

Government Notice No. 193 of 2000

**THE CONSUMER PROTECTION
(PRICE AND SUPPLIES CONTROL) ACT**

Regulations made by the Minister under sections 35 of the Consumer Protection (Price and Supplies Control) Act 1998

1. These regulations may be cited as the Export to the United States of America (AGOA) Regulations 2000.
2. Notwithstanding any other enactment, in these regulations –

“Act” means the Consumer Protection (Price and Supplies Control) Act 1998;

“AGOA” means the Africa Growth and Opportunity Act enacted in the United States of America on 18 May 2000.

“authorised officer” means, for the purpose of these regulations, any officer designated by the Permanent Secretary or the Comptroller of Customs;

“certificate” means the Textile Certificate of Origin referred to in the AGOA and specified in the First Schedule;

“export” means any product exported from Mauritius to the United States of America;

“Minister” means the person to whom responsibility for the subject of commerce is assigned;

“Ministry” means the Ministry to whom responsibility for the subject of commerce is assigned;

“original commercial invoice” means the original commercial invoice of the exporter in respect of any product;

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for the subject of Commerce;

“preferential treatment” means duty free and quota free treatment applicable under the AGOA in respect of any product;

“producer” means any person or company manufacturing any product;

“product” means any textile and apparel article specified in the Second Schedule in respect of which preferential treatment is claimed;

“relevant authority” means any Mauritian [or United States] customs or revenue department responsible for the administration and enforcement of determinations of origin under the AGOA and these regulations;

“transshipment” has the same meaning assigned to it under the AGOA; and

“visa” means an official stamp duly affixed by the Ministry on the original commercial invoice.

3. No person shall export any products unless he holds a visa duly issued by the Ministry.
4. Any application for a visa in respect of a product shall be made to the Permanent Secretary and be accompanied by-
 - (a) the original commercial invoices together with 2 copies thereof;
 - (b) the certificate in triplicate.
5. The Permanent Secretary may, on receipt of an application under regulation 4
 - (a) request the applicant to furnish such additional information as he may require;
 - (b) subject to regulation 8 issue a visa on such terms and conditions as he thinks fit;
 - (c) reject the application in case the applicant fails to comply with the provisions of the AGOA and these regulations.
6. Any person who manufactures or exports any product shall -
 - (a) register himself with the Ministry; and
 - (b) fill in and submit to the Permanent Secretary an export Declaration Form as specified in the Third Schedule.
7. No person other than the Mauritius Export Processing Zone Association or such person as may be designated by the Ministry, shall print or cause to be printed the certificate and the Export Declaration Form.

8. No visa shall be issued under regulation 5 in respect of any product unless the Permanent Secretary is satisfied that-

- (a) any process or place relating to its manufacture is in conformity with the provisions of the AGOA and these regulations;
- (b) the applicant has provided sufficient production records to satisfy the US Customs Service.

9. No product for export shall be taken out of Mauritius except on production, to the Comptroller of Customs, of the original commercial invoice duly visaed by the Permanent Secretary.

10. Any person who manufactures or exports any product shall maintain at all times complete records of –

- (a) the production including materials used therein;
- (b) place of production;
- (c) number, identification and types of machinery used in production;
- (d) number of workers employed in production;
- (e) certification from both the producer and the exporter; and
- (f) the export of any such product, for a period of 5 years after such manufacture or export.

11. (1) Any document and information obtained in accordance with these regulations shall be treated as confidential and secret.

- (2) No person having, in his possession, any information referred to paragraph (1), shall disclose such information except to the relevant authority acting in accordance with the AGOA and these regulations.

12. (1) Any authorised officer may, at all reasonable times and, if so required, on showing proof of his identity, enter the premises of an enterprise involved in the manufacture or export of any product, for the purpose of-

- (a) investigating thoroughly allegations of transshipment;
- (b) ensuring that the provisions of AGOA and these regulations are being complied with.

- (2) Any authorised officer may, in pursuance of paragraph (1), be accompanied by a representative of the United States Customs Service;
 - (3) No person involved in the manufacture or export of a product shall refuse access to either the authorised officer or the representative of the United States Customs Service to its premises for the purposes of verification.
13. Any person who-
- (a) fails or neglects to keep appropriate records as provided for under regulation 10;
 - (b) submits, for the purpose of an application for a visa, information which is false, incorrect or misleading in any material particular or which is not a genuine document;
 - (c) provides in any document, any information which is false in a material particular;
 - (d) tampers with any visa or causes any visa to be tampered with;
 - (e) refuses access to an authorised officer or to any representative of the United States Customs Service.
 - (f) contravenes any provision of these regulations.

Shall commit an offence and shall, on conviction be liable to a fine not exceeding 100,000 rupees.

