

**DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection (CBP)**

CBP Directive No. 3280-013B

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ORIGINATING OFFICE: FO: CCS

SUPERSEDES: 3280-013A, 2/4/2000

REVIEW DATE: AUGUST 2013

SUBJECT: ACCEPTANCE OF TEMPORARY ADMISSION CARNETS

1 PURPOSE.

1.1 To provide instructions for the use of ATA¹ and TECRO/AIT² Carnets for the temporary admission of goods.³

2 POLICY.

2.1 The carnet refers to the document issued pursuant to the Annex to the Customs Convention on the Carnet for the Temporary Admission of Goods (TIAS 6631) to allow the temporary admission of certain goods, into the participating countries, in place of the customs documents usually required. The carnet serves as both bond and entry for articles that are subject to various customs procedures, such as temporary admission and transportation in-bond (transit). The carnet guarantee is based on an international agreement whereby a national guaranteeing association is held jointly and severally liable with the carnet holder for compliance with customs procedures for which the carnet was issued. This includes payment of any sums due in the event of non-compliance with customs procedures, which could be in an amount equal to 110 percent of the duties. In the United States, the U.S. Council for International Business (USCIB) is the designated organization responsible for issuing and guaranteeing any valid carnet.

2.2 The carnet is valid for a time period of one year from the date of issuance. This time period may not be extended and may not exceed the one-year limit. Once the carnet has been issued, no extra items shall be added to the list of goods enumerated

¹ The acronym ATA is a combination of French and English phrases "Admission Temporaire/Temporary Admission."

² Taiwan and the United States have a special Carnet arrangement known as the TECRO/AIT carnet. The acronym stands for the two organizations that are parties to the agreement: the Taipei Economic and Cultural Representative Office and the American Institute in Taiwan.

³ Although the United States acceded to the Convention on International Transport of Goods Under Cover of TIR Carnets there are no approved guaranteeing associations in the United States to guarantee TIR Carnets. Consequently, TIR Carnets may not be used in the United States.

either on the reverse of the cover of the carnet or on any continuation sheet annexed thereto. The carnet is a singular document that may be used for multiple temporary importations and exportations within the one-year time limit.

3 REFERENCES.

3.1 19 USC 1202, subheadings 9813.0020, 9813.0025 and 9813.00.50, HTSUS; 19 CFR 10, 113,114, and 143, T.D. 02-20, Section V, Paragraph G dated April 19, 2002; T.D. 69-68 dated February 26, 1969; T.D. 69-146 dated June 25, 1969; T.D. 70-134 dated June 13, 1970; T.D. 82-116 dated June 24, 1982; and T.D. 84-213 dated October 19, 1984; Annex to the Customs Convention on the Carnet for the Temporary Admission of Goods (TIAS 6631).

4 RESPONSIBILITY.

4.1 Directors, Field Operations, are responsible for ensuring that the provisions of this Directive are carried out effectively and uniformly throughout their areas of responsibility.

4.2 Port Directors are responsible for ensuring that the provisions of this Directive are followed and uniformly applied. They are also responsible for the dissemination of the contents of this Directive to personnel within their jurisdiction.

5 SCOPE.

The carnet is acceptable for the following two categories of goods to be temporarily entered, or temporarily entered and transported:

5.1 Professional equipment (Attachment 2, Appendix A), and

5.2 Commercial samples and advertising material imported for the purpose of being shown or demonstrated with a view toward soliciting orders. (Attachment 2, Appendix B).

6 PROCEDURES.

6.1 The carnet shall be accepted and processed in accordance with Parts 10, 113, and 114 of the CBP Regulations (Title 19, Code of Federal Regulations) and the instructions attached to this Directive (Attachment 1).

6.2 Claims for liquidated damages or regularization should be forwarded to:

ATA Carnet Department
U.S. Council for International Business
1212 Avenue of Americas

New York, NY 10036

6.3 Inquiries concerning the identification and processing of liquidated damages for failure to export timely or destroy bonded merchandise should be forwarded to the Fines, Penalties & Forfeitures Office in the local CBP port.

7 MEASUREMENT.

7.1 Directors, Field Operations, shall ensure that ports under their jurisdiction are accountable for the collection of statistics pertaining to the movement of both U.S. issued and foreign carnets.


