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LEGAL NOTICE NO. 106 OF 2001

THE CUSTOMS AND EXCISE ACT, 1971
(Act No. 19 of 1971)

CUSTOMS AND EXCISE RULES
(under sections 45 bis (4) (b) and 120)

In exercise of the powers conferred on him by Section 45 bis read with Section 120 of the Customs and Excise Act, 1971, the Commissioner of Customs and Excise makes the following Rules:

Citation

1. These Rules may be cited as the Customs and Excise Rules and shall come into force on such date as the Commissioner may, by Notice published in the Gazette, determine.

Interpretation

- 2 (1) In these Rules, unless the context otherwise indicates:

“the Act” means the Customs and Excise Act, 1971, and any definition in that Act shall, unless the context otherwise indicates, apply to these rules;

“AGOA” means the African Growth and Opportunity Act contained in the Trade and Development Act, 2000, of the United States of America;

“beneficiary Sub-Saharan African Countries” means the following countries and any other countries that may be designated as “beneficiary Sub-Saharan African countries” for the purposes of the AGOA by the President of the United States of America:

Republic of Benin
Republic of Botswana
Republic of Cape Verde
Republic of Cameroon
Central African Republic
Republic of Chad
Republic of Congo
Republic of Djibouti
State of Eritrea
Ethiopia
Gabonese Republic
Republic of Ghana
Republic of Guinea
Republic of Guinea – Bissau
Republic of Kenya
Kingdom of Lesotho
Republic of Madagascar
Republic of Malawi
Republic of Mali
Islamic Republic of Mauritania
Republic of Mauritius

Republic of Mozambique
 Republic of Namibia
 Republic of Niger
 Federal Republic of Nigeria
 Republic of Rwanda
 Democratic Republic of Sao Tome and Principe
 Republic of Senegal
 Republic of Seychelles
 Republic of Sierra Leone
 Republic of South Africa
 Kingdom of Swaziland
 United Republic of Tanzania
 Republic of Uganda
 Republic of Zambia

“Certificate of origin” means the certificate of origin, used for the purposes of preferential tariff treatment under the African Growth and Opportunity Act prescribed in 19 CFR 10.214 and in the Third Schedule to these rules, is numbered CE 45 bis 1.01 in the column reserved for the official use of the Swaziland Customs and Excise;

“Customs authorities”, means in respect of Swaziland, the Commissioner, or according to any delegation in these rules, the Controller or any other officer;

“Customs territory of the US”, means the 50 States and the District of Columbia and Puerto Rico;

“Customs value” means the value of any imported goods calculated or determined in accordance with the provisions of sections 65,66,67 and 74 bis

“Enactment”, means enactment as defined in section 45 bis (1) and includes the AGOA:

“Exporter” means a registered exporter as contemplated in Section 45 bis (6):

“Goods” except if the context otherwise indicates, includes the textile and apparel articles referred to in the AGOA;

“Harmonized Tariff Schedule of the US” or “HTS”, means, for the purpose of establishing the equivalent tariff subheading (to the 6-digit level) in Part 1 of schedule No. 1, subject to any meaning ascribed to any expression in any provision of origin in any enactment of these rules, the provisions of Part 1 of schedule No. 1, except national subheadings or additional section on chapter notes and the rates of duty, applicable to the classification of any goods in any chapter or heading or subheading, and for the purposes of interpretation of Part 1 of Schedule No. 1, includes application of the Explanatory Notes to the Harmonized System as required in terms of Section 46 (8) (a)

“Headings and sub-headings”, means the headings (4-digit code) and subheadings (5-or 6-digit code) of Part 1 of Schedule No. 1;

“Lesser developed beneficiary sub-Saharan African countries” means the following countries and any other countries that may be designated as “lesser developed” for the purposes of the AGOA by the President of the United States of America:

Republic of Benin
 Republic of Cape Verde
 Republic of Cameroon
 Central African Republic

Republic of Chad
 Republic of Congo
 Republic of Djibouti
 State of Eritrea
 Ethiopia
 Republic of Ghana
 Republic of Guinea
 Republic of Guinea-Bissau
 Republic of Kenya
 Kingdom of Lesotho
 Republic of Madagascar
 Republic of Malawi
 Republic of Mali
 Islamic Republic of Mauritania
 Republic of Mozambique
 Republic of Niger
 Federal Republic of Nigeria
 Republic of Rwanda
 Democratic Republic of Sao Tome and Principe
 Republic of Senegal
 Republic of Sierra Leone
 Kingdom of Swaziland
 United Republic of Tanzania
 Republic of Uganda
 Republic of Zambia;

“Manufacturer” means a registered manufacture as contemplated in Section 45 bis (6) and includes for the purposes of the AGOA, depending on the context, a “producer”,

“NAFTA”, referred to in Section 113 (b) (1) of the AGOA, means the North American Free Trade Agreement entered into between the United States, Mexico and Canada on 17 December 1992 as defined in Section 112 (e) of the AGOA;

“19 CFR 10” refers to part 10 of the customs regulations contained in the Code of Federal Regulations published by the US Department of the Treasury in the Federal Register, as updated from time to time, of which sections 211 to 217 and supplementary information thereon contained in the said Part 10 and Sections 112 and 113 of the AGOA specifically relate to textile and apparel articles which may be allowed preferential tariff treatment under the AGOA;

“Origin”, “originate” and/or “originating status”, relates to, unless the context otherwise indicates, the origin of goods determined in terms of any provision of origin contemplated in any enactment, including the AGOA, 19 CFR 10, Annex 401 to NAFTA, Section 334 of the Uruguay Round Agreements Act of the US, and the application of provisions of customs regulations 19 CFR 102.21 which implemented Section 334;

“Producer” when used in connection with the AGOA and any document required by the US, includes a person that grows, mines, harvests, manufactures, processes or assembles goods or any combination thereof (article 519 of NAFTA);

“Shipment” includes any consignment of textile or apparel articles exported to an importer in the US by post;

“Textile and apparel articles”, refers to the textile and apparel articles to which the provisions for preferential tariff treatment in Section 112 of the AGOA and customs regulations 19 CFR 10 relate;

"US" means the United States of America; and in relation to imports of textiles and apparel articles from Swaziland, includes the Customs territory of the United States of America;

"Visa stamp", means the AGOA Textile and Apparel Visa Stamp used to issue the visa and of which a specimen imprint is contained in rule 11;

"Visa system" means, for the purposes of Section 113 (a) (1) of the AGOA, the procedures prescribed in these rules in respect of the issuance of a visa.