14. These regulations shall come into operation on 15 December 2000.

Made by the Minister on 16 June 2000.

FIRST SCHEDULE

African Growth and Opportunity Act Textile Certificate of Origin

1. Exporter Name and Address:		2. Producer Name and Address:	
3. Importer Name and Address:		6. U.S./African Fabric Producer Name & Address:	
4. Description of Article:	5. Preference Group:	7. U.S./African Yarn Producer Name and Address:	
		8. U.S. Thread Producer Name and Address:	
		9. Name of handloomed, Handmade, or Folklore Article:	
10. Name of Preference Group H Fabric or Yarn:			

Preference Groups :

- A** Apparel assembled from U.S. formed and cut fabrics from U.S. yarns. [19 CFR 10.213(a)(1)]
- B** Apparel assembled and further processed from U.S. formed and cut fabric from U.S. yarn. [19 CFR 10.213(a)(2)]
- C** Apparel cut and assembled from U.S. fabric from U.S yarn and thread. [19 CFR 10.213(a)(3)]
- D** Apparel assembled from regional fabric, from yarn originating in the U.S or one or more beneficiary countries. [19 CFR 10.213(a)(4)]
- E** Apparel assembled in one or more lesser developed beneficiary countries. [19 CFR 10.213(a)(5)]
- F** Sweaters Knit-to-shape in chief weight of cashmere. [19 CFR 10.213(a)(6)]
- G** Sweaters Knit-to-shape with 50 percent or more by weight of fine wool [19 CFR 10.213(a)(7)]
- H** Apparel cut and assembled in one or more beneficiary countries from fabrics or yarn not formed in the United States or beneficiary country (as identified in the NAFTA) or as Designated not available in commercial 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 proving such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document.

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

12 Authorized Signature:		13. Company:	
14 Name: (Print or Type)		15 Title:	
16a.. Date: (DD/MM/YY)	16b. Blanket Period	17. Telephone no:	

SECOND SCHEDULE

VISA GROUPINGS

Grouping 1 – Apparel Articles assembled in one or more beneficiary sub-saharan african countries from fabrics wholly formed and cut in the U.S from yarns wholly formed in the U.S.

Grouping 2 – Apparel Articles assembled in one or more beneficiary sub-saharan african countries from fabrics wholly formed and cut in the U.S from yarns wholly formed in the U.S if, after such assembly, the articles would have qualified for entry under subheading 9802.00.30 of the HTSUS but for the fact that articles were embroidered or subject to stone-washing, enzyme washing, acid washing, perma-pressing, oven baking, bleaching garment-dyeing, screen printing, or other similar processes.

Grouping 3 - Apparel articles cut in one or more beneficiary sub-saharan african countries from fabric wholly formed in the U.S from yarns wholly formed in the U.S, if such articles are assembled in one or more beneficiary sub-saharan african countries with thread formed in the U.S.

Grouping 4 - Apparel articles wholly assembled in one or more beneficiary sub-saharan african countries from fabric wholly formed one or more beneficiary sub-saharan african countries from yarn originating either in the U.S or one or more beneficiary sub-saharan african countries.

Grouping 5 - Apparel articles wholly assembled in one or more lesser developed beneficiary sub-saharan african countries regardless of the country of origin of the fabric used to make such articles.

Grouping 6 – Sweaters in chief weight of cashmere, knit to shape in one or more beneficiary sub-saharan african countries and classifiable under subheading 6110.10 of the HTSUS.

Grouping 7- Sweaters, 50 per cent or more by weight of wool measuring 18.5 microns in diameter or finer, knit-to-shape in one or more beneficiary sub-saharan african countries.

Grouping 8 – Apparel articles wholly assembled in one or more beneficiary sub-saharan african countries from fabric or yarn that is not formed in the United States or a beneficiary sub-saharan african country, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn under Annex 401 to the NAFTA.

Grouping 9 – Handmade, handloomed or folklore subject to bilateral consultations.

THIRD SCHEDULE

DECLARATION BY THE EXPORTER/PRODUCER

I, the undersigned, producer/exporter

- (i) DECLARE (i) that I am / the company is registered with the Ministry responsible for Commerce.
- (ii) that the textiles and apparel articles, covered by Original Invoice No.dated qualify for preferential treatment under the African Growth and Opportunity Act (A.G.O.A)

(ii) SPECIFY: the circumstances which have enabled these articles to meet the above conditions as follows:

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(iii) SUBMIT: the following supporting documents:

- (a)
- (b)
- (c)

(iv) UNDERTAKE: to submit at the request of the said Ministry any supporting evidence which may be required and agree to any inspection and to any check in the processing or manufacture of the above goods by any authorised officer

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Place and Date

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Signature