

77 FR 39885, *

1 of 38 DOCUMENTS

FEDERAL REGISTER

Vol. 77, No. 129

Presidential Documents

PRESIDENT OF THE UNITED STATES

Proclamation 8840 of June 29, 2012

Title 3--

The President

To Modify Duty-Free Treatment Under the Generalized System of Preferences, and for Other Purposes

By the President of the United States of America

Part IV

View PDF of Federal Register Print Version 

77 FR 39885

DATE: Thursday, July 5, 2012

A Proclamation

1. Pursuant to sections 501 and 503(a)(1)(B) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2461 and 2463(a)(1)(B)), the President may designate certain articles as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when imported from a least-developed beneficiary developing country.

2. Pursuant to sections 501 and 503(a)(1)(B) of the 1974 Act, and after receiving advice from the United States International Trade Commission (the "Commission") in accordance with section 503(e) of the 1974 Act (19 U.S.C. 2463(e)), I have determined to designate certain articles as eligible articles when imported from a least-developed beneficiary developing country.

3. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article, subject to the considerations set forth in sections 501 and 502 of the 1974 Act (19 U.S.C. 2462), if imports of such article from such country did not exceed the competitive need limitations in section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) during the preceding calendar year.

4. Pursuant to section 503(c)(2)(C) of the 1974 Act, and having taken into account the considerations set forth in sections 501 and 502 of the 1974 Act, I have determined to redesignate certain countries as beneficiary developing countries with respect to certain eligible articles that previously had been imported in quantities exceeding the competitive need limitations of section 503(c)(2)(A) of the 1974 Act.

5. Section 503(c)(2)(A) of the 1974 Act provides that beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), are subject to competitive need limitations on the preferential treatment afforded under the GSP to eligible articles.

77 FR 39885, *

6. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2011 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive need limitations, and I therefore terminate the duty-free treatment for such articles from such beneficiary developing countries.
7. Section 503(d)(4)(B)(ii) of the 1974 Act (19 U.S.C. 2463(d)(4)(B)(ii)) provides that the President should revoke any waiver of the application of the competitive need limitations that has been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States during the preceding calendar an amount that exceeds the quantity set forth in section 503(d)(4)(B)(ii)(I) or section 503(d)(4)(B)(ii)(II) of the 1974 Act (19 U.S.C. 2463(d)(4)(B)(ii)(I) and 19 U.S.C. 2463(d)(4)(B)(ii)(II)). [*39886]
8. Pursuant to section 503(d)(4)(B)(ii) of the 1974 Act, I have determined that in 2011 certain beneficiary developing countries exported eligible articles for which a waiver has been in effect for 5 years or more in quantities exceeding the applicable limitation set forth in section 503(d)(4)(B)(ii)(I) or section 503(d)(4)(B)(ii)(II) of the 1974 Act, and I therefore revoke said waivers.
9. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country, if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).
10. Pursuant to section 503(c)(2)(F)(i) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.
11. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive need limitations in section 503(c)(2) of the 1974 Act with respect to any eligible article from any beneficiary developing country if certain conditions are met.
12. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the Commission on whether any industry in the United States is likely to be adversely affected by waivers of the competitive need limitations provided in section 503(c)(2), and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2462(c)) and after giving great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.
13. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that the President shall terminate the designation of a country as a beneficiary developing country if the President determines that such country has become a "high income" country as defined by the official statistics of the International Bank for Reconstruction and Development. Termination is effective on January 1 of the second year following the year in which such determination is made.
14. Pursuant to section 502(e) of the 1974 Act, I have determined that Gibraltar has become a "high income" country, and I am terminating the designation of that country as a beneficiary developing country for purposes of the GSP, effective January 1, 2014, and I will so notify the Congress.
15. Pursuant to section 502(e) of the 1974 Act, I have also determined that the Turks and Caicos Islands has become a "high income" country, and I am terminating the designation of that country as a beneficiary developing country for purposes of the GSP, effective January 1, 2014, and I will so notify the Congress.
16. Pursuant to section 502(a)(2) of the 1974 Act (19 U.S.C. 2462(a)(2)), the President is authorized to designate any beneficiary developing country as a least-developed beneficiary developing country for purposes of the GSP. Section 502(f)(1)(B) of the 1974 Act (19 U.S.C. 2462(f)(1)(B)) requires the President to notify the Congress at least 60 days before designating any country as a least-developed beneficiary developing country.

77 FR 39885, *

17. Pursuant to section 502(a)(2) of the 1974 Act, having considered the factors set forth in section 501 and section 502(c) of the 1974 Act (19 U.S.C. 2462(c)), I have determined that the Republic of Senegal (Senegal) should be designated as a least-developed beneficiary developing country for purposes of the GSP, and I will so notify the Congress. [*39887]

18. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

19. The short form name of East Timor has been changed to Timor-Leste, and I have determined that general note 4 to the HTS should be modified to reflect this change.