(2) Any expression used in these rules with reference to the AGOA or other relevant enactment shall, unless the context otherwise indicates, have the meaning assigned thereto in the said AGOA, or enactment or relevant provisions of the Act or as defined in these rules.

PART I: GENERAL PROVISIONS

3. A reference in these rules to any section, to Schedule No. 1, 2, 3, 4, 5, 6, or 8 and to any heading, item or code shall be deemed to be a reference to such section of, Schedule to, or heading or item or code in the Act.

4. A person who conducts any business with the office shall at his own expense provide all the relative forms prescribed in these rules or in the Customs and Excise Regulations, 1976, as well as any other forms prescribed from time to time and any reference in these rules to a form and the number or lettering thereof shall unless otherwise indicated, be deemed to be a reference to such forms.

PART II: ADMINISTRATION, GENERAL DUTIES AND POWERS OF COMMISSIONER AND OFFICERS AND APPLICATION OF THE ACT

No rule promulgated.

PART III: IMPORTATION, EXPORTATION, AND TRANSIT OF GOODS

Rules for section 12 of the Act: Goods imported or exported by post

5. (1) For the purposes of section 12(3) of the Act, the following goods shall be exempted from entry at a customs and excise office before a Controller:

- (a) Used personal effects provided under item 407.01;
- (b) Unsolicited gifts provided for under item 412.10; or
- (c) Any goods exported by post for processing or repair and registered for exportation and are re-imported in terms of item 409.04.

(2) For the purposes of section 12 (4) of the Act, any goods in respect of which the exporter intends to apply for a drawback or a refund of duty in terms of the provisions of any items of schedule No 5 or 6 shall be entered for export on the prescribed form at the office of the Controller.

(3) Any textile and apparel articles exported by post for the purposes of obtaining preferential tariff treatment on importation into the United States of America as contemplated in the AGOA referred to in the rules for section 45 bis, shall be entered for export at the office of the Controller nearest to the post office where they are posted and shall be subject to the provisions of the said rules for section 45 bis.

**PART IV: CUSTOMS AND EXCISE WAREHOUSE: STORAGE AND
MANUFACTURE OF GOODS IN CUSTOMS AND EXCISE WAREHOUSES**

No rule promulgated

**PART V: CLEARANCE AND ORIGIN OF GOODS : LIABILITY FOR PAYMENT
OF DUTIES**

Non-reciprocal preferential tariff treatment of goods exported from Swaziland on compliance with the provisions of origin and other requirements specified in any enactment defined in section 45 bis (1).

Preferential tariff treatment of textile and apparel articles imported directly into the territory of the United States of America from Swaziland as contemplated in the African Growth and Opportunity Act (The AGOA).

Rules for section 45 bis of the Act

6. (1) These rules are contemplated in section 45 bis (4) (b) in respect of textile and apparel articles exported from Swaziland and imported into the customs territory of the United States of America in accordance with the provisions of section 112 and 113 of the African Growth and Opportunity Act contained in Title 1 - Extension of Certain Trade Benefits to Sub-Saharan Africa - of the Trade and Development Act of 2000 of the United States of America and any other relevant enactment contemplated in the definition thereof in section 45 bis (1).

(2) Subject to Section 3 (4) of the Act any power, duty or function contemplated in Section 45 bis (4), is delegated in terms of Section 45 bis (4) (b) (v) to the extent specified in these rules to the Controller or the officer or any officer designated to exercise such power or perform such duty or function.

(3) Any insertion in brackets below any rule refers to a provision in the enactment on which the rule is based.

(4) Determinations by the United States Trade Representative (the USTR) of countries that satisfy the requirements of Sections 113 (a) and 113 (b) (1) (B) of the AGOA which the USTR has caused to be published in the Federal Register as contemplated in Proclamation 7350 of 2 October 2000 published in Federal Register Volume 65, No. 193 on 4 October 2000 are the following countries and any other countries in respect of which the USTR may cause such determinations to be so published from time to time: Kenya, Lesotho, Madagascar, Mauritius, South Africa.

Certificate of origin and application for visa forms

7. (1) The certificate of origin and the application for a visa, respectively numbered CE 45 bis 1.01 and CE 45 bis 1.01 (a) which shall be completed by exporters when exporting goods for the purposes of the AGOA, are prescribed in the schedule to the Rules.

(2) The certificate of origin and the application for a visa, the export bill of entry and supporting documents shall be delivered for processing at the office of the Controller at any place prescribed in Part 3 of the Third Schedule to these Rules, provided it is a place nearest to the place of business of the exporter unless the Commissioner otherwise determines.

(3) The following codes are used in the lettering of the Visa stamp in respect of the places prescribed in paragraphs (g) and (h) of item 200.03 of the schedule to the Rules;

PLACECODES

Mbabane
Matsapha
Nhlangano

MBA
MTS
NHL

(4) The application for a visa is numbered CE 45 bis 1.01 (a). The numerical sequence (1 to 9) which is used in the visa stamp for the designated preference grouping has been inserted next to each alphabetical sequence (A to I) used for the preference grouping on the certificate of origin.

8. (1) The provisions in these rules in respect of the certificate of origin and the issuance of a visa apply only to textile and apparel articles which originate in, and are exported from, Swaziland.

(2) Where an exporter imports for export any such textile or apparel articles which are claimed to have originated in any other beneficiary country or lesser developed beneficiary country the certificate of origin and the visa shall be issued in such country.

Registration of exporter or manufacturer

9. (1) Every exporter and manufacturer of textile and apparel articles for the purposes of the AGOA shall be registered and shall submit a completed form CE 163 together with -

- (a) in the case of the exporter a completed exporter's application for registration (form CE 45 bis 1.02); and
- (b) in the case of the manufacturer, a completed manufacturer's application for registration (form CE 45 bis 1.03)

(2) If the exporter is also the manufacturer of the goods concerned both the forms CE 45 bis 1.02 and CE45 bis 1.03 shall be completed.

(3) The completed and signed application shall be submitted to the Commissioner, to whom the powers under Section 45 bis (6) are delegated.

Exportation of goods for the purposes of the AGOA.

10. (1) The certificate of origin shall be completed and signed in accordance with the instructions specified on the reverse of the form.

(2) Completion of a certificate of origin and application for a visa is conditional on the exporter holding and being able to produce on demand all necessary evidence that the goods comply with the provisions of origin for the preference group declared on the certificate.

