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OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF FINANCE

NAMIBIA CUSTOMS AND EXCISE

No. 225

2001

RULES RELATING TO THE 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)(a) of the Customs and Excise Act, 1998 (Act No. 20 of 1998), I **USUTUAIYE MAAMBERUA** make the rules set out in the Schedule.

No visas will be issued under these rules until the United States Trade Representative has determined that the Republic of Namibia has satisfied the requirements of the African Growth and Opportunity Act of 2000 of the United States of America and the Commissioner has been informed in writing by the USA Customs Service that such determination has been published in the Federal Register of that country.

U. MAAMBERUA
PERMANENT SECRETARY: FINANCE

Windhoek, 26 October 2001

SCHEDULE

1. CITATION AND COMMENCEMENT

These Rules may be cited as the Customs and Excise Rules 2001 for the implementation of the African Growth and Opportunity Act 2000.

2. INTERPRETATION

In these Rules, unless the context requires otherwise:

“**Act**” means the Customs and Excise Act, 1998 (Act No. 20 of 1998);

“**AGOA**” means the African Growth and Opportunity Act of 2000, enacted by the Government of the United States of America as Title 1 of the Trade and Development Act of 2000;

“**beneficiary sub-Saharan African country**” means Namibia and any other country designated as a “beneficiary sub-Saharan African country” for the purposes of the AGOA by the President of the United States of America;

“**certificate of origin**” means a certificate of origin executed in accordance with these Rules;

“**Commissioner**” means the Commissioner for Customs and Excise designated under section 2(2) of the Act and includes an officer acting under the control and direction of the Commissioner;

“**exporter**” in relation to goods exported, means any person who, at the time of exportation -

- (a) is the owner of the goods;
- (b) carries the risk in relation to the goods;
- (c) represents or acts as being the exporter or owner of the goods;
- (d) actually takes or attempts to take the goods from Namibia;
- (e) is beneficially interested in any way whatsoever in the goods;
- (f) acts on behalf of any person referred to in paragraph (a), (b), (c), (d) or (e), and in relation to imported goods includes the manufacturer, supplier or shipper of such goods or any person inside or outside Namibia representing or acting on behalf of the manufacturer, supplier or shipper;

“**goods**” means textile and apparel articles in respect of which preferential tariff treatment may be claimed under the AGOA, and “**product**” has a corresponding meaning;

“**manufacturer**” means a manufacturer or producer of goods in Namibia;

“**NAFTA**”, referred to in section 113(b)(1) of the AGOA, means the North American Free Trade Agreement entered into between the United States, Mexico and Canada on the 17 December 1992 as defined in section 112(e) of the AGOA;

“**19 CFR 10**”, refers to part 10 of the customs regulations contained in the Code of Federal Regulations published by the Department of the Treasury in the Federal Register, Volume 65, No.194 on 5 October 2000, of which sections 211 to 217 and the supplementary information thereon contained in the said Part 10 and sections 112 and 113 of the AGOA specifically related to textiles and apparel articles which may be allowed preferential tariff treatment under the AGOA;

“**officer**” means an officer as defined in section 1 of the Act;

“**preference group**” in relation to goods, means goods falling in any of the categories of groupings mentioned in paragraph D of the Visa Arrangement;

“preferential tariff treatment” means duty free and quota free treatment applicable under the AGOA in respect of any product;

“person” includes an individual, partnership, company or corporate body;

“shipment” includes any consignment of textile or apparel articles exported to an importer in the USA by post;

“textile and apparel articles” means textile and apparel articles to which the provisions for preferential tariff treatment in section 112 of the AGOA and customs regulation 19 CFR 10 relate;

“USA” in relation to exports of textiles and apparel articles from the Namibia to the USA, includes the Customs territory of the US, being the 50 States and the District of Columbia and Puerto Rico;

“Visa Arrangement” means the Visa Arrangement between the Republic of Namibia and the Government of the United States of America concerning exports from Namibia to the United States of textiles and apparel articles claiming preferential tariff treatment under the African Growth and Opportunity Act of 2000 of the United States, the provisions of which are set forth in Annexure B to these Rules.

