SUMMARY: This document provides notice that the United States is a party-at-interest within the meaning of 19 CFR 177.30, provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the Federal Register. Dated: May 24, 2011.

Sandra L. Bell, Executive Director, Regulations and Rulings, Office of International Trade.

ATTACHMENT

HQ H155115
May 24, 2011

OT:RR:CTF:VS H155115 BGK
CATEGOR Y: Marking

Scott T. Harrison
Chief Executive Officer
Azure Dynamics Corporation
14925 W 11 Mile Road
Oak Park, MI 48237

RE: Government Procurement; Country of Origin of Electric Vehicles; Substantial Transformation

Dear Mr. Harrison:

This is in response to your letter, dated March 16, 2011, as amended April 6, 2011, and April 7, 2011, requesting a final determination on behalf of Azure Dynamics (Azure), pursuant to subpart B of 19 C.F.R. part 177.

Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 et seq.), U.S. Customs and Border Protection (CBP) issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the Transit Connect Electric Vehicle (TCE). We note that Azure, the U.S. importer and manufacturer, is a party-at-interest within the meaning of 19 C.F.R. 177.22(d)(1) and is entitled to request this final determination under 19 C.F.R. 177.23(a).

FACTS:

Azure purchases and imports a Transit Connect glider from Turkey. A glider is a non-functional base without a powertrain or exhaust components, and consists of a frame, body, axles, and wheels. The TCE is then assembled in the United States from parts made in the United States, Turkey, Switzerland, Hungary, Japan, Germany, Canada, the United Kingdom, and various other countries is substantially transformed in the United States, such that the United States is the country of origin of the finished article for purposes of U.S. Government procurement.

Section 177.29, Customs Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the Federal Register within 60 days of the date the final determination is issued. Section 177.30, Customs Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the Federal Register.

Dated: May 24, 2011.

Sandra L. Bell, Executive Director, Regulations and Rulings, Office of International Trade.
is re-installed, along with the U.S. origin vehicle control unit, a German driveshaft, and a Japanese heater assembly.

Station 4: The coolant, power steering, and windshield washer reservoirs are filled. A functional electric test, a diagnostic test, and a complete system check are performed. Other various parts, including a potentiometer to the heater blend door, a data link control wiring harness, and a brake sensor to the brake petal, are installed, and a tire inflation kit, labels, books, and manuals are added to the vehicle.

Station 5: A tire pressure check, wheel alignment, headlight aiming, brake test, battery charge, road test, and underbody check are performed.

ISSUE:

What is the country of origin of the subject TCE vehicles for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of part 177, 19 C.F.R § 177.21 et seq., which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 et seq.), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.


An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed in that country or instrumentality. In rendering advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Pursuant to 19 C.F.R. § 177.29. Any party-at-interest other than the party which made the application for determination may request a final determination. Pursuant to 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31 that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the Federal Register. Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,
Sandra L. Bell
Executive Director
Office of Regulations and Rulings
Office of International Trade.