(3) In terms of 19 CFR 10.216 (b) (1) to (3) it is required that the certificate shall be -

- (a) in writing or shall be transmitted electronically pursuant to any electronic data interchange system authorised by US Customs for that purpose;
- (b) signed by the exporter or by the exporter's authorised agent having knowledge of the relevant facts;
- (c) completed in the English language.

(4) The exporter shall be a natural person ordinarily resident in Swaziland or a person whose place of business is in Swaziland.

(5) Subject to the provisions of rules 12 and 14, the exporter shall complete and sign a certificate of origin in respect of every shipment and each preference group of textile and apparel articles for which an importer in the US intends claiming preferential tariff treatment under the AGOA.

(6) The customs code number of the exporter and the producer (manufacturer) shall be inserted in the block for official use, by the exporter.

(7) Where the exporter is not the producer of the article, that exporter may complete and sign a certificate of origin on the basis of:

- (a) reasonable reliance on the producer's written representation that the article qualifies for preferential treatment, or
- (b) a completed and signed certificate of origin for the article voluntarily provided to the exporter by the producer. (19 CFR 10.214 (a), AGOA section 113 (b) (1) and Article 501 of NAFTA).

(8) The descriptions in respect of the preference groups on the certificate of origin and the application for a visa are merely summaries of the US provisions and it is the duty of the exporter to ascertain the precise qualifying requirements from the various enactments, in particular customs regulations 19 CFR 10 and the relevant origin provisions, and if necessary, from the importer in the US or the US Customs Service.

(9) The certificate of origin and the visa will be allocated different numbers when the export documents are processed.

(10) The Officer shall insert the certificate of origin number on the certificate and both numbers on the application for a visa in the respective blocks for official use printed on the forms.

(11) An exporter may authorize only a licensed clearing agent to complete and sign the certificate of origin and application for a visa.

(12) The authorisation shall be completed on the exporter's own letter headed paper and confirm full details of the agent's name, physical and postal address, telephone and facsimile numbers and full name(s) of the staff who will complete and sign the said forms.

(13) The exporter shall authorise and issue instructions to the clearing agent in writing in respect of each shipment and shall specify clearly that he holds evidence to the effect that the goods qualify as originating products within the meaning of the provisions of origin and other requirements for the preference group concerned.

(14) The letter of authority shall be submitted together with each completed certificate of origin and application for a visa and will be retained by the Controller.

(15) Commercial invoices shall –

- (a) be serially numbered and the number and date quoted in Block 4 of the certificate of origin and application for a visa;
- (b) describe the goods with sufficient detail to enable them to be identified and for the purposes of determination of the tariff subheading to the 6-digit level;
- (c) reflect the applicable tariff subheading which shall correspond with the sub-heading (up to the 6-digit level) on the export bill of entry;

- (d) contain reference numbers or other particulars according to which the goods can be readily identified in the exporter's records;
- (e) state the preference group number according to the application for visa;
- (f) when both preference group goods and other goods are packed together, contain-
 - (i) a full description and the tariff subheading in respect of the other goods which shall be marked with an asterisk; and
 - (ii) the following statement: 'Goods marked * on the invoice are not AGOA preference group goods and are not covered by the visa';
- (g) be completed in respect of each preference group of textile and apparel articles contained in a shipment.

(16) Where a consignment consists of various preference groupings the commercial invoice for each grouping which is required to be completed in terms of rule 10 (15) (g), shall reflect appropriate cross references to the other invoices for the goods comprising the shipment.

Application for and issuance of a visa

11. (1) The following documents shall be submitted with the completed application for a visa:

- (a) completed bill of entry export, bill of lading, air way bill or other transport document, the commercial invoice, and the certificate of origin (where applicable) completed and signed by the exporter or the duly authorized agent as contemplated in rule 10; and
- (b) copies of such documents for retention by the Controller in addition to any copies required in terms of other export clearing procedures as the Controller may determine.

(2) Where a certificate of origin is issued, the application for a visa shall reflect the same original signature and contain the same particulars in the corresponding blocks as the certificate of origin, except that –

- (a) block 5 shall contain the numerical equivalent of the alphabetical preference grouping and the line reference on the export bill of entry;
- (b) the total quantity and unit of quantity in the shipment shall be inserted in brackets below the description of the goods in Block 4, for example, 510 doz

(3) A visa is required and an application shall be completed in respect of each preference group of textile and apparel articles contained in a shipment exported for the purposes of claiming any preferential tariff treatment under the AGOA.

(4) Whenever a certificate of origin is issued for multiple shipments as contemplated in rule 12, the exporter shall –

- (a) submit a copy of the certificate of origin with the application for a visa in respect of each shipment exported subsequently to the first shipment for which the original certificate of origin was produced;
- (b) endorse the number of the certificate of origin in the block for official use on the application form.

(5) Specimen imprint of visa.



(6) If the application is approved by the Officer, the Officer shall stamp the front of the original of the commercial invoice with the visa stamp and insert within the visa stamp impression, which shall be in blue ink, the following:—

- (a) the visa number which will consist of one numeric digit for the applicable preference group according to the designated preference groups numbered 1-9 (which each sequentially corresponds with the alphabetically identified groups A-I of the certificate of origin), the two-character alpha code SZ, followed by a six-digit numerical serial number identifying the shipment which is allocated at the office of the Controller where the goods are entered for export; and
- (b) the correct grouping, the total quantity in whole numbers and unit of quantity, for example, grouping 5-510 doz.
- (7) Decimals or fractions of quantities are not acceptable.
- (8) Such officer shall sign the visa in the space provided thereon.
- (9) The visa shall be properly completed and no amendments are allowed, as specified in sub-rule (13) (c).
- (10) The particulars entered on the visa shall agree with the corresponding particulars entered on the application for a visa and on the certificate of origin whenever the certificate or a copy thereof is required to be submitted in terms of these rules.
- (11) The visa stamp shall be used only to stamp the commercial invoice for goods exported for claiming preferential tariff treatment in terms of the AGOA and only such stamp shall be used for such purpose.
- (12) The original visaed commercial invoice and the certificate of origin (where applicable) will be returned for submission to the importer in the US while the copy of the visaed invoice will be retained by the Controller. The original visaed invoice is required to enter the shipment in the US when claiming preferential tariff treatment as contemplated in the AGOA.