20. Presidential Proclamation 7011 of June 30, 1997, implemented the World Trade Organization Ministerial Declaration on Trade in Information Technology Products (the "ITA") for the United States. Products included in Attachment B to the ITA are entitled to duty-free treatment wherever classified. In order to maintain the intended tariff treatment for certain products covered in Attachment B, I have determined that technical corrections to the HTS are necessary.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to designate certain articles as eligible articles only when imported from a least-developed beneficiary developing country for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings is modified as set forth in section A of Annex I to this proclamation.

(2) In order to redesignate certain articles as eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in section B of Annex I to this proclamation.

(3) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS is modified as set forth in section C of Annex I to this proclamation.

(4) In order to reflect the change in the name of East Timor, general notes 4(a) and 4(b)(i) to the HTS are modified as provided in section D of Annex I to this proclamation.

(5) The modifications to the HTS set forth in Annex I to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the relevant sections of Annex I.

(6) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex II to this proclamation.

(7) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex III to this proclamation.

(8) The designation of Gibraltar as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2014.

(9) In order to reflect this termination in the HTS, general note 4(a) to the HTS is modified by deleting "Gibraltar" from the list of non-independent countries and territories, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2014.

77 FR 39885, *

(10) The designation of the Turks and Caicos Islands as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2014. [*39888]

(11) In order to reflect this termination in the HTS, general note 4(a) to the HTS is modified by deleting "Turks and Caicos Islands" from the list of non-independent countries and territories, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2014.

(12) Senegal is designated as a least-developed beneficiary developing country for purposes of the GSP, effective 60 days after the date this proclamation is published in the **Federal Register** .

(13) In order to reflect this designation in the HTS, general note 4(b)(i) is modified by adding in alphabetical order "Senegal," effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date this proclamation is published in the **Federal Register** .

(14) In order to provide the intended tariff treatment to certain products covered by the ITA, the HTS is modified as set forth in Annex IV to this proclamation.

(15) The modifications to the HTS set forth in Annex IV to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date set forth in Annex IV.

(16) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord two thousand twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.

/S/ Barack Obama

Billing code 3295-F2-P

ANNEX I

**MODIFICATIONS TO THE HARMONIZED TARIFF
SCHEDULE OF THE UNITED STATES**

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2012, the Harmonized Tariff Schedule of the United States (HTS) is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by inserting the symbol "A+":

5201.00.22
5201.00.24
5201.00.34
5202.91.00
5203.00.05
5203.00.10
5203.00.50

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2012:

(1) for each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting the symbol "A" in lieu thereof:

0802.70.20

(2) general note 4(d) to the HTS is modified by deleting the following subheading and the country set out opposite such subheading number:

0802.70.20 Côte d'Ivoire

Section C. Effective with respect to articles entered, or withdrawn from warehouse consumption, on or after July 1, 2012:

(1) for each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

2207.10.30
2840.19.00
2909.50.40
2922.41.00
4107.19.50
5703.10.20
7601.10.30

(2) general note 4(d) to the HTS is modified by:

(A) adding, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

[*39889] [*39890]

77 FR 39885, *

2207.10.30	Brazil
2840.19.00	Turkey
2909.50.40	Indonesia
2922.41.00	Brazil
3923.21.50	Thailand
4107.19.50	Brazil
5703.10.20	India
7601.10.30	Venezuela

(B) adding, in alphabetical order, the following countries opposite the following subheading numbers:

4011.20.10	Thailand
7113.11.50	Thailand
7606.12.30	Indonesia
8708.30.50	India

Section D. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2012:

(1) general note 4(a) to the HTS is modified by deleting "East Timor" from the list entitled "Independent Countries" and inserting "Timor-Leste" in lieu thereof; and

(2) general note 4(b)(i) to the HTS is modified by deleting "East Timor" and inserting in alphabetical order "Timor-Leste" in lieu thereof.

ANNEX II

HTS Subheadings and Countries for Which the Competitive Need Limitation Provided in Section 503(c)(2)(A)(i)(II) is Disregarded

0304.99.91	Indonesia	1904.30.00	Turkey
0305.63.20	Thailand	2001.90.45	India
0410.00.00	Indonesia	2005.80.00	Thailand
0501.00.00	India	2005.91.97	India
0710.80.50	Turkey	2006.00.70	Thailand
0711.40.00	India	2008.99.50	Thailand
0712.90.70	Egypt	2103.90.72	India
0713.90.61	Bolivia	2106.90.06	India
0713.90.81	Bolivia	2106.90.42	Thailand
0802.52.00	Turkey	2308.00.95	Egypt
0802.90.20	Turkey	2516.12.00	India
0810.60.00	Thailand	2813.90.50	India
0813.40.10	Thailand	2827.39.10	Russia
1102.90.30	India	2827.39.25	India
1103.19.14	Pakistan	2827.39.45	India
1702.60.22	Thailand	2830.90.20	Russia

[*39891]