3. CERTIFICATE OF ORIGIN AND APPLICATION FOR VISA FORMS

- (a) The forms of a certificate of origin and an application for a visa, respectively, are as set out in Annexure A to these Rules.
- (b) The certificate of origin and the application for a visa, the bill of entry and supporting documents shall be submitted to the Commissioner.

4. ADMINISTRATIVE ARRANGEMENTS APPLICABLE FOR PURPOSES OF PREFERENTIAL TARIFF TREATMENT OF GOODS UNDER THE AGOA

(1) REGISTRATION OF MANUFACTURERS AND EXPORTERS

- (a) Every exporter and manufacturer of textile and apparel articles for the purposes of the AGOA, must be registered with the Commissioner.
- (b) An application for registration in terms of paragraph (a) shall be submitted to the Commissioner in the form as set out in Annexure A to these Rules.
- (c) A person registered under paragraph (a) who or which ceases operations as exporter or manufacturer for the purposes of the AGOA shall immediately inform the Commissioner of such cessation for purposes of cancellation of the person's registration.

(2) EXPORTATION OF GOODS AND ORIGIN PROVISIONS

The following conditions apply in relation to the exportation of textile and apparel articles to the USA for preferential tariff treatment under the AGOA:

- (a) The exporter must be a natural person ordinarily resident in Namibia or a person whose place of business is in Namibia.
- (b) Subject to paragraph (e), the exporter shall complete and sign a certificate of origin in respect of every shipment and each preference group of textile and apparel articles for which an importer in the USA intends claiming preferential tariff treatment under the AGOA.
- (c) If the exporter is not the manufacturer of the goods, the exporter may complete and sign a certificate of origin on the basis of -

- (i) reasonable reliance on the manufacturer's written representation that the goods qualify for preferential tariff treatment; or
 - (ii) a completed and signed certificate of origin for the goods voluntarily provided to the exporter by the manufacturer.
- (d) Completion of a certificate of origin and application for a visa is conditional on the exporter holding and being able to produce on demand all the necessary evidence that the goods comply with the provisions of origin for the preference group declared on the certificate.
- (e) A certificate of origin may be applicable to multiple consignments of identical goods that occur within a specified period, not exceeding twelve months, set out therein by the exporter or manufacturer.
- (f) (i) The certificate of origin shall be completed and signed in accordance with the instructions set forth in the form prescribed for such a certificate.
- (ii) In terms of 19 CFR 10.216(b)(1) to (3) it is required that a certificate of origin must be -
- (aa) in writing or be transmitted electronically pursuant to any electronic data interchange system authorized by US customs for that purpose;
 - (bb) signed by the exporter or by the exporter's authorized agent having knowledge of the relevant facts;
 - (cc) completed either in the English language or in the language of the country from which it is exported. If the certificate is completed in a language other than English, the importer must provide to Customs a written English translation of the certificate.
- (g) (i) An exporter may authorize only a licensed clearing agent by a letter of authority to complete and sign the certificate of origin and an application for a visa;
- (ii) The letter of authority by the exporter appointing the agent must be submitted together with each completed certificate of origin and application for a visa.
- (h) The certificate of origin shall be accompanied by a statement in writing by the exporter setting forth -
- (i) particulars of production records held as evidence as contemplated in paragraph (d);
 - (ii) information relating to the place of production;
 - (iii) the number and identification of the types of machinery used in production;
 - (iv) the number of workers employed in production.
- (i) Commercial invoices must -
- (i) be serially numbered and the number and date quoted in Block 4 of the certificate of origin and application for a visa;