(13) Any visa issued is subject to the following conditions and procedures prescribed by the US Customs Service:

- (a) if the quantity indicated on the visa is less than that of the shipment, only the quantity shown on the visa will be eligible for preferential tariff treatment;
- (b) if the quantity indicated on the visa is more than that of the shipment, only the quantity of the shipment will be eligible for preferential tariff treatment and the excess cannot be applied to any other shipment;
- (c) the visa will not be accepted and preferential tariff treatment will not be permitted if the visa number, date of issuance, authorized signature, preference group, quantity and the unit of measure are missing, incorrect, illegible or have been crossed out or altered in any way;
- (d) if the visa is not acceptable, then a new visa shall be obtained;
- (e) if the visaed invoice is deemed invalid, the US Customs Service will not return it after entry, but will provide a certified copy thereof for use in obtaining a correct original visaed invoice.

(14) Any application for a corrected visa shall be submitted together with the copy of the incorrect visa and copies of all export documents to the Officer.

(15) The Officer may, after such examination as he deems necessary, issue a corrected visa unless evidence is obtained of the commission of an offence contemplated in section 45 bis (8) in which case the officer shall submit the application and a report on the results of the examination, to the Commissioner for a decision.

(16) Where the Officer has reasonable doubts about the correctness of the statements made on the application for a visa, such officer, may:

- (a) request the exporter or manufacturer to produce documentary proof of origin;
- (b) detain and examine the goods entered for export;
- (c) investigate the books, accounts and other documents required to be kept for the purposes of the information contained in the application for a visa: or,
- (d) refuse to issue a visa.

(17) The Commissioner may, for such time as he may determine, refuse issuance of a visa if—

- (a) the exporter or manufacturer fails to keep or produce books, accounts and other documents as contemplated in Section 45 bis (3) (b) (i) and rule 18;
- (b) the exporter or manufacturer refuses the investigation or assistance contemplated in Section 45 bis (3) (b) (ii);
- (c) the application for a visa is found to be false; or
- (d) the particulars on a visaed commercial invoice are altered in any way after issuance by the Officer:

(18) The Commissioner shall report monthly to the US Customs Service in respect of each exportation:

Name of manufacturer
 Visa number
 Date of issuance
 Grouping number
 Export value of goods
 Quantity/unit of measure
 US Consignee (if known)
 U.S. Harmonized Tariff Schedule number to the 6-digit level
 Port of lading
 Mode of transport
 Port of destination
 Gross weight

Certificates of origin and visas for multiple shipments.

12. (1) The certificate of origin may be applicable to:

- (a) a single importation into the US, including a single shipment that results in the filing of one or more entries and a series of shipments that results in the filing of one entry; or
- (b) multiple importations of identical articles within a specified blanket period of not exceeding one year as stated in the instructions for completion of Block 16(b) of the certificate of origin.

(2) For the purposes of completion of Block 16 (b) (multiple shipments of identical articles), "identical articles" means articles that are the same in all material respects, including physical characteristics, quality and reputation. (19 CFR 10.216 (b) (4))

(3) The certificate of origin number and date for multiple shipments shall be endorsed on all documents for goods exported on the basis of such certificate.

(4) The exporter of such shipments shall apply for a visa in respect of each shipment as contemplated in rule 11 (3).

Incorrect certificates of origin and issue of corrected certificate.

13. (1) 19 CFR 10.216 (c) provides in respect of "correction and non-acceptance of a certificate" on importation of the goods concerned that -

- (a) "if the port director" (in the US) "determines that a certificate of origin is illegible or defective or has not been completed in accordance with paragraph (b) of this Section", (rule 10 (3) and rule 12 (1)) "the importer will be given a period of not less than five working days to submit a corrected certificate".
- (b) "A Certificate will not be accepted in connection with subsequent importations during a period referred to in paragraph (b) (4) (ii) of this section" (up to one year as provided in the rule for preparation of block 16 (b) on the certificate) "if the port director determined that a previously imported identical article covered by the certificate did not qualify for preferential treatment".

(2) Where a certificate of origin is not accepted as contemplated in the provisions contained in paragraph (1) (a), the exporter shall furnish to the Officer at the office where the rejected certificate was issued -

- (a) a written statement supported by the request from the importer giving reasons why a corrected certificate of origin is required and the number and date of the original certificate of origin;

(b) a completed certificate of origin endorsed in the space for official use: "corrected certificate in substitution of certificate No ...",

(c) copies of the bill of entry export, commercial invoice, bill of lading, air way bill or other transport documents together with any other documents produced when the original certificate was issued.

(3) The Officer shall keep a copy of the corrected certificate of origin and a copy of the written statement with the visa application and other export documentation.

(4) If the visa is also incorrect, any application for a corrected visa shall be subject to the provisions of rule 11 (14) and (15).

(5) Where a certificate of origin is not accepted in terms of a determination that a previously imported identical article covered by the certificate for multiple shipments did not qualify for preferential treatment, the exporter shall not export any further goods on the basis of such certificate, unless the Commissioner otherwise determines;

(6) The Commissioner shall cause all books, accounts and other documents relating to the exportation of the goods covered by such certificate to be investigated and shall take the necessary steps for enforcement of the provisions of the Act where any goods exported are found not to have qualified for preferential tariff treatment;

(7) Subject to any action that is taken in terms of the provisions of Section 45 bis (6) (d) or (8) (b), the Commissioner may, for such period as he may determine, refuse to issue any visa for any goods exported by such exporter unless the exporter produces sufficient proof in respect of each shipment that the goods concerned qualify for preferential tariff treatment.

(8) The Commissioner may call for evidence from, and furnish a report on the results of any investigation to the US Customs Service.

(9) Any exporter or producer that has completed and signed a certificate of origin and that has reason to believe that the certificate contains information that is not correct, shall promptly notify the Commissioner, the importer in the US and any other person to whom the certificate was given, of any change that could affect the accuracy or validity of the certificate:

(10) any exporter or producer who voluntarily provides written notification pursuant to sub-rule (9) shall not be subject to any penalty with respect to the making of any incorrect certification. (Article 504 (d) - (e) of NAFTA)

Certificate of origin not required

14. (1) 19 CFR 10.216 (d) provides as follows in respect of the importations into the US for which and the conditions on which a certificate of origin is not required:

"(1) Except as otherwise provided in paragraph (d) (2) of this section, an importer is not required to have a certificate of origin in his possession for:

(i) an importation of an article for which the port director has in writing waived the requirement for a Certificate of Origin because the port director is otherwise satisfied that the article qualifies for preferential treatment;

(ii) a non-commercial importation of an article; or

- (iii) a commercial importation of an article whose value does not exceed US \$2500, provided that, unless waived by the port director, the producer, exporter, importer or authorized agent includes on, or attaches to, the invoice or other document accompanying the shipment the following signed statement:

I hereby certify that the article covered by this shipment qualifies for preferential treatment under the AGOA.