Assistant Commissioner
Office of Field Operations

Attachments

ATTACHMENT 1

INSTRUCTIONS FOR THE USE OF TEMPORARY ADMISSION (ATA and TECRO/AIT) CARNETS IN THE UNITED STATES

I. DEFINITIONS⁴

For the purpose of this Directive:

- (a) The term "IMPORT DUTIES" means customs duties and all other duties and taxes payable on or in connection with importation and shall include all internal revenue taxes and excise duties chargeable on imported goods. It does not include fees and charges that are limited to the approximate cost of services rendered.
- (b) The term "TEMPORARY ADMISSION" means temporary importation free of import duties in accordance with the conditions established by the ATA Convention or by the laws and regulations of the U.S.
- (c) The term "TRANSIT" means the conveyance of goods from one CBP office to another CBP office within the customs territory of the United States, in accordance with the conditions established by the U.S. laws and regulations.
- (d) The term "ATA and TECRO/AIT CARNET" (Admission Temporaire-Temporary Admission) means the document reproduced as the Annex to the Customs Convention on the ATA and TECRO/AIT Carnet for the Temporary Admission of Goods (TIAS 6631).
- (e) The term "PERSON" means both natural and legal persons, unless the context otherwise requires, such as the exemption for professional equipment. This provision should be used solely for the non-resident natural person(s) who will use the equipment in the United States.
- (f) The term "ISSUING ASSOCIATION" means an association approved by CBP for the issuance of ATA and TECRO/AIT Carnets in the U.S. customs territory
- (g) The term "GUARANTEEING ASSOCIATION" means an association approved by CBP to guarantee the payment of customs duties of goods covered by ATA and TECRO/AIT Carnets imported into the territory of the U.S.

⁴ See Articles 1 and 4, ATA Convention; and 19 C.F.R. § 114.1.

- (h) The term "GENERAL LIST" means the itemized list of goods printed on or affixed to the reverse of the front green cover and vouchers, including all continuation pages that are validated with a seal by the issuing association.
- (i) The term "COUNTERFOIL" means the portion of the carnet that serves as the Holder's receipt of the carnet transaction.
- (j) The term "VOUCHER" means the portion of the carnet that serves as the CBP receipt of the carnet transaction.

II. GENERAL

The temporary admission of the ATA Carnet (and the related TECRO/AIT Carnet) is an international customs document that is backed by an international guarantee. They were designed to simplify and streamline customs procedures for the temporary entry of certain goods. Carnets facilitate multiple temporary importations/exportations of goods into various countries during the period of validity of the carnet. The period is limited to one year from the date of issuance. Carnets simultaneously serve as the CBP entry document and bond or financial guarantee. However, the use of carnets does not exempt the merchandise from any applicable laws, regulations and procedures.

TECRO/AIT Carnets, used exclusively between Taiwan and the United States, follow the same rules that apply to the ATA Carnet. TECRO/AIT Carnets are distinguishable by the use of English and Chinese on the green cover. Also, the countries box on the front green cover indicates only the United States and Taiwan. Goods covered by ATA and TECRO/AIT Carnets may be exported and re-imported simultaneously. The general list of such carnets should be identical. The ATA and TECRO/AIT Carnets consist of green front and back covers and counterfoils and vouchers. The counterfoil remains in the carnet and the detachable voucher serves as the required CBP document. (See Attachment 1, Heading IX, Processing of U.S. Carnets, under General Information).

Counterfoils and vouchers are issued in sets (exportation/re-importation and importation/re-exportation) and should be used in sequential order. The number of sets of counterfoils/vouchers is determined by the issuing association. They are color-coded for ease of reference:

- Yellow counterfoils/vouchers are for use by the customs administration of the country that issued the carnet. There are no yellow vouchers for U.S. carnets.
- White counterfoils/vouchers are used by the customs administration of the country where importation/re-exportation is being made.
- Blue counterfoils/vouchers are used for movement of the goods within a country under the transit movement procedures.

