



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

### MINISTRY OF FINANCE

#### NAMIBIA CUSTOMS AND EXCISE

No. 37

2004

#### AMENDMENT OF RULES RELATING TO CERTIFICATE OF ORIGIN AND VISA ARRANGEMENT BETWEEN NAMIBIA AND THE UNITED STATES OF AMERICA CONCERNING EXPORTS OF TEXTILES AND APPAREL ARTICLES FROM NAMIBIA TO THAT COUNTRY

Under section 130(2) of the Customs and Excise Act, 1998 (Act No. 20 of 1998), I amend, as set out in the Schedule below, the rules published in Government Notice No. 231 of 30 November 2001 and deem it to have come into effect on 1 August 2003.

**C. SCHLETTWEIN**  
**PERMANENT SECRETARY**

Windhoek, 9 February 2004

#### SCHEDULE

1. In these Rules, "the Rules" means the Customs and Excise Rules 2001 for the implementation of the African Growth and Opportunity Act published under Government Notice No. 231 of 30 November 2001.

2. Annexure A to the Rules is amended by the substitution for that Annexure of the following Annexure A:

**“African Growth and Opportunity Act  
Textile Certificate of Origin**

1. Exporter Name & Address:	3. Importer Name & Address:	
2. Producer Name & Address:	4. Preference Group:	
5. Description of Article:		
<b>Group</b>	<i>Each description below is only a summary of the cited CFR provision.</i>	<b>19 CFR</b>
<b>1-A</b>	Apparel assembled from U.S. fabrics and/or knit-to-shape components, from U.S. yarns. All fabric must be cut in the United States.	10.213(a)(1)
<b>2-B</b>	Apparel assembled from U.S. fabrics and/or knit-to-shape components, from U.S. yarns. All fabric must be cut in the United States. After assembly, the apparel is embroidered or subject to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.	10.213(a)(2)
<b>3-C</b>	Apparel assembled from U.S. fabrics and/or U.S. and beneficiary country knit-to-shape components, from U.S. yarns and sewing thread. The U.S. fabrics may be cut in beneficiary countries, or in beneficiary countries and the United States.	10.213(a)(3) or 10.213(a)(11)
<b>4-D</b>	Apparel assembled from beneficiary country fabrics and/or knit-to-shape components, from yarns originating either in the U.S. and/or one or more beneficiary countries.	10.213(a)(4)
<b>5-E</b>	Apparel assembled or knit-to-shape and assembled, or both, in one or more lesser developed beneficiary countries regardless of the country of origin of the fabric or the yarn used to make such articles.	10.213(a)(5)
<b>6-F</b>	Knit-to-shape sweaters in chief weight cashmere.	10.213(a)(6)
<b>7-G</b>	Knit-to-shape sweaters 50 percent or more by weight of wool measuring 21.5 microns in diameter or finer.	10.213(a)(7)
<b>8-H</b>	Apparel assembled from fabrics or yarns considered in short supply in the NAFTA, or designated as not available in commercial quantities in the United States.	10.213(a)(8) or 10.213(a)(9)
<b>9-I</b>	Hand loomed fabrics, handmade articles made of hand loomed fabrics, or textile folklore articles - as defined in bilateral consultations.	10.213(a)(10)
6. U.S./African Fabric Producer Name & Address:	7. U.S./African Yarn Producer Name & Address:	
	8. U.S. Thread Producer Name & Address:	
9. Hand loomed, Handmade, or Folklore Article:	10. Name of Short Supply/Designated Fabric/Yarn:	

**I certify that the information on this document is complete and accurate and I assume the responsibility for proving such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document. I agree to maintain, and present upon request, documentation necessary to support this certificate.**

11. Authorized Signature:	12. Company:
13. Name: (Print or Type)	14. Title:
15. Date: (DD/MM/YY)	17. Telephone:
16. Blanket Period From: To:	Facsimile:
<b>For official use by Namibian Customs &amp; Excise:</b>	
Certificate of origin NA..... No.....	Date.....
Exporter Registration No.....	Producer/Manufacturer Registration No.....

See overleaf for instructions on how to complete this certificate.

