

Presidential Documents

Title 3—

Proclamation 8539 of June 29, 2010

The President

To Modify Duty-Free Treatment Under the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to sections 501 and 503(a)(1)(A) of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2461 and 2463(a)(1)(A)), the President may designate articles as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP).

2. Pursuant to section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)), 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.

3. 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)).

4. Pursuant to section 503(d)(5) of the 1974 Act (19 U.S.C. 2463(d)(5)), any waiver granted under section 503(d) shall remain in effect until the President determines that such waiver is no longer warranted due to changed circumstances.

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

6. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2009 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. Pursuant to section 503(c)(2)(F) 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.

8. Pursuant to section 503(d)(5) of the 1974 Act, I have determined that a previously granted waiver of the competitive need limitations of section 503(c)(2)(A) of the 1974 Act is no longer warranted due to changed circumstances.

9. 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 the removal,

modification, continuance, or imposition of any rate of duty or other import restriction.

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 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, general note 4(d) to the HTS is modified as set forth in section A of Annex I to this proclamation.

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

(3) In order to designate certain articles as eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings is modified as set forth in section C of Annex I to this proclamation.

(4) 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.

(5) The waiver of the application of section 503(c)(2)(A) of the 1974 Act to the articles in the HTS subheading and to the beneficiary developing country listed in Annex III to this proclamation is revoked.

(6) The modifications to the HTS set forth in Annexes I, II, and III 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 respective annex.

(7) 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 ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

A handwritten signature in black ink, appearing to be "Barack Obama", with a large, stylized initial "B" and a circular flourish.

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, 2010, general note 4(d) to the Harmonized Tariff Schedule of the United States (HTS) is modified by:

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

| | |
|------------|----------|
| 1605.20.05 | Thailand |
| 4409.29.05 | Brazil |
| 7113.19.21 | India |
| 7113.19.25 | India |

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

| | |
|------------|----------|
| 4011.10.10 | Thailand |
|------------|----------|

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2010, the HTS is modified as provided in this section. 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:

| |
|------------|
| 1605.20.05 |
| 4409.29.05 |
| 7113.19.21 |
| 7113.19.25 |

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2010, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol AA+@ and inserting the symbol AA@ in lieu thereof:

| |
|------------|
| 0710.22.40 |
| 0710.90.91 |

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

| | | | |
|------------|-------------|------------|-------------|
| 0406.20.51 | Argentina | 2905.19.10 | Brazil |
| 0410.00.00 | Indonesia | 2905.44.00 | Indonesia |
| 0603.13.00 | Thailand | 2907.12.00 | India |
| 0710.80.50 | Turkey | 2907.15.10 | India |
| 0711.40.00 | India | 2907.29.25 | India |
| 0711.59.90 | Jamaica | 2909.11.00 | India |
| 0711.90.30 | Lebanon | 2909.50.40 | Indonesia |
| 0810.60.00 | Thailand | 2910.20.00 | Brazil |
| 0811.90.10 | Ecuador | 2912.49.10 | India |
| 0813.40.10 | Thailand | 2913.00.50 | India |
| 0813.40.80 | Thailand | 2914.40.20 | India |
| 1106.30.40 | Brazil | 2915.39.10 | India |
| 1202.10.40 | Ecuador | 2915.60.10 | India |
| 1601.00.40 | Brazil | 2917.14.10 | Brazil |
| 1604.14.50 | Maldives | 2921.42.21 | India |
| 1701.91.42 | Brazil | 2921.42.55 | India |
| 1806.10.34 | Uruguay | 2924.29.36 | India |
| 1806.10.43 | India | 2926.90.08 | India |
| 1806.32.01 | Ecuador | 2927.00.30 | India |
| 1901.90.42 | Indonesia | 2932.29.25 | India |
| 2001.90.45 | India | 2933.19.45 | India |
| 2005.80.00 | Thailand | 2933.49.08 | India |
| 2005.91.97 | India | 3824.90.31 | Brazil |
| 2008.30.96 | Philippines | 3824.90.32 | Brazil |
| 2008.99.50 | Thailand | 4012.12.80 | India |
| 2101.12.32 | Philippines | 4101.50.40 | Argentina |
| 2103.90.72 | Thailand | 4104.11.30 | India |
| 2306.50.00 | Indonesia | 4104.11.40 | Argentina |
| 2308.00.95 | Egypt | 4104.41.30 | Brazil |
| 2516.12.00 | India | 4104.41.40 | Brazil |
| 2827.39.25 | India | 4106.21.90 | India |
| 2827.39.45 | India | 4106.22.00 | Pakistan |
| 2827.60.51 | Ukraine | 4107.11.60 | Turkey |
| 2830.90.20 | Russia | 4107.12.40 | Thailand |
| 2831.90.00 | India | 4107.19.40 | India |
| 2833.29.40 | Turkey | 4107.19.60 | Brazil |
| 2840.11.00 | Turkey | 4107.91.40 | Argentina |
| 2840.19.00 | Turkey | 4107.99.40 | Brazil |
| 2844.10.10 | Russia | 4113.10.60 | Pakistan |
| 2849.10.00 | Brazil | 4114.10.00 | Turkey |
| 2903.51.00 | India | 4601.22.40 | Philippines |

| | | | |
|------------|-------------|------------|-------------|
| 4601.93.05 | India | 7614.10.50 | India |
| 4602.11.05 | India | 8007.00.20 | Brazil |
| 4602.19.23 | Philippines | 8112.12.00 | Kazakhstan |
| 5208.31.20 | India | 8112.59.00 | Russia |
| 5209.31.30 | India | 8112.99.10 | Russia |
| 5209.41.30 | India | 8202.40.30 | Brazil |
| 5607.90.35 | Philippines | 8404.20.00 | Indonesia |
| 6801.00.00 | India | 8410.13.00 | Brazil |
| 6911.10.60 | Thailand | 8507.40.40 | Philippines |
| 7113.20.25 | India | 9010.50.30 | India |
| 7202.99.20 | Argentina | 9027.50.10 | Philippines |
| 7325.91.00 | India | 9205.90.14 | India |
| 7601.20.30 | India | 9603.10.90 | Sri Lanka |

ANNEX III

HTS Subheadings and Countries for a which a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act is Revoked

Effective July 1, 2010, the waiver of the application of section 503(c)(2)(A) of the 1974 Act is revoked for the following HTS subheading and the country set out opposite such subheading.

7113.19.25 India