A carnet also contains a General List identifying the merchandise that is being exported, imported or transited on the carnet. The list is attached to the back of the green front cover and each voucher. Per 19 CFR 114.3(a)(3), an English translation shall be included when the goods covered under the carnet are described in another language. The size of the ATA and TECRO/AIT Carnets is 8 ½" X 11 ½."

III. ISSUANCE AND GUARANTEE

Carnets are not issued by CBP. The United States has approved the U.S. Council for International Business (USCIB) as the guaranteeing association for carnets. Carnets are issued by USCIB and its service providers, which have been approved by CBP.

IV. VALIDITY AND RESTRICTIONS

Carnets are valid for up to one year from the date of issuance. That one-year period cannot be extended or suspended. Carnets are *not* accepted once the one-year period of validity has expired.

Carnets shall not be accepted for importations by mail, nor shall they be accepted for the importation/exportation of merchandise intended for processing or repair in the United States. They are only to be used for the importation of merchandise listed in 19 CFR 114.22.

Any quota merchandise imported on a carnet will be charged against the appropriate quota category. No cancellation of the quota charge may be made upon re-exportation.

Any merchandise which is intended to be given away, discarded or consumed is not permitted on a carnet.

V. DUPLICATE CARNETS

If a U.S. or foreign ATA or TECRO/AIT Carnet is lost, stolen or destroyed, the holder may request a duplicate carnet from the office, U.S. or foreign, that issued the document. A U.S. duplicate carnet number will be identical in all respects to the original, with the exception that the carnet number will have a suffix of "/S." Other carnet countries have different methods to identify duplicate carnets, e.g. "ersatz," or "duplicate." CBP shall accept the duplicate carnet as long as it expires on the same date as the original carnet and has the same General List.

VI. REPLACEMENT CARNETS

CBP does not accept "replacement carnets," *i.e.*, newly issued carnets, issued

by foreign countries. Some foreign countries, however, will accept a replacement carnet that extends the validity of an expired original U.S. carnet. Thus, USCIB issues such for U.S. exporters for use abroad and to document the return of goods to the United States. A replacement carnet contains the same General List as the original carnet and, is assigned a new carnet number and new expiration date.

VII. CONVERSION TO A TEMPORARY IMPORTATION BOND (TIB)

Since foreign carnets may not be extended while in the U.S., conversion to a TIB is possible in order to keep the merchandise beyond the expiration of the carnet, provided that the carnet has not expired. Once the TIB is substituted for a carnet, the TIB time period is for one year with no more than one additional extension of one year. The carnet number should be listed on the TIB and the merchandise description, weight (if applicable), and value (in U.S. Dollars) should match the carnet General List as closely as possible.

VIII. INFORMATION CONTAINED IN THE CARNET

General

The issuing association will complete the general information on the front green cover of the carnet. They will also complete the General List on the reverse of the cover and vouchers, based on the information provided to it by the applicant. The required vouchers will be completed by the holder of the carnet or their representative.

A. Front and Back Green Cover Requirements

The front and back green cover of the carnet will accurately reflect the following information:

- (1) The Name of the Issuing Association; (Box G (b));
- (2) The International Guaranteeing Chain; (back of green cover);
- (3) The countries in which the carnet may be used; (Box P);
- (4) The Guaranteeing Association in each country;
- (5) A clearly legible carnet number (which is assigned by the issuing association) along with the number of continuation sheets; (Box G (a));
- (6) The period of validity (up to 1 year from date of issuance); (Box G (c));
- (7) Intended Use of Goods (For foreign carnets, this must be one of the acceptable categories listed under 19 CFR 114.22); (Box C);
- (8) The Name and Address of the holder of the carnet (Box A);
- (9) The signatures of both the issuing association and the holder; (Boxes I and J);
- (10) The box for "CERTIFICATE BY CUSTOMS AT DEPARTURE";

- (Box H);
- (11) Authorized representative(s) appointed by the holder; (Box B).

B. The General List

The General List will be completed as follows:

- (1) All merchandise covered by the carnet will be entered in columns 1 through 6.
Additional spaces for certification by CBP made in column 7;
- (2) Continuation sheets (provided that space on reverse of cover and voucher is insufficient) must be stamped by the issuing association;
- (3) In order to close the General List, the totals of columns 3 and 5 shall be entered at the end of the list;
- (4) Upon issuance of the carnet, no additional items may be added to the General List or its continuation sheets.

