

Export to the United States of America (AGOA) Regulations 2000

GN 193/2000

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 as amended in 2002;

Amended by [\[GN No. 145 of 2003\]](#)

"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;

"fee" means the fee payable under the Consumer Protection (Fees) Regulations 2005.

"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 as described in the First Schedule under the item "Group" in respect of which preferential treatment is claimed;

Amended by [\[GN No. 145 of 2003\]](#); Added by [\[GN No. 34 of 2005\]](#)

"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. Any person who wishes to export a product under these regulations shall apply for a visa.

Amended by [\[GN No. 208 of 2004\]](#)

4. (1) An application for a visa shall be made to the Permanent Secretary at least 15 days prior to the export of the product and shall be accompanied by-

- (a) the original commercial invoice together with 2 copies thereof;
- (b) the certificate in triplicate.

(2) Notwithstanding paragraph (1), the Permanent Secretary may, on good cause shown, consider an application for a visa provided the application is received within 15 days after the export of the product.

Amended by [\[GN No. 208 of 2004\]](#)

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.

5A Notwithstanding any other enactment, no civil liability shall attach to the Government of Mauritius, the Ministry and the Permanent Secretary for any act done in good faith

under these regulations on account of the non-acceptance by the customs authorities of the United States of America of a visa issued under regulation 5.

Added by [\[GN No. 208 of 2004\]](#)

6. Any person who manufactures or exports any product shall-
 - (a) register himself with the Ministry; and
 - (a) fill in and submit to the Permanent Secretary an Export Declaration Form as specified in the Second Schedule.

Amended by [\[GN No. 145 of 2003\]](#)

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 the 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
 - (c) the appropriate fee is paid.

Added by [\[GN No. 34 of 2005\]](#)

9. (1) Subject to paragraph (2), 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;
- (2) Where a visa is issued after the export of the product, the exporter shall forthwith produce to the Comptroller of Customs the original commercial invoice duly visaed by the Permanent Secretary.

Amended by [\[GN No. 208 of 2004\]](#)

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 in 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

(regulation 2)

AFRICAN GROWTH AND OPPORTUNITY ACT TEXTILE CERTIFICATE OF ORIGIN

| 1. Exporter Name and Address | | 3. Importer Name and address: |
|------------------------------|---|-------------------------------------|
| 2. Producer Name and Address | | 4. Preference Group |
| 5. Description of Article: | | |
| Group | Each description below is only a summary of the cited CFR provision | 19 CFR |
| 1-A | Apparel assembled from U.S. fabrics and/or knit-to-shape components, from U.S. yarns. All fabric must be cut in the United States. | 10.213(a)(1) |
| 2-B | Apparel assembled from U.S. fabrics and/or knit-to-shape components, from U.S. yarns. All fabric must be cut in the United States. After assembly, the apparel is embroidered or subject to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes. | 10.213(a)(2) |
| 3-C | Apparel assembled from U.S. fabrics and/or U.S. knit-to-shape components and/or U.S. and beneficiary country knit-to-shape components, from U.S. yarns and sewing thread. The U.S. fabrics may be cut in beneficiary countries or in beneficiary countries <u>and</u> the United States. | 10.213(a)(3) or 10.213(a)(II) |
| 4-D | Apparel assembled from beneficiary country fabrics and/or knit-to-shape components, from yarns originating in the United States and/or one or more beneficiary countries. | 10.213(a)(4) |
| 5-E | Apparel assembled or knit-to-shape and assembled, or both, | 10.213(a)(5) |

| | | |
|-----|--|------------------------------------|
| | in one or more lesser developed beneficiary countries regardless of the country of origin of the fabric or the yarn used to make such articles. | |
| 6-F | Knit-to-shape sweaters in chief weight of cashmere | 10.213(a)(6) |
| 7-G | Knit-to-shape sweaters.50 percent or more by weight of wool measuring 21.5 microns in diameter or finer. | 10.213(a)(7) |
| 8-H | Apparel assembled from fabrics or yarns considered in short supply in the NAFTA, or designated as not available in commercial quantities in the United States. | 10.213(a)(8) or 10.213(a)(9) |
| 9-I | Handloomed fabrics, handmade articles made of handloomed fabrics, or textile folklore articles – as defined in bilateral consultations | 10.213(a)(10) |

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|---|--|
| 6. U.S./African Fabric Producer Name and Address: | 7. U.S./African Yarn Producer Name and Address: |
| | 8. U.S. Thread of Short Supply or Designated Fabric or Yarn: |
| 9. Handloomed, Handmade, or Folklore Article: | 10. Name of Short Supply or Designated Fabric or Yarn: |

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,

| | | |
|---------------------------|--|------------------------------|
| 11. Authorized Signature: | | 13. Company: |
| 12. Name: (Print or Type) | | 14. Title: |
| 15. Date: (DD/MM/YY) | 16. Blanket Period From: To: | 17. Telephone: Facsimile: |

SECOND SCHEDULE

(regulation 6)

No:

DECLARATION BY THE EXPORTE-PRODUCER

I, the undersigned,

producer/exporter

(A) 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 Nodatedqualify for preferential treatment under the African Growth and Opportunity Act (A.G.O.A)

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

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- (ii)
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(C) SUBMIT: the following supporting documents:

(i)

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(ii)

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(iii)

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(iv)

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(v)

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(vi)

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(D) 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

Signature

Amended by [\[GN No. 145 of 2003\]](#)