- (ii) describe the goods with sufficient detail to be identified and for determining the tariff subheading to the 6-digit level;
- (iii) reflect the applicable tariff subheading which must correspond with the subheading (up to the 6-digit level) on the export bill of entry;
- (iv) contain reference numbers or other particulars by which the goods can be readily identified in the exporter's records;
- (v) state the preference group number according to the application for a visa;
- (vi) if both preference group goods and other goods are packed together, contain -
 - (aa) a full description and the tariff subheading in respect of the other goods which must be marked with an asterisk; and
 - (bb) the following statement: 'Goods marked * on the invoice are not AGOA preference group goods and are not covered by the visa';
- (vii) be completed in respect of each preference group of textile and apparel articles contained in a shipment.
- (viii) if a consignment consists of goods of various preference groups reflect, in respect of each grouping, appropriate cross references to the other invoices for the goods comprising the shipment.
- (j) Provided goods exported for importation in the USA do not form part of a series of importations that may reasonably be considered to have been undertaken or arranged for the purpose of avoiding the certification requirements of these Rules, a certificate of origin for a commercial importation of goods the value of which does not exceed US\$ 2,500, will not be required. In such instances, in order to receive preferential tariff treatment, the accompanying invoice shall include a statement certifying that the goods qualify for preferential tariff treatment.
- (k) A certificate of origin may only be issued retrospectively under specific authorization of a Controller or the Commissioner, and subject to conditions he or she may be deem fit.

(3) REQUIREMENT OF "IMPORTED DIRECTLY"

- (a) In terms of section 112(a) of the AGOA the preferential tariff treatment applies to textile and apparel articles described in section 112(b) which are imported directly from a beneficiary sub-Saharan African country and for this purpose "imported directly" is defined in 19 CFR 10.213(c) as meaning:
 - (i) direct shipment from any beneficiary country to the United States without passing through the territory of any non-beneficiary country;
 - (ii) if the shipment is from any beneficiary country to the United States through the territory of any non-beneficiary country, the articles in the shipment do not enter into the commerce of any non-beneficiary country while en route to the United States and the invoices, bills of lading, and other shipping documents show the United States as the final destination; or
 - (iii) if the shipment is from any beneficiary country to the United States through the territory of any non-beneficiary country, and the invoices and other documents do not show the United States as the final destination, the articles in the shipment upon arrival in the United States are imported directly only if they -

- (aa) remained under the control of the customs authority of the intermediate country;
 - (bb) did not enter into the commerce of the intermediate country except for the purpose of sale other than at retail, and the port director is satisfied that the importation results from the original commercial transaction between the importer and the producer or the producer's sales agent; and
 - (cc) were not subjected to operations other than loading or unloading, and other activities necessary to preserve the articles in good condition.
- (b) The exporter must provide the importer with the necessary documentation relating to the movement of the article to the USA to enable the importer to comply with the provisions of 19 CFR 10.217(b)(3), which require that the importer -

“must have shipping papers that show how the article moved from the beneficiary country to the United States. If the imported article was shipped through a country other than a beneficiary country and the invoices and other documents from the beneficiary country do not show the United States as the final destination, the importer also must have documentation that demonstrates that the conditions set forth in 10.213(c)(3)(i) through (iii), (paragraph (a)(iii) of this rule), were met”.

(4) VISA REQUIREMENTS

An exporter of textiles or apparel articles to the USA market for purposes of the AGOA shall apply and be issued with a visa only in accordance with the following conditions:

- (a) An application for a visa shall be made in the prescribed form and be accompanied by:
 - (i) the original and two copies of the commercial invoice or invoices;
 - (ii) the certificate of origin in triplicate.
- (b) A visa issued under these Rules is not valid if any of the following have been altered, or are missing, illegible or incorrect:
 - (i) the visa number;
 - (ii) the date of issuance;
 - (iii) the signature of an authorized official;
 - (iv) the grouping (1-9);
 - (v) the quantity.
- (c) A visa shall be signed only by the Commissioner or an officer authorised thereto;
- (d) The Commissioner, on receipt of an application for a visa, may -
 - (i) request the applicant to furnish any further information which the Commissioner may require for purposes of the application;
 - (ii) issue a visa on such terms and conditions as the Commissioner may consider appropriate;
 - (iii) reject an application if it does not comply with the provisions of AGOA or these Rules;

