

Presidential Documents

Title 3—

The President

Proclamation 8539 of June 29, 2010

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 of Barack Obama in black ink. The signature is fluid and cursive, with a large, stylized 'B' at the beginning. A small circle is drawn to the right of the 'B', and a vertical line extends downwards from the top of the circle, suggesting a stylized 'O' or 'A'.

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 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

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