Check one:

- (.....) Producer
 (.....) Exporter
 (.....) Importer
 (.....) Agent

.....
 Name

.....
 Title

.....
 Address

.....
 Signature & Date

(2) Exception: if the port director determines that an importation described in paragraph (d) (1) of this section forms part of a series of importations that may reasonably be considered to have been undertaken or arranged for the purpose of avoiding a Certificate of Origin requirement under 19 CFR 10.214 through 10.216, the port director will notify the importer in writing that for that importation the importer must have in his possession a valid Certificate of Origin to support the claim for preferential treatment. The importer will have 30 calendar days from the date of the written notice to obtain a valid Certificate of Origin and a failure to timely obtain the Certificate of Origin will result in denial of the claim for preferential treatment. For purposes of this paragraph, a series of importations "means two or more entries covering articles arriving on the same day from the same exporter and consigned to the same person".

(2) For the purposes of implementation the provisions specified in paragraph (1) in respect of a commercial exportation for which a certificate of origin is not required every exporter shall:

- (a) ensure that the goods comply with the relevant provisions of origin at the time of export;
- (b) be in possession of the records and documents proving the originating status of the goods exported;
- (c) use serially numbered commercial invoices;
- (d) insert a reference number of other particulars on any invoice, delivery note or other commercial document to which the goods can be readily identified in such records and documents,

- (e) describe the goods on such invoice and any delivery note or other commercial document with sufficient detail to enable them to be identified and for the purposes of determination of the tariff subheading to the 6 digit level.
 - (f) insert on any such document the applicable tariff subheading which shall correspond with the subheading on the export bill of entry;
 - (g) indicate clearly on such documents by means of an asterisk and statement goods which are not of preferential origin;
 - (h) insert on the commercial invoice and such other documents and the copies thereof the declaration specified in paragraph (a), which shall bear the original signature of the exporter.
- (3) The commercial invoice concerned and the copy thereof; which are required to be submitted with the application for a visa as contemplated in rule 11, shall in addition contain, where applicable, a statement that the article is non-commercial.
- (4) Where a certificate of origin is required in the circumstances specified in 19 CFR 10.2.16 (d) (2):
- (a) the exporter shall furnish to the Officer an explanation of the circumstances which resulted in the United States Customs Service requiring a certificate of origin;
 - (b) the provisions of rule 13 (5), (6), (7) and (8) shall mutatis mutandis apply if the articles exported in terms of the provisions of this rule are found not to have qualified for preferential tariff treatment.

Certificate of origin and visa issued retrospectively

15. (1) If any goods that require a certificate of origin and visa to qualify for preferential tariff treatment on importation into the US are imported without a certificate of origin and a visaed invoice having been issued in other circumstances than those specified elsewhere in these rules and the exporter following upon a request from the importer prepares a certificate of origin and applies for the issue of a visa in respect of such goods, such exporter shall submit the application for the issue of a visa in writing to the office of the Controller where the goods were exported, stating fully the circumstances in which the goods were exported without a certificate of origin and a visaed invoice.

- (2) Such application shall be supported by –
- (a) a completed certificate of origin and an application for a visa;
 - (b) a fresh commercial invoice and a copy thereof certified by the exporter to be true copies of the invoice issued when the goods were exported;
 - (c) copies of the bill of entry export, commercial invoice, bill of lading or air waybill or other transport document relating to the shipment and proof of the identity of the goods ordered and received in the US; and
 - (d) proof that the goods comply with the provisions of origin and other requirements of the relevant US enactments.
- (3) The Officer may investigate the books, accounts and other documents kept by the exporter and manufacturer and may conduct such other investigations he deems necessary for the purposes of determining whether the goods exported qualified for the issue of a visa.

(4) If the Officer decides to issue the visa, he shall stamp and sign the original of the fresh set of commercial invoices as prescribed in rule 11, but shall endorse in capital letters below the impression the words "ISSUED RETROSPECTIVELY", and affix his signature.

(5) The certificate of origin and the application for a visa shall also be endorsed "ISSUED RETROSPECTIVELY" in the block for official use.

Issue of a duplicate in the event of theft, loss or destruction of a visa

16. (1) In the event of theft, loss or destruction of a visa, the exporter shall, for the purposes of the issuance of a duplicate visa, furnish to the Officer at the office of the Controller where the original visa was issued -

- (a) a written statement giving reasons why a duplicate is required;
- (b) an application form for a visa and a fresh set of commercial invoices, both endorsed with the word 'Duplicate' and the number and date of the original visa;
- (c) copies of the bill of entry export, commercial invoice, bill of lading, airway bill or other transport documents together with any other supporting evidence submitted when the original visa was issued.

(2) The Officer shall attach a copy of the original application form to the application form for a duplicate and shall take into account the facts and circumstances considered when the original visa was issued.

(3) If the Officer decides to issue the duplicate visa, he shall stamp and sign the original and duplicate of the fresh set of invoices as prescribed in rule 11, but shall endorse in capital letters below the impression the words "DUPLICATE OF VISA NO. DATE" and affix his signature thereto.

Origin verifications by US Customs Service

17. (1) For the purpose of Section 45 bis (3) (b), the US Customs Service may, to determine whether goods imported into the US from Swaziland or any other beneficiary country qualify for preferential tariff treatment, conduct a verification by means of -

- (a) written questionnaires to an exporter or producer;
- (b) visits to the premises of an exporter or producer to review the records and observe the facilities used in production of the articles; or
- (c) such other procedure as the Commissioner and the US Customs Service may agree (Article 506 (1) of NAFTA).

(2) Such verification of a claim for preferential treatment may involve, but need not be limited to a review of:

- (a) documentation and other information in a beneficiary country regarding the country of origin of an article and its constituent materials, including but not limited to, production records, information relating to the place of production, the number and identification of the types of machinery used in the production, and the number of workers employed in production; and

- (b) evidence in a beneficiary country to document the use of US materials and materials of other origin in the production of the articles in question, such as purchase orders, invoices, bills of lading and other shipping documents, and Customs import and export clearance documents. (19 CFR 10.217 (a))

(3) The Commissioner shall for the purposes of giving effect to any enactment be responsible for rendering assistance to US Customs Service in respect of such verifications.