**AGOA Textile Certificate of Origin Instructions**

- Block 1:** State the legal name and address (including country) of the exporter.
- Block 2:** State the legal name and address (including country) of the producer. If there is more than one producer, attach a list stating the legal name and address (including country) of all additional producers. If this information is confidential, it is acceptable to state “available to Customs upon request” in block 2. If the producer and the exporter are the same, state “same” in block 2.
- Block 3:** State the legal name and address of the U.S. importer.
- Block 4:** Insert the number and/or letter that designate the preference group, which applies to the article according to the description contained in the CFR provision cited on the Certificate for that group.
- Block 5:** Provide a full description of each article. The description should be sufficient to relate it to the invoice description and to the description of the article in the international Harmonized Commodity Description and Coding System. Include the invoice number as shown on the commercial invoice or, if the invoice number is not known, include another unique reference number such as the shipping order number.
- (Blocks 6 through 10 must be completed only when the block in question calls for information that is relevant to the preference group identified in block 4)
- Block 6:** State the legal name and address (including country) of the fabric producer.
- Block 7:** State the legal name and address (including country) of the yarn producer.
- Block 8:** State the legal name and address of the U.S. thread producer.
- Block 9:** State the name of the textile folklore article or state that the article is hand loomed fabric or handmade article made of hand loomed fabrics.
- Block 10:** Complete only when preference group 8-H is inserted in block 4. State the name of the fabric or yarn that is in short supply in the NAFTA, or that has been designated as not available in commercial quantities in the United States.
- Block 11:** The textile certificate of origin must be signed by the producer in the beneficiary country. An exporter, who is not the producer, may sign the certificate on the basis of reasonable reliance on the producer’s written representation that the article qualifies; or on a completed and signed certificate of origin from the producer.
- Block 12:** Insert the company name of the person signing block 11.
- Block 13:** Type or print the name of the person in block 11.
- Block 14:** Insert the title of the person in block 11.
- Block 15:** Insert the date on which the Certificate was completed and signed.
- Block 16:** Complete if the Certificate is intended to cover multiple shipments of identical articles as described in block 5 that are imported into the United States during a specified period of up to one year (see 19CFR10.216(b)(4)(ii)). The “from” date is the date on which the Certificate became applicable to the article covered by the blanket Certificate (this date may be prior to the date reflected in block 15). The “to” date is the date on which the blanket period expires.
- Block 17:** Insert the telephone and facsimile numbers at which the person who signed the Certificate may be contacted.”.

3. Annexure B of the Rules is amended by the substitution for that Annexure of the following Annexure B:

**“VISA ARRANGEMENT  
BETWEEN NAMIBIA AND  
THE GOVERNMENT OF THE UNITED STATES  
CONCERNING TEXTILES AND APPAREL ARTICLES CLAIMING  
PREFERENTIAL TARIFF TREATMENT UNDER SECTION 112 OF  
TITLE I OF THE “TRADE AND DEVELOPMENT ACT OF 2000,” AS AMENDED  
BY SECTION 3108 OF THE “TRADE ACT OF 2002”**

- A. The Government of Namibia shall issue a visa for each shipment of textiles or apparel articles, regardless of value, as identified in Groupings 1 to 9, and exported to the United States whenever all of the assembly of such articles occurs in Namibia or, if assembly occurs in more than one beneficiary sub-Saharan African country, where sufficient assembly occurs in Namibia to establish the country of origin under Section 334 of the Uruguay Round Agreements Act. The original visa shall be presented to the U.S. Customs Service at the time of entry, or withdrawal from warehouse for consumption, into the customs territory of the United States (the 50 states, the District of Columbia and Puerto Rico) when claiming preferential tariff treatment.
- B. A shipment shall be visaed by the stamping of the original circular visa in blue ink only on the front of the original commercial invoice. The original visa shall not be stamped on duplicate copies of the invoice. The original invoice with the original visa stamp will be required to enter the shipment claiming preferential tariff treatment into the United States. Duplicates of the invoice and/or visa may not be used for this purpose.
- C. The Ministry of Trade and Industry of Namibia, or its designates, will issue the visa as referred to above. A point of contact and a single location must be established for questions and inquiries. Namibia will provide to the Government of the United States an original, clear, reproducible copy of the visa stamp which shall be the stamp designated for use throughout the entire period the Visa Arrangement is in effect, and signatures of the officials authorized to issue and sign them. Any change to the stamp or change in the authorizing officials must be approved by the Government of the United States prior to instituting the change, to be effective thirty days after approval.
- D. Each visa stamp will include the following information:
1. Visa Number:  
The visa number shall be in the standard nine digit-letter format beginning with one numeric digit for the designated grouping (1 to 9), followed by the two-character alpha code specified by the International Organization for Standardization (ISO) (the alpha code for Namibia is “NA”), followed by a six-digit numerical serial number identifying the shipment. Example: INA 123456.

**These groupings are in summary form and do not include all the requirements. For complete details see Title 1 of the *Trade and Development Act of 2000*, as amended by Section 3108 of the *Trade Act of 2002*. (Please be aware, for implementation purposes, for grouping 3 the United States uses two Harmonized Tariff Schedule provisions, each of which has separate requirements).**

**Grouping 1 -** Apparel assembled from U.S. fabrics and/or knit-to-shape components, from U.S. yarns. All fabric must be cut in the United States.

**Grouping 2 -** Apparel assembled from U.S. fabrics and/or knit-to-shape components, from U.S. yarns. All fabric must be cut in the United States. After assembly, the apparel is embroidered or subject to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

**Grouping 3 -** Apparel assembled from U.S. fabrics and/or U.S. and beneficiary sub-Saharan African knit-to-shape components, from U.S. yarns and sewing thread. The U.S. fabrics may be cut in beneficiary countries, or in beneficiary countries and the United States.

