

STATUTORY INSTRUMENTS SUPPLEMENT

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STATUTORY INSTRUMENTS

2001 No. 7.

The Customs Management (Export of Textiles and Apparel Articles to the United States) Regulations, 2001.

(Made under s. 191 of the Customs Management Act, Cap 27).

IN EXERCISE of the powers conferred upon the Minister by section 191 of the Customs Management Act, these Regulations are made this 22nd day of January, 2001.

1. Citation

These Regulations may be cited as the Customs Management (Export of Textiles and Apparel Articles to the United States) Regulations, 2001 and shall be deemed to have come in force on the 1st day of January, 2001.

2. Interpretation.

In these Regulations unless the context otherwise requires—

“Act” means the Customs Management Act;

“country of origin” means a country in which apparel or textile articles have been produced or manufactured, according to the criteria laid down for the purposes of application of customs tariff or quantitative restrictions or of any other measures related to trade;

“Government” means the Government of the Republic of Uganda;

“Minister” means Minister responsible for finance;

“textiles” means textiles and textile products of cotton, wool, silk, man-made fibre and vegetable fibre other than cotton;

“Trade and Development Act, 2000” means the Trade and Development Act enacted by the Congress of the United States of America and duly signed into law on the 18th May, 2000;

“transshipment” means the transfer, either directly or indirectly, of any goods from an aircraft, vehicle or vessel through Uganda from a third country to the country of importation;

“visa” means a stamp or certification on the commercial invoice.

3. Application for a visa.

(1) A person intending to export textile or apparel articles to the United States shall make an application for a visa to the Ministry responsible for trade.

(2) The application for a visa shall be in the form prescribed in the First Schedule to these Regulations.

(3) The visa shall be in the form prescribed in the Second Schedule.

4. Eligibility.

A person shall be eligible for a visa if the goods to be exported fall in any of the following categories—

- (a) apparel articles assembled in Uganda from fabrics wholly formed and cut in the United States from yarns wholly formed in the United States;
- (b) apparel articles assembled in Uganda from fabrics wholly formed and cut in the United States from yarns wholly formed in the United States if, after such assembly, the articles would have qualified for entry under subheading 9802;
- (c) apparel articles cut in Uganda from fabrics wholly formed in the United States from yarns wholly formed in the United States if such articles are assembled in Uganda with thread formed in the United States;
- (d) apparel articles wholly assembled in Uganda from fabrics wholly formed in Uganda from yarn originating either in the United States or one or more beneficiaries of Sub-Saharan African countries;
- (e) apparel articles assembled in Uganda regardless of the country of origin of the fabrics used to make such articles;
- (f) sweaters in chief weight of cashmere, knit to shape in Uganda and classifiable under subheading 6110.10 of the Harmonised Tariff Schedule of the United States (HTSUS);
- (g) sweaters, 50 percent or more by weight of wool measuring 18.5 microns in diameter or finer, knit to shape in Uganda;
- (h) apparel articles cut and assembled in Uganda from fabrics and yarn not formed in the United States of a beneficiary country as identified in the North America Free Trade Area (NAFTA) or as designated as not available in commercial quantities in the United States;
- (i) handmade, handloomed or folklore to be defined in bilateral consultations.

5. Issuing Officer.

The issuance of the visa shall be the responsibility of an officer designated by the Minister responsible for trade by statutory instrument.

6. Validity of the visa.

The Visa issued under these Regulations shall be valid until the textile or apparel articles have been cleared by the United States Customs Service or until such a Visa is revoked.

7. Certificate of Origin.

A person shall not export textile or apparel articles to the United States without first obtaining a Certificate of Origin.

8. Application for Certificate of Origin.

(1) A person wishing to export textile or apparel articles shall, on application, obtain a Certificate of Origin from the Ministry responsible for trade;

(2) The application for a Certificate of Origin shall be in the form prescribed in the Third Schedule;

(3) The Certificate of Origin shall be in the form prescribed in the Fourth Schedule.

9. Production records.

(1) A person engaged in the manufacture and export of textile and apparel articles to the United States shall keep production records or documents for a period of at least five years;

(2) The production records referred to in subregulation (1) shall be maintained in the English language.

10. Production of documents.

Textile or apparel manufacturers shall provide all production records and documents if required to do so by the authorised Government authorities.

11. Monthly reports on exports to the United States.

(1) The officer responsible shall on behalf of Government report on a monthly basis the following information for each exportation to the United States—

- (a) name of manufacturer;
- (b) visa number;
- (c) date of issue;
- (d) grouping number;
- (e) value of goods;
- (f) quantities or unit measure;
- (g) United States consignee;
- (h) United States harmonized tariff schedule number to the six digit level.