Keeping of books, accounts and other documents

18. (1) Every exporter or producer as contemplated in section 45 bis (3) (b) shall maintain and keep for a period of five years from the date goods were exported complete books, accounts or other documents relating to the origin of goods for which preferential tariff treatment was claimed including any such books, accounts or other documents in connection with -

- (a) the purchase of, cost of, value of, and payment for the goods that are exported;
- (b) the purchase of, cost of, value of, and payment for, all materials, including indirect materials, used in the production of the goods exported;
- (c) the production of the goods in the form in which they are exported, including proof of the originating status of the materials used and goods produced, the use of materials and other documentation and information contemplated in rule 17 (2);
- (d) any goods imported from any beneficiary country or the US, including proof of origin in respect of any goods exported in the same state as imported or any goods used in the production of goods exported;
- (e) the exportation of the goods to the US.

(2) Any books, accounts and other documents kept for providing evidence of the originating status of goods shall utilise information prepared in a manner consistent with generally accepted accounting principles appropriate for proving the originating status of the goods and for fulfilling the other requirements of the AGOA and related enactments.

(3) such books, accounts and other documents shall include:

- (a) direct evidence of working or processing of materials carried out by the exporter or manufacturer to obtain the goods concerned;
- (b) documents proving the identity of materials used in production and which contain enough particulars to determine the tariff subheading thereof;
- (c) documents proving the value of materials used and added value; and
- (d) costing records showing the calculation of the ex-factory price.

(4) All production and other documents shall contain reference numbers or other particulars for identifying the goods in the producer's or exporter's records.

Internal appeal

19. (1) Any person involved in a dispute with the Swaziland Customs & Excise department concerning any decision or determination in respect of the application or interpretation of any provision of any enactment or section 45 bis and these rules or any other provision of this Act may submit an internal appeal to the Commissioner within 3 months of the decision or determination concerned.

(2) Application for internal appeal shall be made on the appeal form obtainable from the Commissioner and shall state all the facts and circumstances relating to the dispute in such form which shall be supported by available documentary evidence including the documents in respect of the relevant customs and excise procedure and legal argument to substantiate the viewpoint expressed in the application.

The requirement of "imported directly"

20. (1) In terms of Section 112 (a) of the AGOA the preferential tariff treatment applies to textile and apparel articles described in Section 112 (b) which are imported directly from a beneficiary sub-Saharan country and for this purpose "imported directly" is defined in 19 CFR 10.213 (c) as meaning:

- (a) direct shipment from any beneficiary country to the United States without passing through the territory of any non beneficiary country;
- (b) if the shipment is from any beneficiary country to the United States through the territory of any non-beneficiary country, the articles in the shipment do not enter into the commerce of any non-beneficiary country while en-route to the United States and the invoices, bills of lading, and other shipping documents show the United States as the final destination; or
- (c) if the shipment is from any beneficiary country to the United States through the territory of any non-beneficiary country, and the invoices and other documents do not show the United States as the final destination, the articles in the shipment upon arrival in the United States are imported directly only if they:
 - (i) remained under the control of the customs authority of the intermediate country;
 - (ii) did not enter into the commerce of the intermediate country except for the purpose of sale other than at retail, and the port director is satisfied that the importation results from the original commercial transaction between the importer and the producer or the producer's sales agent; and
 - (iii) were not subjected to operations other than loading or unloading, and other activities necessary to preserve the articles in good condition.

(2) The exporter shall provide the importer with the necessary documentation relating to the movement of the article to the US to enable the importer to comply with the provisions of 19 CFR 10.217 (b) (3), which require that the importer –

"must have shipping papers that show how the article moved from the beneficiary country to the United States. If the imported article was shipped through a country other than a beneficiary country and the invoices and other documents from the beneficiary country do not show the United States as the final destination, the importer also must have documentation that demonstrates that the conditions set forth in 19 CFR 10.213 (c) (3) (i) through (iii)," (sub-rule (1) (c) of this rule,) "were met".

(3) The forms CE 45 bis 1.01, CE 45 bis 1.01 (a), CE 45 bis 1.02 and CE 45 bis 1.03 are prescribed in accordance with the Third Schedule to these rules.

SCHEDULE TO THE RULES

FIRST SCHEDULE

PLACES OF ENTRY WAREHOUSING PLACES, PLACES FOR PARTICULAR AND LIMITED PURPOSES, ETC.

PART 1

Places of entry:
Not prescribed

PART 2

Warehousing places
Not prescribed

PART 3

Places for particular and limited purposes:
(Section 5 (1) (d) of the Act).

MATSAPHA
MBABANE
NHLANGANO

SECOND SCHEDULE

HOURS OF GENERAL ATTENDANCE

Not Prescribed

THIRD SCHEDULE

PREScribed FORMS.

CE 45 bis 1.01 Certificate of Origin
CE 45 bis 1.01 (a) Application for Visa
CE 45 bis 1.02 Exporter's application for registration for purposes of AGOA.
CE 45 bis 1.03 Manufacturer's application for registration for purposes of AGOA

M. L. VILAKAZI

Commissioner of Customs and Excise

MBABANE
29th June, 2001

AFRICAN GROWTH AND OPPORTUNITY ACT

TEXTILE CERTIFICATE OF ORIGIN

1. Exporter Name & Address		2. Producer Name & Address	CE 45bis 1.01
			customs code No.:
3. Importer Name & Address		6. US/African Fabric Producer Name & Address	
4. Description of Article	5. Preference Group	7. US/African Yarn Producer Name & Address	
		8. US Thread Producer Name & Address	
		9. Name of Hand loomed, Handmade or Folklore Article	
10. Name of Preference Group H Fabric or Yarn:		10a. Name and address of US consignee	

Preference Groups:

- A: Apparel assembled from US-formed and cut fabric from US yarn [19 CFR 10.213(a)(1)]
 B: Apparel assembled and further processed from US-formed and cut fabric from US yarn [19 CFR 10.213 (a)(2)].
 C: Apparel cut and assembled from US fabric from US yarn and thread [19 CFR 10.213(a)(3)]
 D: Apparel assembled from regional fabric from yarn originating in the US 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 [19CFR 10.213(a)(6)]
 G: Sweaters knit to shape with 50 percent or more by weight of fine wool [19CFR 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 a beneficiary country (as identified in NAFTA) or designated as 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)]

11. I certify that the information on this document/ and the attached continuation sheet(s) number(s).....to..... *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 on or in connection with this document.
 I agree to maintain, and present upon request, documentation necessary to support this certificate.