77 FR 39885, *

2831.90.00	India	4101.50.50	Brazil
2833.29.40	Turkey	4101.50.70	Brazil
2834.10.10	India	4101.90.40	Pakistan
2840.11.00	Turkey	4104.11.30	India
2841.61.00	India	4106.22.00	Pakistan
2844.10.10	Russia	4107.11.60	Turkey
2844.30.10	India	4107.12.40	India
2903.89.11	Russia	4107.19.40	India
2904.90.15	India	4107.19.60	Brazil
2905.19.10	Brazil	4107.91.40	India
2907.29.25	India	4107.92.40	India
2908.99.20	India	4107.99.40	Pakistan
2909.11.00	India	4114.10.00	Turkey
2909.19.14	Russia	4206.00.13	Brazil
2912.49.10	India	4601.22.40	Indonesia
2913.00.50	India	4601.22.90	Indonesia
2914.40.10	Brazil	4602.19.05	Indonesia
2914.40.20	India	5208.31.20	Pakistan
2915.50.20	India	5208.51.20	India
2916.34.15	India	5209.41.30	India
2921.42.15	India	5311.00.60	India
2921.42.21	India	5607.90.35	Philippines
2924.21.04	Brazil	6304.99.25	India
2924.29.43	India	6908.10.20	Indonesia
2927.00.30	India	6913.10.20	Thailand
2932.99.08	India	7113.20.25	India
2933.49.08	India	7325.91.00	India
2933.99.06	India	8112.19.00	Kazakhstan
2934.99.08	India	8112.59.00	Russia
3824.90.31	Brazil	8406.82.10	Brazil
3824.90.32	Brazil	9303.30.40	Russia
4101.20.70	Thailand	9614.00.26	Turkey
4101.50.40	Brazil		

ANNEX III

**HTS Subheadings and Countries Granted a Waiver of the Application of
Section 503(c)(2)(A) of the 1974 Act**

2921.19.60	Philippines
3307.41.00	India
4015.19.10	Thailand
8415.90.80	Thailand

[*39892]

ANNEX IV

**TO MODIFY THE HARMONIZED TARIFF SCHEDULE
OF THE UNITED STATES WITH RESPECT TO IMPORTS
OF CERTAIN FLAT PANEL DISPLAY DEVICES**

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2012, chapter 85 of the Harmonized Tariff Schedule of the United States (HTS) is modified as provided herein. The following supersedes matter now in the HTS. The subheadings and superior text established herein are set forth in columnar format, with the material in such columns inserted in the columns of the HTS designated as "Heading/Subheading", "Article Description", "Rates of Duty 1 General", "Rates of Duty 1 Special", and "Rates of Duty 2", respectively.

1. The following new additional U.S. note is inserted in numerical sequence in such chapter:

- "13. For the purposes of subheadings 8528.59.21 and 8528.59.31, the term "flat panel display devices designed for use with an automatic data processing machine" refers to monitors that have as a purpose operation with an automatic data processing (ADP) machine of heading 8471, such monitors being able to display signals or data from an ADP machine in a form that meets the requirements of the user.

Such monitors need not be shown to be solely or principally for use with an ADP machine and may also be capable of displaying signals or data from devices other than ADP machines."

2. Subheading 8528.59.20 is deleted and the following new subheadings and superior text are inserted in lieu thereof:

	: [Monitors...]	:	:	:
	: [Other...]	:	:	:
	: [Other:]	:	:	:
	: [Color:]	:	:	:
	: [With...]	:	:	:
	: [Incorporating...]	:	:	:
	: "Other:	:	:	:
8528.59.21	: Flat panel display devices	:	:	:
	: designed for use with an auto-	:	:	:
	: matic data processing machine,	:	:	:
	: as defined in additional U.S. note	:	:	:
	: 13 to chapter 85.....	: Free	:	:25%
8528.59.23	: Other.....	: 3.9%	: Free (A,AU,BH,CA,CL,	:25%"
			: CO,E,IL,J,JO,KR,MA,	
			: MX,OM,P,PE,SG)	

3. Subheading 8528.59.30 is deleted and the following new subheadings and superior text are inserted in lieu thereof:

[*39893]

77 FR 39885, *

	: [Monitors...]	:	:	:
	: [Other...]	:	:	:
	: [Other:]	:	:	:
	: [Color:]	:	:	:
	: [With...:]	:	:	:
	: [Other:]	:	:	:
	: "Other:	:	:	:
8528.59.31	: Flat panel display devices	:	:	:
	: designed for use with an auto-	:	:	:
	: matic data processing machine,	:	:	:
	: as defined in additional U.S. note	:	:	:
	: 13 to chapter 85.....	: Free	:	: :35%
8528.59.33	: Other.....	: 5%	: Free (A+,AU,B,BH,CA,CL,	: :35%"
			: CO,E,IL,J,JO,KR,MA,	:
			: MX,OM,P,PE,SG)	:

Conforming change: Heading 9902.23.52 is modified by deleting "8528.59.30" and by inserting in lieu thereof "8528.59.33".

[FR Doc. 2012-16632 Filed 7-3-12; 11:15 am]

Billing code 7020-02-C