- (e) If an application for a visa is approved the Commissioner or an authorised officer shall stamp the front of the original and a copy of the commercial invoice with the visa stamp, the specimen imprint of which is set out in Annexure A, and insert within the visa stamp impression, which shall be in blue ink, the following:
- (i) the visa number which will consist of one numeric digit for the applicable preference group according to the designated preference groups numbered 1-9 (which each sequentially corresponds with the alphabetically identified groups A-I of the certificate of origin), the two-character alpha code NA, followed by a six-digit numerical serial number identifying the shipment which is electronically or mechanically allocated at the office of the Controller where the goods are entered for export; and
 - (ii) the correct grouping, the total quantities in the whole numbers and a unit of quantity, for example, "grouping 5-510 doz". Decimals or fractions of quantities are not acceptable.
 - (iii) the signature of the Commissioner or authorised officer;
- (f) The visa must be properly completed and no amendments are allowed.

(5) RECORDS

- (a) Every exporter or manufacturer of goods shall keep complete books, accounts or other documents relating to the origin of goods exported for preferential tariff treatment under the AGOA, including books, accounts or other documents in connection with -
- (i) the purchase of, cost of, value of and payment for, the goods exported;
 - (ii) the purchase of, cost of, value of and payment for all materials, including indirect materials used in the production of the goods exported;
 - (iii) the production of goods in the form in which the goods are exported;
 - (iv) the place of production;
 - (v) the number of employees involved in production;
 - (vi) exports of any products;
 - (vii) the import of any product used in production;
 - (viii) the number and identification of the types of machinery used in production;
- (b) The books, accounts or other documents referred to in paragraph (a) shall -
- (i) be kept for a period not less than five (5) years from the date on which the certification was signed;
 - (ii) shall, on request, be made available for inspection by any officer, and any official of the USA Customs Service working in collaboration with the office of the Commissioner.

5. RIGHT TO ENTER PREMISES

- (a) An officer may at all times enter any premises on or in which goods are manufactured or produced or from which goods are exported, to:
- (i) investigate any suspicion or allegation that preferential tariff treatment has been claimed under the AGOA in respect of any textile or apparel article on the basis of material false information concerning the country of origin or

the manufacture, processing or assembly of the article or any of its components;

- (ii) to ensure that the provisions of these Rules are being complied with;
 - (iii) to verify the facts deposed to in the certificate of origin and observe facilities used in the production of goods;
- (b) Officials of the USA Customs Service may accompany an officer in conducting verification visits;
 - (c) An exporter or manufacturer whose plant is visited by an officer shall provide the officer with all such information and documents as the officer may require to carry out the investigation;
 - (d) The business information obtained through a verification visit shall be treated as confidential and shall not be disclosed to any person except an official of the USA Customs Service;
 - (e) Prior to conducting a verification visit, the officer shall, except in the case of a textile or apparel production verification visit, notify the manufacturer or exporter whose premises are to be visited of the intention to conduct a visit.

6. ORIGIN VERIFICATIONS

For purposes of assisting the USA Customs Service to verify the validity of any claim for preferential tariff treatment in respect of goods imported into the USA from Namibia, the Commissioner shall, if so requested by the USA Customs Service -

- (a) provide, in such form as may be required, any information requested in relation to the goods; or
- (b) arrange for a verification visit at the premises of the manufacturer or exporter by an officer and a USA Customs Official to inspect the records referred to in subrule (4) and observe the facilities used in the production of the goods.

7. CONFIDENTIALITY

- (a) An officer is in terms of section 4(2) of the Act, prohibited from disclosing any information obtained in relation to any person in the performance of any function in accordance with these Rules and officers shall protect such information from disclosure that could prejudice the competitive position of the persons providing the information.
- (b) The confidential business information collected pursuant to these provisions may only be disclosed to those authorities responsible for the administration and enforcement of determinations of origin, of customs and revenue matters, and as provided in subsections (2), (3), (4) and (5) of section 4 of the Act.