*Delete and sign in full if not applicable.

12. Authorised Signature		13. Company
14. Name (Print or Type)		15. Title
16(a) Date (DD/MM/YY)	16(b) Blanket Period From: To:	17. Telephone Number: Fax Number:
<p>For Official Use of the Swaziland Customs & Excise Certificate of Origin CE45 bis 1.01 Number...../.....and Date.....</p> <p>Exporter's Registration (customs code)Number:...../.....</p> <p>Producer (Manufacturer) Registration Number: (customs code No.)</p> <p>(See overleaf for rules on completion of the Certificate of origin)</p>		

CE45bis1.01

Rules for the preparation of the Certificate of Origin as published in 19 CFR 10.214, pages 59679 and 59680 of the Federal Register Volume 65, No. 194 of 5 October 2000

- (1) **Blocks 1 through 5** pertain only to the final article exported to the United States for which preferential treatment may be claimed;
- (2) **Block 1** should state the legal name and address (including country) of the exporter;
- (3) **Block 2** should state the legal name and address (including country) of the producer. If there is more than one producer, attach a list stating the legal name and address (including country) of all additional producers. If this information is confidential, it is acceptable to state 'available to Customs upon request' in block 2. If the producer and the exporter are the same, state 'same' in block 2.
- (4) **Block 3** should state the legal name and address (including country) of the importer;
- (5) **Block 4** should provide a full description of each article. The description should be sufficient to relate it to the invoice description and to the description of the article in the international Harmonized System. Include the invoice number as shown on the commercial invoice or, if the invoice number is not known, include another unique reference number such as the shipping order number;
- (6) **In Block 5**, insert the letter that designates the preference group which applies to the article according to the description contained in the CFR provision cited on the Certificate for that group;
- (7) **Blocks 6 through 10** must be completed only when the block in question calls for information that is relevant to the preference group identified in block 5;
- (8) **Block 6** should state the legal name and address (including country) of the fabric producer;
- (9) **Block 7** should state the legal name and address (including country) of the yarn producer;
- (10) **Block 8** should state the legal name and address (including country) of the thread producer;
- (11) **Block 9** should state the name of the folklore article or should state that the article is handloomed or handmade;
- (12) **Block 10**, which should be completed only when preference group "H" is inserted in block 5, should state the name of the fabric or yarn that is not formed in the United States or a beneficiary country or that is not available in commercial quantities in the United States;
- (13) **Block 16a** should reflect that date on which the Certificate was completed and signed;
- (14) **Block 16b** should be completed if the Certificate is intended to cover multiple shipments

of identical articles as described in block 4 that are imported into the United States during a specified period of up to one year (see x 10.216 (b) (4) (ii)). The "from" date is the date on which the Certificate became applicable to the article covered by the blanket Certificate (this date may be prior to the date reflected in block 16a). The "to" date is the date on which the blanket period expires; and

- (15) The certificate may be printed and reproduced locally. If more space is needed to complete the Certificate, attach a continuation sheet.

**AFRICAN GROWTH AND OPPORTUNITY ACT
APPLICATION FOR VISA**

1. Exporter Name & Address		2. Producer Name & Address	CE 45is1.01(a)
			customs code No.:
3. Importer Name & Address		6. US/African Fabric Producer Name & Address	
4. Description of Article	5. Preference Group	7. US/African Yarn Producer Name & Address	
		8. US Thread Producer Name & Address	
		9. Name of Hand loomed, Handmade or Folklore Article	
10. Name of Preference Group H Fabric or Yarn		10a. Name and address of US consignee	

PREFERENCE GROUPS:

For Visa no. - For Certificate of Origin:

1. - A: Apparel assembled from US-formed and cut fabric from US yarn [19 CFR 10.213(a)(1)]
2. - B: Apparel assembled and further processed from US-formed and cut fabric from US yarn [19 CFR 10.213 (a)(2)].
3. - C: Apparel cut and assembled from US fabric from US yarn and thread [19 CFR 10.213(a)(3)]
4. - D: Apparel assembled from regional fabric from yarn originating in the US or one or more beneficiary countries [19 CFR 10.213 (a)(4)]
5. - E: Apparel assembled in one or more least developed beneficiary countries [19 CFR 10.213(a)(5)]
6. - F: Sweaters knit to shape in chief weight of cashmere [19CFR 10.213(a)(6)]
7. - G: Sweaters knit to shape with 50 percent or more by weight of fine wool [19CFR 10.213(a)(7)]
8. - H: Apparel cut and assembled in one or more beneficiary countries from fabrics or yarn not formed in the United States or a beneficiary country (as identified in NAFTA) or designated as not available in commercial quantities in the United States [19 CFR 10.213(a)(8) or (a)(9)]

9. - I: Handloomed, handmade or folklore articles [19 CFR 10.213 (a) (10)]

- 11.(a) I certify that the information on this document/ and the attached continuation sheet(s) numbered.....to.....*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.
- (b) I agree to maintain, and present upon request, documentation necessary to support this certificate.
- (c) I apply for the issue of a visa in respect of the articles described above.

*Delete whichever is not applicable and sign in full.

12. Authorised Signature		13. Company
14. Name (Print or Type)		15. Title
16(a) Date (DD/MM/YY)	16(b) Blanket Period From: To:	17. Telephone Number: Fax Number:
For Official Use of the Swaziland Customs & Excise Visa No:.....SZ.....Date..... Certificate of Origin No...../.....Date..... Exporter's Registration (customs code)No:..... Producer (Manufacturer) Registration No:..... (customs code No.) (Continued overleaf)		

CE45 bis 1.01(a)

Rules for the preparation of the application for a visa, which are the same as those published for the Certificate of Origin in 19 CFR 10.214, pages 59679 and 59680 of the Federal Register Volume 65, No. 194 of 5 October 2000, except for the underlined additions

- (1) **Blocks 1 through 5** pertain only to the final article exported to the United States for which preferential treatment may be claimed;
- (2) **Block 1** should state the legal name and address (including country) of the exporter;
- (3) **Block 2** should state the legal name and address (including country) of the producer. If there is more than one producer, attach a list stating the legal name and address (including country) of all additional producers. If this information is confidential, it is acceptable to state 'available to Customs upon request' in block 2. If the producer and the exporter are the same, state 'same' in block 2.
- (4) **Block 3** should state the legal name and address (including country) of the importer;
- (5) **Block 4** should provide a full description of each article. The description should be sufficient to relate it to the invoice description and to the description of the article in the international Harmonized System. Include the invoice number as shown on the commercial invoice or, if the invoice number is not known, include another unique reference number such as the shipping order number; insert for the visa application the total quantity and unit of quantity of the shipment in brackets below the description of the goods, for example, 510 doz.
- (6) **In Block 5**, insert the letter that designates the preference group which applies to the article according to the description contained in the CFR provision cited on the Certificate for that group; insert for the visa application the numerical equivalent of the alphabetical preference grouping and the line reference on the export bill of entry;

