

The preface to the 17th Edition

Introduction to the Harmonized Tariff Schedule

The Harmonized Tariff Schedule of the United States, Annotated for Statistical Reporting Purposes (2005) ("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 2005 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 included 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 the U.S. Customs Service.

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-

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.

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 January 10, 2002 (Pres. Proc. 7515 of Dec. 18, 2001), following a USITC investigation under section 1205 of that act. For information on all investigations under section 1205, consult the USITC publication's list, available at the web site.

The HTS also contain 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. Last, such elements as the Table of Contents, footnotes, Schedule C, Schedule D, alphabetical index, and Change Record are inserted for ease of reference only. The presence or absences of a footnote and the language contained in footnotes have 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 after the last posted revision. The entire 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.; and sixteenth (2004)--annual and 1 supp.

Changes in the Current Edition

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

- (1) Public Law 108-429 (118 Section 2434), Miscellaneous Trade and Technical Corrections Act of 2004, effective December 18, 2004;

- (2) Public Law 108-357 (Section 713 - 714), The American Jobs Creation Act (Sections 713-714) of October 22, 2004, effective November 6, 2004;
- (3) Presidential Proclamation 7857 of December 20, 2004, To Implement the United States - Australia Free Trade Agreement, effective January 1, 2005;
- (4) Presidential Proclamation 7853 (69 F.R. 74845) of December 10, 2004, To Take Certain Actions Under the African Growth and Opportunity Act With Respect to Burkina Faso, effective December 25, 2004;
- (5) Presidential Proclamation 7826 (69 F.R. 60279) of October 4, 2004, To Implement the 2004 United States-Israel Agreement on Trade in Agricultural Products, effective January 1, 2004;
- (6) Presidential Proclamation 7808 (69 F.R. 54739) of September 7, 2004, To Modify the Generalized System of Preferences, and For Other Purposes, effective September 21, 2004;
- (7) Presidential Proclamation 7800 (69 F.R. 40299) of June 30, 2004, To Modify Duty-Free Treatment Under the Generalized System of Preferences, effective July 1, 2004;
- (8) Presidential Proclamation 7758 (69 F.R. 10131) of March 1, 2004, To Modify Duty-Free Treatment Under the Generalized System of Preferences, effective March 16, 2004;
- (9) the stage of duty reductions that becomes effective January 1, 2005, pursuant to Pres. Proc. 6857 of December 15, 1995 (60 F.R. 64817) To Modify the Harmonized Tariff Schedule of the United States, To Provide Rules of Origin Under the North American Free Trade Agreement for Affected Goods, and For Other Purposes;
- (10) the stage of duty reductions that becomes effective January 1, 2005, pursuant to concessions granted by the United States to Mexico under the North American Free Trade Agreement (Pres. Proc. 6641 of December 20, 1993, 58 F.R. 66867);
- (11) the stage of duty reductions that becomes effective January 1, 2005, pursuant to Pres. Proc. 7746 (68 F.R. 39795) of December 30, 2003, To Implement the Free Trade Agreement between the United States and Chile;
- (12) the stage of duty reductions that becomes effective January 1, 2005, pursuant to Pres. Proc. 7747 (68 F.R. 39795) of December 30, 2003, To Implement the Free Trade Agreement between the United States and Singapore;
- (13) the stage of duty reductions that becomes effective January 1, 2005, pursuant to Pres. Proc. 7515 (66 F.R. 66549), To Modify the Harmonized Tariff Schedule of the United States, To Provide Rules of Origin Under the North American Free Trade Agreement for Affected Goods, and for Other Purposes;

- (14) the stage of duty reductions that becomes effective January 1, 2005, pursuant to Pres. Proc. 7512 (66 F.R. 64497), To Implement the Agreement Between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area;
- (15) Office of the United States Trade representative Notice of January 28, 2004 (69 F.R. 4199), Determinations Under the African Growth and Opportunity Act, Benin is eligible for the benefits under the AGOA, effective January 28, 2004;
- (16) Office of the United States Trade Representative Notice of March 26, 2004 (69 F.R. 15917), Technical Corrections to the Harmonized Tariff Schedule of the United States, effective January 1, 2004;
- (17) Office of the United States Trade Representative Notice of April 5, 2004 (69 F.R. 17728), Determinations Under the African Growth and Opportunity Act, Sierra Leone is eligible for the benefit under the AGOA, effective April 5, 2004;
- (18) Office of the United States Trade Representative Notice of May 18, 2004 (69 F.R. 28185), Generalized System of Preference (GSP): Termination of Countries Joining the European Union From the Eligibility as a GSP Beneficiary country, effective May 1, 2004;
- (19) Office of the United States Trade Representative Notice of July 14, 2004 (69 F.R. 42236), Determination Under the African Growth and Opportunity Act, Nigeria is eligible for the textile and apparel benefits provided under the AGOA, effective July 14, 2004;
- (20) Office of the United States Trade Representative Notice of August 2, 2004 (69 F.R. 46199), Determination of Chile's Trade Surplus in Sugar and Certain Sugar Containing Products, effective August 2, 2004;
- (21) 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).
- (22) Changes approved by the Committee for Statistical Annotation of Tariff Schedules (formulated pursuant to section 484(f), Tariff Act of 1930, as amended), effective January 1, 2005;

Statistical Reporting Under the HTS²

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

The statistical annotations contained in the HTS prescribe the statistical information to be supplied on customs entry and withdrawal forms or 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 the U.S. Customs Service 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
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 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.

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)

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."

205-2592. Private sector requests for the creation, modification or deletion of statistical categories can be submitted by mail or can be filed electronically using EDIS (the Electronic Document Inspection System), as explained at the USITC Internet site. Requests from filers outside the U.S. Government will be available for inspection on the USITC Internet site. Comments on such requests should be filed by mail to the Chairman not later than 2 weeks after the pertinent Committee deadline (not later than April 15 or August 15). Copies of documents submitted to the Committee and of the Committee's minutes are available from the Office of the Secretary, USITC, and should be requested under the terms and procedures of the Freedom of Information Act.