(2) Where possible the officer responsible may provide data as to the following—

- (a) Port of landing;
- (b) Port of destination;
- (c) gross weight;
- (d) mode of transportation.

12. Power to demand information on visas or certificates of origin.

For the purposes of obtaining information as to the visa or the country of origin, manufacture, processing or assembly of any textile or apparel article into Uganda, the United

States shall, through its relevant body, deliver a written notification of its intention to conduct the visit to the Ministry responsible for trade indicating the number of factories to be visited.

13. Procedure for notification of visit.

The notification referred to in regulation 12 shall include—

- (a) the identity of the authorised officials from United States performing the verification visit;
- (b) the estimated number of exporters or producers whose premises are to be visited;
- (c) the approximate date and proposed places for the proposed verification.

14. Time of verification visit.

The proposed verification visit shall take place within such period, from the date of receipt of the notification as may be agreed between the Ministry responsible for trade and responsible customs officials of the United States.

15. Exporter to be furnished with results of verification.

Any person conducting a verification visit shall provide the Minister responsible for trade with the results of such visit in writing together with the reasons for the findings and the Minister may forward the same to the exporter or producer to whose premise the results relate.

16. Reports to the United States Customs Service on request.

The officer responsible shall on behalf of Government report, at the request of the United States Customs Service on total exports and imports into Uganda of any textile or apparel articles consistent with the manner in which the records are kept by Uganda.

17. Cooperation with United States Authorities.

Subject to the Customs Management Act and any other law for the time being in force, the responsible officer of the Government shall cooperate with the competent authorities of the Government of the United States in ensuring that these Regulations and the Trade and Development Act are not circumvented by re-routing, false declaration concerning country or place of origin, alteration of official documents, or any other means, by—

- (a) securing documents, correspondence and reports considered relevant to an investigations from the parties concerned;
- (b) providing for visits and inspections to plants by authorized personnel;
- (c) facilitating personal interviews designed to ascertain needed facts;
- (d) requiring the textile or apparel manufactures to register with responsible authorities before they begin apparel production and de-register when they close or cease production.

18. Offences.

(1) A person who on a matter relating to a visa—

- (a) fails to furnish information when required to do so;
- (b) furnishes information which is incorrect in any material particular;
- (c) forges or in any way alters a visa;
- (d) fraudulently declares a false origin of goods;
- (e) uses counterfeit documents in support of an application;
- (f) fails to keep proper records relating to production of goods including information relating to—
  - (i) materials used in production;
  - (ii) 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,
 commits an offence.

(2) Any person found guilty of an offence under subregulation (1) is liable to a fine not exceeding five hundred thousand shillings or imprisonment not exceeding six months or both.

FIRST SCHEDULE

REGULATION 3(2)

Register No.....

THE REPUBLIC OF UGANDA

MINISTRY OF TOURISM, TRADE AND INDUSTRY

6/8 Parliament Avenue, P.O. BOX 7103, Kampala, Uganda. Tel. 256395/344947, Fax 341247

APPLICATION FOR A VISA TO EXPORT TO THE USA

1. Business Name of Exporter .....  
 .....Tel No. .... Location address of  
 business..... E-Mail .....  
 ..... Postal address of business  
 .....
2. \* Certificate of business registration or incorporation is attached (Delete as applicable). Insert  
 (where applicable) certificate number .....

3. Tin No .....
4. Name and address of commercial bank .....
5. Designated Grouping (1-9) .....
6. Total quantity to be exported .....
7. Unit of quantity (measure) .....

I/We hereby apply for a visa to export to the USA.

I/we declare that the above information is true, and

I/We fully understand that it is a serious offence not to comply with the USA Visa System Requirement, laws and regulations of the Republic of Uganda.

Signed ..... Designation ..... Date.....  
(Before signing read overleaf)

Name (In block capitals) .....

The persons who may sign this application are—

- (a) If the applicant is a sole proprietor, he or one of his employees authorised in writing by him or her;
- (b) If the applicant is a partnership; one of the partners or an employee of the partnership duly authorised in writing by one of the partners;
- (c) If the applicant is a body corporate, a director, the secretary or an employee of the body corporate duly authorised in writing by a director or the secretary.

#### GENERAL

When the application is made to the Ministry of Tourism, Trade and Industry the original of the following must be made available for inspection.

Business certificate of registration or Certificate of Incorporation.

The inspected document will be handed back to the applicant when the visa is issued. Any export certificate issued is NOT TRANSFERABLE.