- (7) **Blocks 6** through 10 must be completed only when the block in question calls for information that is relevant to the preference group identified in block 5;
- (8) **Block 6** should state the legal name and address (including country) of the fabric producer;
- (9) **Block 7** should state the legal name and address (including country) of the yarn producer;
- (10) **Block 8** should state the legal name and address (including country) of the thread producer;
- (11) **Block 9** should state the name of the folklore article or should state that the article is handloomed or handmade;
- (12) **Block 10**, which should be completed only when preference group "H" is inserted in block 5, should state the name of the fabric or yarn that is not formed in the United States or a beneficiary country or that is not available in commercial quantities in the United States;
- (13) **Block 16a** should reflect the date on which the Certificate was completed and signed;
- (14) **Block 16b** should be completed if the Certificate is intended to cover multiple shipments of identical articles as described in block 4 that are imported into the United States during a specified period of up to one year (see 10.216 (b) (4) (ii)). The "from" date is the date on which the Certificate became applicable to the article covered by the blanket Certificate (this date may be prior to the date reflected in block 16a). The "to" date is the date on which the blanket period expires; and
- (15) The certificate may be printed and reproduced locally. If more space is needed to complete the Certificate, attach a continuation sheet.

AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)

Exporter's Application for Registration for the purposes of the AGOA (in accordance with the requirements of section 45bis(6) of the Customs and Excise Act, 21 of 1971	CE45bis 1.02 Customs Code
Textile and apparel articles manufactured in Swaziland or any other beneficiary sub-Saharan country for export to the United States of America for the purposes of obtaining preferential tariff treatment as contemplated in the AGOA	
Registered name: _____ Trade name: _____ Postal address: _____ _____ Postal code: _____ Street address _____ _____ Postal code: _____ District: _____ Telephone number _____ Fax number: _____	
I/We the undersigned undertake to – (a) Maintain complete books, accounts and other documents of the export of the covered articles, import documents and certificates of origin and other documents to prove the originating status of goods exported, for 5 years from the date of export and make such books, accounts and other documents available at the request of any officer of the United States Customs Service (USCS) or Swaziland Customs and Excise;	

- (b) Ensure compliance with the provisions of origin contained in section 334 of the Uruguay Round Agreements Act, the AGOA, 19 CFR 102.21 and Annex 401 to NAFTA (enactments, as defined in section 45bis.01 of the Customs and Excise Act) and any other enactment governing the preferential treatment of goods exported;
- (c) Cooperate with the USCS and Swaziland Customs and Excise in providing documents, correspondence and reports relevant to any investigation, permit visits to and inspections at premises and agree to personal interviews to ascertain needed facts;
- (d) Register with Swaziland Customs and Excise before exportation of any articles for the purposes of the AGOA and deregister when exports cease;
- (e) Consent to information regarding exports and imports of such covered articles be made available to the USCS as required in terms of section 113(a)(1)(C) of the AGOA;
- (f) Ensure that I/we are fully conversant with the requirements of the AGOA and other related US enactments, as well as the provisions of the Customs and Excise Act and rules and/or regulation;
- (g) Ensure the correctness of the information furnished on the certificate of origin and application for a visa;
- (h) Notify all persons in writing to whom a certificate of origin was given which I have reason to believe contains information that is not correct or of any change which could affect its accuracy or validity.

(Authorised signature)

(Date: YY/MM/DD)

Name in block letters: _____

Title: _____

NOTE: If the exporter is also the manufacturer of the goods exported, form CE45bis.1.03 must also be completed.

African Growth and Opportunity Act (AGOA)

Manufacturer's Application for Registration for the purposes of the AGOA (In accordance with the requirements of section 45bis(6) of the Customs and Excise Act, 21 of 1971)	CE45bis1.03 Customs Code Number
Manufacture of apparel articles for export to the United States of America for the purposes of obtaining preferential tariff treatment as contemplated in the AGOA	
Registered name: _____ Trade name: _____ Postal address: _____ _____ Postal code: _____ Street address _____ _____ Postal code: _____	

District: _____

Telephone number _____ Fax number: _____

I/We the undersigned undertake to –

- (a) Maintain complete books, accounts and other documents relating to the originating status, production and exportation of covered articles as specified in paragraph (b) for 5 years from the date of production or export or sale to an exporter and make such records available at the request of any officer of the United States Customs Service (USCS) and the Swaziland Customs and Excise;
- (b) Keep documentation and other information relating to the originating status and constituent materials of goods produced and exported, including but not limited to, production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, evidence of US and other materials used in the production of the article in question, such as purchase orders, invoices, bills of lading and other shipping documents, customs import and clearance documents, records of sale to the exporter and all export documents;
- (c) Ensure compliance with the provisions of origin contained in section 334 of the Uruguay Round Agreements Act, the AGOA, 19 CFR 102.21 and Annex 401 to NAFTA (enactments, as defined in section 45bis (1) of the Customs and Excise Act) and any other enactment governing the preferential treatment of goods exported;
- (d) Cooperate with the USCS and Swaziland Customs and Excise in providing documents, correspondence and reports relevant to any investigation, permit visits to and inspection at premises and agree to personal interviews to ascertain needed facts.
- (e) Register with Swaziland Customs and Excise before production of any articles begins for the purposes of the AGOA and deregister when production is closed or ceases;
- (f) Consent to information regarding shipments of such covered articles be made available to the USCS as required in terms of section 113(a)(1)(C) of the AGOA;
- (g) Ensure that I/we are fully conversant with the requirements of the AGOA and other related US enactments, as well as the provisions of the Customs and Excise Act and its rules and/or regulations; and
- (h) Notify all persons in writing to whom a certificate of origin was given which I have reason to believe contains information that is not correct or of any change which could affect its accuracy or validity.

(Authorised signature)_____
(Date: YY/MM/DD)_____
(Name in Block Letters)_____
(Title)

(Contact telephone number)

Notes:**If the manufacturer is also the exporter, a form CE45bis.1.02 must also be completed.**