

## FTA Origination Analysis and Certification when no Tariff Change Rule (TCR)

Manufacturers, exporters and importers are advised that a very limited number of tariff items in the Harmonized Tariff Schedule of the United States (HTSUS) do not have corresponding free trade agreement (FTA) tariff change rules (TCRs) (also known as “product specific rules of origin” or by the acronym “PSRs”) because they were negotiated using a Harmonized Tariff Schedule (HTS) that was subsequently modified in 2007, 2012, or 2017, and the corresponding TCRs have not been implemented.

The following table shows the up-to-date/out-of-date status of the TCRs for each FTA:

	Free Trade Agreement	TCRs Updated to 2007 HTSUS	TCRs Updated to 2012 HTSUS	TCRs Updated to 2017 HTSUS
1	Australia FTA	Yes	No	No
2	Bahrain FTA	Yes	No	No
3	CAFTA-DR	No	No	No
4	Chile FTA	Yes	Yes	No
5	Colombia TPA	No	No	No
6	Israel FTA (QIZs)	N/A	N/A	N/A
7	Jordan FTA	N/A	N/A	N/A
8	Korea FTA	Yes	Yes	No
9	Morocco FTA	No	No	No
10	NAFTA	Yes	No	No
11	Oman FTA	No	No	No
12	Panama TPA	No	No	No
13	Peru TPA	No	No	No
14	Singapore FTA	Yes	No	No

Until revised TCRs are implemented, manufacturers/exporters/importers of affected goods seeking to perform a tariff-shift origination analysis should classify the good and its materials using the most recent HTSUS in which the tariff item has a corresponding TCR and perform the origination analysis using that year’s HTSUS.

Until revised TCRs are implemented, the certificate of origin, ideally, should indicate both the current HTSUS number and the previously corresponding HTSUS number used to perform the origination analysis in parenthesis and with wording to that effect.

For example, beneath the description of the good in block 5 of the CO, the statement “(Origination analysis performed using HTSUS xxxx.xx.xxxx (20XX) since no TCR for item number yyyy.yy.yyyy in 2017 HTSUS.)” *[Replace placeholders with the appropriate numbers/dates]*. The CO could look something like this:

5. DESCRIPTION OF GOOD(S)	6. HS TARIFF CLASSIFICATION NUMBER	7. PREFERENCE CRITERION	8. PRODUCER	9. NET COST	10. COUNTRY OF ORIGIN



Place the item here.

Under the item, provide a statement such as "(Origination analysis performed using HTSUS xxxx.xx.xxxx (2016) since no TCR for item number yyyy.yy.yyyy in 2017 HTSUS)"

This issue was previously addressed with respect to the 2007 and 2012 HTSUS in CSMS #[13-000368](#).

See [H026740](#) and [H074136](#) for rulings employing a previous year's HTSUS to perform the TCR analysis.

Current and previous iterations of the HTSUS, with their corresponding TCRs, are available from the USITC website at <https://hts.usitc.gov/view/list>

Certificates of Origin following these instructions will remain valid even after the corresponding TCRs have been updated.

Questions with respect to these instructions should be directed to the Trade Agreements Branch at [fta@dhs.gov](mailto:fta@dhs.gov)