8. OFFENCES AND PENALTIES

- (a) Any person who -
 - (i) fails to keep books, accounts or other documents referred to in Rule 4(5)(b) for the period required by that Rule;
 - (ii) in connection with any goods produced or manufactured or exported for the purposes of obtaining preferential tariff treatment under the AGOA makes any false statement or makes use of any declaration or document containing a false statement or performs any other act for the purposes of circumvention of any provision of AGOA or these Rules relating to origin, production, manufacture or exportation of such goods;

- (iii) tampers with any visa or causes any visa to be tampered with;
 - (iv) refuses access to an officer either as regards entry into the premises or inspection of the records;
 - (v) fails to comply with any provision with which it is his or her duty to comply,
- shall be guilty of an offence and subject to the penalties provided for in section 88(2) of the Act.
- (b) A commission of any offence under these Rules or failure to allow an officer entry into the production or manufacturing premises or to provide requested information may result in visa denial and denial of preferential tariff treatment.

SPECIMEN IMPRINT OF VISA STAMP



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

ANNEXURE A

1. Exporter Name & Address		2. Producer Name & Address	
3. Importer Name & Address		6. U.S./African Fabric Name & Address	
4. Description of Article	5. Preference Group	7. U.S./ African Yarn Producer Name & Address	
		8. U.S. Thread Producer Name & Address	
		9. Name of handloomed, handmade or folklore Article	
10. Name of Preference Group H (Fabric or Yarn):-			

Preference Groups:

- A: Apparel assembled from U.S.-formed and cut fabric from U.S. yarn. [19 CFR 10.213(a)(1)]
- B: Apparel assembled and further processed from U.S.-formed and cut fabric from U.S. yarn. [19 CFR 10.213 (a)(2)]
- C: Apparel cut and assembled from U.S. fabric from U.S. yarn and thread [19 CFR 10.213 (a)(3)]
- D: Apparel assembled from regional fabric from yarn originating in the U.S. or one or more beneficiary countries. [19 CFR 10.213(a)(4)]
- E: Apparel assembled in one or more lesser developed beneficiary countries. [19 CFR 10.213(a)(5)].
- F: Sweaters knit to shape in chief weight of cashmere. [19 CFR 10.213 (a)(6)]
- G: Sweaters knit to shape with 50 percent or more by weight of fine wool. [19 CFR 10.213 (a)(7)]
- H: Apparel cut and assembled in one or more beneficiary countries from fabrics or yarn not formed in the United States or beneficiary country (as identified in NAFTA) or as designated not available in commercial quantities in the United States. [19 CFR 10.213(a)(8) or (a)(9)]
- I: Handloomed, handmade or folklore articles. [19 CFR 10.213 (a)(10)]

I certify that the information on this document */ and the attached continuation sheet(s) number(s)..... to..... is complete and accurate and I assume the responsibility for providing 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 requests, documentation necessary to support this certificate.

* Delete and sign in full if not applicable.

12. Authorized Signature		13. Company	
14. Name (Print or Type)		15. Title	
16.a Date (DD/MM/YY)	16b. Blanket Period From: To:	17. Telephone Number: Facsimile Number	
<p>For Official Use by Namibian Customs and Excise: Certificate of origin NA..... No: Date: Exporter Registration No: Producer (Manufacturer) Registration No: (Customs Code Number) (Customs Code Number)</p> <p align="center">(See overleaf for rules on completion of the certificate)</p>			

Completion instructions: The following instructions will apply for purposes of completing the Certificate of Origin

- (1) **Blocks 1 through 5 pertain only to the final article exported to the United States for which preferential treatment may be claimed;**
- (2) **Block 1 should state the legal name and address (including country) of the exporter;**
- (3) **Block 2 should 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;**
- (4) **Block 3 should state the legal name and address (including State) of the importer;**
- (5) **Block 4 should 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 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"**
- (6) **In block 5, insert the letter that designates the preference group "(A-I)" which applies to the article according to the description contained in the U.S. Code of Federal Regulations (CFR) provision cited on the Certificate for that group;**
- (7) **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 5**
- (8) **Block 6 should state the legal name and address (including country) of the fabric producer;**
- (9) **Block 7 should state the legal name and address (including country) of the yarn producer**
- (10) **Block 8 should state the legal name and address (including country) of the thread producer;**
- (11) **Block 9 should state the name of the folklore article or should state that the article is hand loomed or handmade;**
- (12) **Block 10, which should be completed only when preference group "H" is inserted in block 5, should state the name of the fabric or yarn that is not formed in the United States or a beneficiary country or that is not available in commercial quantities in the United States;**
- (13) **Block 16a should reflect the date on which the Certificate was completed and signed;**
- (14) **Block 16b should be completed if the Certificate is intended to cover multiple shipments of identical articles as described in block 4 that are imported into the United States during a specified period of up to one year (see 10.216(b)(4)(i)). 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 16a). The "to" date is the date on which the blanket period expires; and**
- (15) **The Certificate may be printed and reproduced locally. If more space is needed to complete the Certificate, attach a continuation sheet.**