C. Counterfoils

- (1) The counterfoils remain in the carnet. They describe the action taken by the customs officials every time merchandise enters or leaves a country.
- (2) Pertaining to a partial/split shipment, see Section X.

D. Vouchers

- (1) Vouchers are retained by customs administrations and serve as a receipt of the carnet transactions. They describe the action taken by CBP official every time the merchandise enters or leaves a country.
- (2) U.S. carnets do not contain vouchers.
- (3) Pertaining to partial/split shipment, see Section X.
- (4) Goods that are to be imported, re-exported or transited are to be listed on the reverse of the voucher under the same item number allotted to them on the General List.
- (5) The goods listed on the General List voucher must be in English or accompanied by an English translation. (This is to help facilitate duty classification at the time of any subsequent breach of the agreement.)
- (6) Every time a foreign carnet is to be used for importation, re-exportation or transit, the holder or its specified representative, or the issuing association shall complete the sections of the appropriate voucher as follows:

- (a) Holder and Address (Box A);

- (b) Represented By (Box B);
- (c) Intended Use of Goods (Box C);
- (d) Means of Transport (Box D);
- (e) Packing Details (Box E);
- (f) Temporary Importation or Re-exportation Declaration (Box F);
- (g) Voucher Number (Box G);
- (h) Carnet Number (Box G (a));
- (i) The name of the issuing association (Box G (b));
- (j) The period of validity (Box G (c)).

IX. PROCESSING OF FOREIGN CARNETS

General Information

The merchandise contained on the carnet must qualify for the carnet procedure, as listed under 19 CFR 114.22, before the merchandise may be admitted. The carnet may only be accepted for entry of merchandise itemized and described on the General List. Every time, any or all of the merchandise covered by a carnet is to enter or depart the United States, the carnet holder must present the carnet to a CBP officer. The carnet should include a properly completed voucher along with merchandise pertaining to the voucher. When only a portion of the goods covered under the carnet is presented for importation or re-exportation, the holder must make a declaration on the relevant voucher of those item numbers. Import licenses or certifications for other federal, state, or local Government agencies must be presented when required. Carnets are to be filled out in ink. Any carnet filled out in pencil will *not* be accepted.

Importation

- (1) The carnet will be filed in lieu of entry documentation and entry bond. Evidence of the right to make entry shall also be presented by the carnet holder or representative, when necessary.
- (2) The carnet shall be reviewed for correctness and completeness. The CBP officer will conduct the following:
 - a) Confirm the carnet has not expired. If the carnet is past the expiration date, it will not be accepted;
 - b) Verify that the front green cover of the carnet has been signed by both the holder and the issuing association;
 - c) Confirm the "Certificate by Customs at Departure" has been completed. If it has not been completed, the CBP officer shall either:
 - i) Verify the exportation counterfoil has been completed as well as the front green cover being signed by both the holder and issuing association. If those requirements have been met, the CBP officer shall fill out the importation counterfoil,

- or
 - ii) Verify the exportation counterfoil has been completed, as well as the front green cover being signed by both the holder and issuing association. If either of those requirements has NOT been met, the carnet will be rejected back to the holder to obtain the necessary information from the foreign customs authority;
 - d) Verify that Boxes A, B, C, D, E and F are completed on the front of the white importation voucher and the holder or authorized representative has signed it;
 - e) Verify that the merchandise that is to be imported matches the merchandise described on the General List attached to the back of the importation voucher. Discrepancies should be annotated in Box H (d), Other Remarks.
 - f) Validate that the merchandise is eligible for temporary importation under carnet procedures listed under 19 CFR 114.22. Some questions to ask when validating the merchandise:
 - i) Are the goods samples? If so, will they be sold or offered for sale?
 - ii) What does the importer intend to do with the goods in the United States?
 - iii) Are the goods professional equipment?
 - A) If so, is the carnet holder the non-resident natural person who will use the goods temporarily in the United States?
 - B) If not, is the non-resident natural person that is representing the foreign based organization identified on the carnet?
 - C) If the equipment is crew-operated, is the crew supervisor identified as the non-resident natural person who will direct the operations of the crew?
 - D) Because the entry of professional equipment is a personal exemption, the carnet must list the natural person who is visiting the United States and who will use the equipment.
 - E) Examine the merchandise if necessary.
- (3) The CBP officer will then complete all sections of the counterfoil and affix their signature and CBP stamp in Box 8.
- (4) The CBP officer will also complete all of Section H of the voucher and affix his/her signature and CBP stamp.

