

Instructions for AGOA Beneficiary Country Governments to Apply for Approval of Handloomed/Handmade/Folklore Articles Under Category 9

Section 112(b)(6) of the AGOA provides for the duty-free treatment of handloomed, handmade, folklore articles, or ethnic printed fabrics of a beneficiary sub-Saharan African country that are certified as such by the authorities of the country. It also requires the United States to determine which, if any, particular textile and apparel goods shall be treated as handloomed, handmade, folklore articles, or ethnic printed fabric after consultations with the beneficiary sub-Saharan African country concerned.

In order to determine which articles of your country are eligible for preferential treatment under this provision, the AGOA calls for consultations between our governments. To allow us to properly prepare for the consultations, we request that you provide CITA, prior to the consultation, a list of products your government proposes for designation, with detailed descriptions and samples of each folklore product. If possible, it would be useful to have for review a representative sample of handloomed and ethnic printed fabrics.

Eligible goods must be either (a) handloomed fabrics; (b) handmade goods made of such handloomed fabrics; (c) traditional folklore goods; or (d) ethnic printed fabrics. Each item of folklore should include the folklore article's name as well as a detailed description of the article. The comprehensive description should include the size, dimension, shape, pattern, color and/or any other specific ways of identifying the product as a traditional folklore good of that country/region and also including historical aspects and usage. Examples of descriptions and qualifying products can be found by reviewing any one of the countries identified in the above-referenced table for Category 9 (click on the link to any of the Sub-Saharan African countries).

“Folklore articles” are generally apparel, apparel accessories or decorative furnishings. This part of the provision is limited and is intended to benefit producers making uniquely traditional and historical folklore goods. The shape and design of traditional folklore articles must be traditionally and historically from that country/region. The items may not include “modern” features such as zippers, elastic, elasticized fabric, hook-and-pile fasteners (such as “velcro”[©] or similar holding fabric). As each item's design must be uniquely traditional and historical in nature, patterns such as airplanes, buses, cowboys, cartoon characters and holiday/festival designs not common to sub-Saharan African culture, such as Halloween and Thanksgiving, would not be permitted.

Ethnic printed fabrics must meet all of the criteria listed below:

- A) selvedge on both edges;
- B) width of less than 50 inches;
- C) classifiable under subheadings 5208.52.30 (printed plain weave fabrics of cotton, 85% or more cotton by weight, weighing over 100g/m² but not more than 200 g/m², of yarn number 42 or lower) or 5208.32.40 (dyed plain weave fabrics of cotton, 85% or more cotton by weight, weighing over 100g/m² but not more than 200g/m², of yarn numbers 43-68) of the Harmonized Tariff Schedule of the United States;

- D) contain designs, symbols, and other characteristics of African prints normally produced for and sold in Africa by the piece;
- E) printed, including waxed, in one or more eligible sub-Saharan beneficiary countries; and
- F) made from fabric formed in the U.S., from yarns formed in the U.S., or from fabric formed in one or more beneficiary sub-Saharan African country from yarn originating in either the U.S. or a beneficiary sub-Saharan African country.

The list of descriptions and samples should be sent to the Chairman, Committee for the Implementation of Textile Agreements, Room 30003, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC, 20230. The Department of Commerce stands ready to assist Government officials.

Please feel free to contact Maria D'Andrea-Yothers should you have any questions. She can be reached via email at Maria.D'Andrea-Yothers@trade.gov or via telephone at (202) 482-1550.