**African Growth and Opportunity Act
Application for a Visa**

1. Exporter Name & Address		2. Producer Name & Address	
3. Importer Name & Address		6. U.S./African Fabric Name & Address	
4. Description of Article	5. Preference Group	7. U.S./ African Yarn Producer Name & Address	
		8. U.S. Thread Producer Name & Address	
		9. Name of handloomed, handmade or folklore Article	
10. Name of Preference Group H (Fabric or Yarn):			

Preference Groups:
For Visa - For Certificate of Origin:

- 1 A: Apparel assembled from U.S. - formed and cut fabric from U.S. Yarn. [19 CFR 10.213 (A)(1)]
- 2 B: Apparel assembled and further processed from U.S. - formed and cut fabric from U.S. Yarn. [19 CFR 10.213 (a) (2)]
- 3 C: Apparel cut and assembled from U.S. Fabric from U.S. Yarn and thread [19 CFR 10.213 (a) (3)]
- 4 D: Apparel assembled from regional fabric from yarn originating in the U.S. or one or more beneficiary countries.[19.CFR 10.213(A)(4)]
- 5 E: Apparel assembled in one or more lesser developed beneficiary countries. [19 CFR 10.213(A)(5)].
- 6 F: Sweaters knit to shape in chief weight of cashmere. [19 CFR 10.213(a)((6)]
- 7 G: Sweaters knit to shape with 50 percent or more by weight of fine wool. [19 CFR 10.213 (a)(7)]
- 8 H: Apparel cut and assembled in one or more beneficiary countries from fabrics or yarn not formed in the United States or beneficiary country (as identified in NAFTA) or as designated not available in commercial quantities in the United States. [19 CFR 10.213(a)(8) or (a)(9)]
- 9 I: Handloomed, handmade or folklore articles. [19 CFR 10.213 (a)(10)]

12. Authorized Signature		13. Company	
14. Name (Print or Type)		15. Title	
16.(a) Date (DD/MM/YY)	16(b). Blanket Period From: To:	17. Telephone Number: Facsimile Number	
<p>For Official Use by Namibian Customs and Excise: NA</p> <p>Visa No.: NA..... Date Certificate of Origin No. /.....Date</p> <p>Exporter's Registration No.: Producer (Manufacturer) Registration No.:</p> <p>(Customs Code Number) (Customs Code Number)</p>			

Rules for the preparation of the application for a visa, which are the same as those published for the Certificate of Origin in 19 CFR 10.214, pages 59679 and 59680 of the Federal Register Volume 65, No. 194 of 5 October 2000, except for omissions [in square brackets] or the insertions (underlined)

- (16) **Blocks 1 through 5** pertain only to the final article exported to the United States for which preferential treatment may be claimed;
- (17) **Block 1** should state the legal name and address (including country) of the exporter;
- (18) **Block 2** should 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;
- (19) **Block 3** should state the legal name and address (including country) of the importer;
- (20) **Block 4** should 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 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: Insert for the visa application the total quantity and unit of quantity of the shipment in brackets below the description of the goods, for example, 510 doz;
- (21) In **block 5**, insert the [letter] number that designates the preference group which applies to the article according to the designates the preference group which applies to the article according to the description contained in the CFR provision cited on the [Certificate] visa application for that group and the line reference on the export bill of entry;
- (22) **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 5;
- (23) **Block 6** should state the legal name and address (including country) of the fabric producer;
- (24) **Block 7** should state the legal name and address (including country) of the yarn producer;
- (25) **Block 8** should state the legal name and address (including country) of the thread producer;
- (26) **Block 9** should state the name of the folklore article or should state that the article is hand loomed or handmade;
- (27) **Block 10**, which should be completed only when preference group "H" is inserted in block 5, should state the name of the fabric or yarn that is not formed in the United States or a beneficiary country or that is not available in commercial quantities in the United States;
- (28) **Block 16a** should reflect the date on which the [Certificate] visa application was completed and signed;
- (29) **Block 16b** should be completed if the Certificate issued is intended to cover multiple shipments of identical articles as described in block 4 that are imported into the United States during a specified period of up to one year (see 10.216(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 16a). The "to" date is the date on which the blanket period expires; and
- (30) If more space is needed to complete the [Certificate] visa application, attach a continuation sheet.

