is designed to enable importers, customs brokers, Customs officers, and other interested persons to determine both (1) the classification of, and rates of duty applicable to, imported articles, and (2) the requirements for reporting statistical data with respect to such imports. In addition, except as specified in the Notice to Exporters, this publication may also be used in place of the reporting codes of Schedule B for reporting exports on the Shipper's Export Declaration or under the program for electronic reporting of exports. The regulations and procedures of U.S. Customs and Border Protection and the Bureau of Census should also be consulted to ensure correct reporting and compliance with all requirements of those agencies.

Requests from interested parties or their representatives for changes in any of the requirements for statistical reporting must be directed to the Committee for Statistical Annotation of Tariff Schedules. Such requests should be submitted no later than April 1 for changes to be effective July 1, and no later than August 1 for changes to be effective January 1. Parties should specify whether the proposed change relates only to exports for purposes of Schedule B. These requests should be submitted to the Chairman at the address set forth below, or by electronic mail to: **484f@usitc.gov**.

The Chairman
The Committee for Statistical Annotation of Tariff Schedules
United States International Trade Commission
Suite 404
Washington, D.C. 20436

Such requests should indicate precisely the nature of each desired change, the proposed language sought to be inserted or precise language to be modified or deleted (including units of quantity to be affected), and detailed reasons in support of the requests. Confidential business information should not be submitted to the Committee. For requests relating to the HTS, the requestor should provide the names of associated importers and foreign manufacturers (when known) and indicate the countries from which the commodities are being imported. In general, a statistical category under which three (3) or fewer importers or exporters would likely report shipments will not be approved in the form requested, in order to avoid the disclosure of confidential business information.

²Sec. 484(f) reads as follows:

"(f) Statistical Enumeration.--The Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission are authorized and directed to establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States and exported from the United States, and shall seek, in conjunction with statistical programs for domestic production and programs for achieving international harmonization of trade statistics, to establish the comparability thereof with such enumeration of articles. All import entries and export declarations shall include or have attached thereto an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and exported and the value of the total quantity of each kind of article."

Questions regarding the drafting or treatment of such requests should be addressed to the Committee, either by mail to the Chairman or by phone to (202) 205-2592.