



LEGAL ADVISORY

**CBP Signals Flexibility on Documents
Substantiating Duty-Free Claims for Textiles and Apparel**

April 8, 2011– U.S. Customs and Border Protection (CBP) has indicated in a new memorandum that it will accept documentation other than manufacturer affidavits to substantiate the origin of textile and apparel goods for purposes of duty-free claims under U.S. free trade agreements or preference programs.

CBP ports of entry have denied such claims based largely on the format of the manufacturer affidavits provided to support the origin of the materials used in the finished goods, but this memo (TBT-11-004) reinforces that the format in which the information is provided is not important as long as the necessary informational elements are addressed. These elements were originally described in memo TBT-07-019 and include the following.

- direct knowledge of production by the signatory
- Identification of the actual production location
- legible, printed name of a contact person
- phone number, fax number or email address for the contact person
- description of the goods with information such as fiber content, yarn count, fabric type, invoice number or order number, as applicable

The new memo also clarifies that CBP will accept affidavits or other statements from a company-designated contact person who may be located at a corporate office or location other than the address of the production facility.

If you have any questions about this notice or the adequacy of your recordkeeping to substantiate FTA or other preference claims, please contact:

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