African Growth and Opportunity Act (AGOA)

Exporter's Application for Registration for the purpose of the AGOA in accordance with the requirements of section 50 of the Customs and Excise Act, 20 of 1998	NA50
	Customs code number
Textile and apparel articles manufactured in the Republic or any other beneficiary Sub Saharan country for export to the United States of America for the purposes of obtaining preferential tariff treatment as contemplated in the AGOA	
Registered name: _____	
Trade name: _____	
Postal address: _____	
Postal Code: _____	
Street address: _____	
Postal Code: _____	
Magisterial District: _____	
Telephone number: _____ Fax number: _____	
I/We the undersigned undertake to -	
<ul style="list-style-type: none"> (a) maintain complete books, accounts and other documents of the export of the covered articles, import documents and certificates of origin and other documents to prove the originating status of goods exported for 5 years from the date of export and make such books, accounts and other documents available at the request of any officer of Customs and Excise (b) ensure compliance with the provisions of origin contained in section 334 of the Uruguay Round Agreements Act, the AGOA, 19 CFR 102.21 and Annex 40 to NAFTA (enactment as defined in section 50 of the United States of America) and any other enactment governing the preferential treatment of goods exported: (c) cooperate with Customs and Excise in providing documents, correspondence and reports relevant to the investigation, permit visits to and inspections at premises and agree to personal interviews to ascertain needed facts. (d) register with the Namibian Customs and Excise before exportation of any articles for the purposes of the AGOA and deregister when exports cease: (e) consent to information regarding exports and imports of such covered articles be made available to the USCS as required in terms of section 113 (a) (1) (C) of the AGOA; (f) ensure that I/we are fully conversant with the requirements of the AGOA and any other related US enactments as well as the provisions of the Customs and Excise Act and rules (g) ensure the correctness of the information furnished on the certificate of origin and application for a visa: (h) notify all persons in writing to whom a certificate of origin was given which I have reason to believe contains information that is not correct or of any change which could affect its accuracy or validity. 	
_____ (Authorized signature)	_____ (Date: YY/MM/DD)
Name in block letters _____	Title: _____
NOTE: If the exporter is also the manufacturer of the goods exported form NA 50 must also be completed.	

ANNEXURE B

**VISA ARRANGEMENT
BETWEEN THE REPUBLIC OF NAMIBIA AND
THE GOVERNMENT OF THE UNITED STATES
CONCERNING TEXTILES AND APPAREL ARTICLES CLAIMING
PREFERENTIAL TARIFF TREATMENT UNDER
SECTION 112 OF THE "TRADE AND DEVELOPMENT ACT OF 2000"**

- A. The Government of the Republic 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 the Republic of Namibia or, if assembly occurs in more than one beneficiary sub-Saharan African country, where sufficient assembly occurs in the Republic of 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 preferred 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 of the invoice with the original visa stamp will be required to enter the shipment into the United States claiming preferred tariff treatment. Duplicates of the invoice and/or visa may not be used for this purpose.
- C. The Commissioner of Customs and Excise of Namibia will be the point of contact and location for questions and inquiries. He or she will designate Officers empowered to issue the visas as referred to above. The Republic of 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 will be submitted for approval 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. The 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), followed by a six-digit numerical serial number identifying the shipment, e.g., 1NA512345. (The Alpha code for Republic of Namibia is NA)

Grouping 1 - Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the U.S., from yarns wholly formed in the U.S.