**Grouping 4 -** Apparel assembled from beneficiary sub-Saharan African country fabrics and/or knit-to-shape components, from yarns originating either in the U.S. and/or one or more beneficiary sub-Saharan African countries.

**Grouping 5 -** Apparel assembled or knit-to-shape and assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric or the yarn used to make such articles.

**Grouping 6 -** Sweaters knit-to-shape in one or more beneficiary sub-Saharan African countries, in chief weight of cashmere.

**Grouping 7 -** Sweaters knit-to-shape in one or more beneficiary sub-Saharan African countries, 50 percent or more by weight of wool measuring 21.5 microns in diameter or finer.

**Grouping 8 -** Apparel assembled from fabrics or yarns considered as being in short supply in the North American Free Trade Agreement (NAFTA), or designated as not available in commercial quantities in the United States.

**Grouping 9 -** Handloomed fabrics, handmade articles made of handloomed fabrics, or textile folklore articles - as defined in bilateral consultations.

2. Grouping:

The correct grouping, as listed above, shall be provided within the visa stamp, e.g., "Grouping 5". A separate visa will be required for each grouping in the shipment.

3. Quantity and Unit of Measure:

The total quantity and unit of measure (dozen, numbers or dozen pair) in the shipment shall be provided within the visa stamp, e.g. "10 Dozen". Quantities must be stated in whole numbers. Decimals or fractions will not be accepted.

- a. All apparel will be reported in "dozens", with minor exceptions. 1) men's, boys', women's and girls' suits, will be reported in "number" of suits; and 2) panty hose, tights, stockings, socks, other hosiery, gloves, mittens and mitts, all of which will be reported in "dozen pairs".
- b. If there are different types of garments in the same shipment, the total quantity should be listed on the visa. For example, a two-piece jogging outfit consisting of 100 dozen tops and bottoms will be reported as 200 dozen. The only exceptions include suits in which the "number" of suits (not number of pieces) shall be reported, and apparel items normally sold in pairs (i.e., socks and gloves), which shall be reported in "dozen pairs" (not number of pieces).

- c. For items reported in dozens, the number shown will be a whole number. If the quantity is less than one-half, then it may be rounded down (i.e. 4 dozen and 4 pieces would be 4 dozen); if the quantity is one-half or greater, then it will be rounded up (i.e. 4 dozen and 6 pieces, would be 5 dozen). If the quantity in the grouping is less than 1 dozen, even if it is less than a half-dozen, the quantity shown will always be 1 dozen (i.e. 3 pieces or 6 pieces will be reported as 1 dozen). This same method will be used for dozen pairs.
4. Signature of the Issuing Official:  
The signature shall be that of the issuing official of Namibia, or his designate.
5. Date of Issuance:  
The date of issuance shall be the day, month and year on which the visa was signed by the government official authorized to sign the visa.
- E. If the quantity indicated on the visa is less than that of the shipment, only the quantity shown on the visa will be eligible for preferential tariff treatment.
- F. If the quantity indicated on the visa is more than that of the shipment, only the quantity of the shipment will be eligible for preferential tariff treatment. Any overage cannot be applied to any other shipment.
- G. The decision on eligibility for preferential treatment is the responsibility of the U.S. Customs Service.
- H. The visa will not be accepted and preferential tariff treatment will not be permitted if the visa number, grouping, quantity and unit of measure, authorized signature, or date of issuance, are missing, incorrect, illegible or have been crossed out or altered in any way.
- I. If the visaed invoice is deemed invalid, the U.S. Customs Service will not return the original document after entry, but will provide a certified copy of that visaed invoice for use in obtaining a new correct original visaed invoice.
- J. If the visa is not acceptable then a new visa must be obtained from Namibia before preferential tariff treatment can be claimed. Waivers are not permitted.
- K. The Government of the United States and the Government of Namibia will cooperate fully to prevent circumvention of this Agreement. Subject to domestic laws, the competent authorities of Namibia will cooperate with the competent authorities of the Government of the United States in ensuring that this Agreement is not circumvented by transshipment, rerouting, false declaration concerning country or place of origin, falsification of official documents or any other means. To this end, the competent authorities of both governments will assist each other:
  1. In securing from parties documents, correspondence and reports considered relevant to the investigations;
  2. By providing for plant visits and inspections by authorized personnel;
  3. By facilitating personal interviews designed to ascertain needed facts;
  4. By requiring manufacturers of textile and apparel articles to register with Namibia authorities before they begin production and de-register when they close or cease production.
- L. Transshipment has occurred when preferential treatment for a textile or apparel article has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components.

- M. Namibia agrees to report, on a timely basis, at the request of the United States Customs Service, country of origin information and documentation used by Namibia in implementing its visa system, i.e. documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the manufacturer and the exporter.
- N. Namibia agrees to report, on a timely basis, at the request of the United States Customs Service, on total exports from and imports into that country of any textile or apparel articles, consistent with the manner in which the records are kept by Namibia.

**Effected by the exchange of letters.”**

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