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The Ministry of Tourism, Trade and Industry is available to give advice and guidance to exporters for the furtherance of international trade.

For Official Use.

Issue of the VISA .....Approved/Rejected\*

Signed .....Date .....

Name (in block capitals) .....

Title .....

SECOND SCHEDULE

FORMAT OF THE VISA

REGULATION 3 (3)

THIRD SCHEDULE

Register No.....

REGULATION 8(2)

THE REPUBLIC OF UGANDA  
MINISTRY OF TOURISM, TRADE AND INDUSTRY  
6/8 Parliament Avenue, P.O. BOX 7103, Kampala, Uganda.  
Tel. 256395/344947, Fax 341247

APPLICATION FOR A CERTIFICATE OF ORIGIN

1. Particulars of exporter
  - (a) Name of Manufacturer .....
  - (b) Postal Address .....
  - (c) Physical Address (Location) .....
2. Particulars of Product
  - (a) Product for which certificate is required .....
  - (b) Visa Grouping (see overleaf) .....
  - (c) US harmonised tariff schedule number (6 digit) .....
  - (d) Quantity or unit measure .....
  - (e) FOB Value of goods (US\$).....
3. Shipping details
  - (a) Port of Loading.....
  - (b) Consignee (Name and address) .....
  - (c) Port of destination .....
  - (d) Mode of transportation .....

4. Declaration

I declare that the information given above is true to the best of my knowledge and belief

Name .....

Title .....

Signature .....

Company seal

5. For official Use Only

(i) The application is-

(a) Approved

(b) Not approved

Name of official .....

Title .....

Signature .....

(ii) If application is not approved please provide a brief explanation below—

.....  
 .....

### Visa Grouping

1. Apparel articles assembled in Uganda from fabrics wholly formed and cut in the United States from yarns wholly formed in the United States.
2. Apparel articles assembled in Uganda from fabrics wholly formed and cut in the United States from yarns wholly formed in the United States if, after such assembly, the articles would have qualified for entry under subheading 98.02.00.80 of Harmonized Tariff Schedule of the United States (HTSUS) but for the fact that the articles were embroidered or subject to stone-washing, enzyme-washing, acid washing, perm pressing, oven baking, bleaching, garment-dyeing, screen printing, or other similar processes.
3. Apparel articles cut in Uganda from fabrics wholly formed in the United States if such articles are assembled in Uganda with thread formed in the United States.
4. Apparel articles wholly assembled in Uganda from fabrics wholly formed in Uganda from yarn originating in the United States or one or more beneficiary Sub-Saharan African countries.
5. Apparel articles wholly assembled in Uganda regardless of the country of origin of the fabrics used to make such articles, (for only the first four years from the beginning of implementation of Africa Growth and Opportunities Act of the United States (AGOA).
6. Sweaters in chief weight of cashmere, knit to shape in Uganda and classifiable under sub-heading 6110.10 of the Harmonised Tariff Schedule of the United States) (HTSUS).
7. Sweaters, 50 per cent or more by weight or wool measuring 18.5 microns in diameter or finer, knit to shape in Uganda.
8. Apparel articles cut and assembled in Uganda from fabrics and yarn not formed in United States or a beneficiary country as identified in NAFTA or as designated as not available in commercial quantities in the United States.
9. Handmade, handled or folklore to be defined in bilateral consultations.

### FOURTH SCHEDULE

FORMAT OF A CERTIFICATE OF ORIGIN

Preference Groups:

- A. Apparel assembled from the USA formed and cut fabric USA yarn [19 CFR 10.213 (a) (1)]
- B. Apparel assembled and further processed from USA formed and cut fabric from USA yarn [19 CFR 10.213 (a) (2)].
- C. Apparel cut and assembled from USA fabric from USA yarn and thread [19 CFR 10.213 (a) (3)].
- D. Apparel assembled from regional fabric from yarn originating in the USA or one or more beneficiary countries [19 CFR 10.213 (a) (4)].
- E. Apparel assembled from regional fabric from yarn originating in the US or one or more beneficiary countries [19 CFR 10.213 (a) (4)].
- F. Apparel assembled in one or more lesser developed beneficiary countries. [19 CFR 10.213 (a) (5)].
- G. Sweaters knit to shape in chief weight of cashmere [19 CFR 10.213 (a) (6)]
- H. Apparel cut and assembled in one or more beneficiary countries from fabrics or yarn not formed in the 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 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 omission made on or in connection with this document.

I agree to maintain and present upon request, documentation necessary to support this certificate.

Minister of Finance, Planning and Economic Development

HON. GERALD SSENDAULA,