Grouping 2 - Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the U.S., from yarns wholly formed in the U.S. if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTSUS but for the fact that the articles were 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 articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the U.S. from yarns wholly formed in the U.S. if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the U.S.

Grouping 4 - Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarn originating either from the U.S. or one or more beneficiary sub-Saharan African countries.

Grouping 5 - Apparel articles wholly assembled in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric used to make such articles.

Grouping 6 - Sweaters in chief weight of cashmere, knit-to-shape in one or more beneficiary sub-Saharan African countries and classifiable under subheading 6110.10 of the HTSUS.

Grouping 7 - Sweaters, 50 percent or more by weight of wool measuring 18.5 microns in diameter or finer, knit-to-shape in one or more beneficiary sub-Saharan African countries.

Grouping 8 - Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the U.S. or a beneficiary sub-Saharan African country, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under Annex 401 to the NAFTA.

Grouping 9 - Handmade, handloomed, or folklore - to be defined in bilateral consultations.

These groupings are summary form and they do not include all the requirements. For complete details see Title 1 of the Trade and Development Act 2000.

2. The date of Issuance: The date of issuance shall be the day, month and year on which the visa was signed by a Customs Officer authorized to sign the visa.
3. The Signature of the Customs Officer: The signature shall be that of the issuing official of the Republic of Namibia, or his/her designate.
4. The correct grouping, the total quantity, and unit of quantity in the shipment shall be provided within the visa stamp, e.g., "grouping 5- 510 DZ". Quantities must be stated in the whole numbers. Decimals or fractions will not be accepted.
 - aa. In groupings 1 to 8, all apparel will be reported in dozens, except for (1) men's, boys', women's or girl's suits, which would be reported in number; and (2) panty hose, tights, stockings, socks, other hosiery, gloves, mittens and mitts, all of which would be reported in dozen pairs.
 - bb. For items reported in dozens, the number shown would be a whole number. If the quantity is less than one half, then it would be rounded down (i.e. 4 dozen and 4 pieces would be 4 dozen); if the quantity is one half or greater than it would 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 would always be 1 dozen (i.e. 3 pieces or 6 pieces would be one dozen). This same method will be used for dozen pairs.
 - cc. If there are items in the same grouping that are mixed like suits (which require number) and shirts (which require dozen), or even shirts and pants (which both require dozen) then a separate quantity will be shown for each of the items (i.e. in grouping 1 should show 105 suits or 10 dozen shirts or 10 dozen shirts and 10 dozen pants).

- dd. For grouping 9, the quantity shown will be the normal reporting quantity for the type of merchandise. (i.e. if rugs or hand loomed fabric, it would be shown in square meters, or if wall hanging, it would be square meters, if apparel it would be as shown in grouping 1 to 8; and finally if household furnishings, then it would be shown in kilos).
- 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 the preferred 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 the preferred tariff treatment. Any overage cannot be applied to any other shipment.
- G. The visa will not be accepted and the preferred tariff treatment will not be permitted if the visa number, date of issuance, authorized signature, category, quantity and the unit of measure are missing, incorrect, illegible or have been crossed out or altered in any way.
- H. The decision on eligibility for preferential treatment is the responsibility of the U.S. Customs Service.
- I. If the visa is not acceptable then a new visa must be obtained from the Namibian Commissioner of Customs and Excise, or his/her designate, before preferred tariff treatment can be claimed. Waivers are not permitted.
- J. 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 invoice.
- K. The Government of the United States and the Government of the Republic of Namibia will cooperate fully to prevent circumvention of this Agreement. Subject to domestic laws, the competent authorities of the Republic 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 the textile/apparel manufacturers to register with the Republic of Namibia authorities before they begin apparel production and de-register when they close or cease production.
- L. Transshipment has occurred when preferential treatment for textile or apparel articles 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. The Republic of 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 the Republic of 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.

- M. The Republic of 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 the Republic of Namibia.

Effected by the exchange of letters.