- (5) The CBP officer will then determine the final date for re-exportation/production to CBP. That date must be shown both on the importation counterfoil and voucher.
- (6) On the corresponding re-exportation voucher under Box H (e), a notation shall be made as to the CBP port office where the merchandise was imported. This will allow the port of re-exportation to transfer the re-exportation voucher to the port of importation for proper discharge.
- (7) The CBP officer will subsequently remove the importation voucher, leaving the counterfoil with the carnet. The carnet will also be returned to the holder and the merchandise shall be released.
- (8) The importation voucher will be filed in a suspense file, by date, pending the receipt of a properly executed re-exportation voucher.
- (9) Should the re-exportation and/or destruction documentation not be received within 30 days after expiration of the carnet, appropriate action will be taken in accordance with 19 CFR 10.39(d)(2) and Section V, Paragraph G, T.D. 02-20.

Re-Exportation

- (1) The carnet shall be reviewed for correctness and completeness. The CBP officer will conduct the following:
 - a) Confirm that the carnet has not expired. If the carnet is past the expiration date, the CBP officer will annotate on the re-exportation counterfoil and voucher, "*Goods subject to claim for payment of liquidated damages under 19 CFR 10.39(d)(2); stipulated period of importation exceeded.*" **The notation of the export date is not sufficient.**
 - b) Confirm that Boxes A, B, C, D, E and F are completed on the front of the white re-exportation voucher and that the holder has signed it.
 - c) Verify that the merchandise that is to be re-exported matches the merchandise described on the General List attached to the back of the re-exportation voucher.
 - d) Validate that all the merchandise that was imported, as indicated on the re-exportation voucher, is to be re-exported. If items imported are not re-exported, such discrepancies should be annotated in Box H (b) and (c) on the voucher. All discrepancies should be accounted for as follows:
 - 1) The holder of the carnet has followed directions as listed in Section X of this directive for merchandise that is to be re-exported in split shipments;

- 2) Merchandise has been destroyed in accordance with CBP laws, regulations and procedures;
 - 3) A demand for liquidated damages has been prepared and issued to the guaranteeing association pursuant to 19 CFR 10.39(d)(2).
- e) Examine the merchandise, if necessary.
- (2) The CBP officer will complete all sections of the re-exportation counterfoil in a legible manner. Information on the counterfoil should match that which was entered on the voucher.

The officer will affix his/her signature and CBP stamp in Box 8. Any discrepancies shall be annotated in the appropriate box and a conditional discharge of the merchandise shall be given.
- (3) The CBP officer will also complete all of Box H of the re-exportation voucher in a legible manner. Information on the voucher should match that which is entered on the counterfoil. Upon completion of the required information, the officer will affix their signature and CBP stamp. Any discrepancies shall be annotated in Box H (f), and a conditional discharge of the merchandise shall be given.
- (4) The CBP officer will remove the voucher. The voucher shall subsequently:
 - a) Be compared with the importation voucher to ensure that all merchandise is properly accounted for, if the port of re-exportation is the same as the port of importation; and
 - b) Be sent to the USCIB, if the port of re-exportation is not the port of importation. The USCIB will forward the voucher to the port of importation for reconciliation or further action.
- (5) In the event of a failure to properly export or destroy merchandise, covered under a carnet, the port of original importation shall take the appropriate action in accordance with 19 CFR 10.39(d)(2).

Transit (Inbound)

General

ATA and TECRO/AIT Carnets may be presented to cover the transit movement of goods from one foreign country through the United States to another foreign country, or between two U.S. ports. For example, merchandise arriving in

Chicago and transported to Canada through in-bond movements; or merchandise arriving in New York, which is transported to Houston before final arrival at destination in Mexico.

Clearance for Transit

Before executing the blue transit vouchers, the CBP officer must determine if the movement of merchandise qualifies as an in-transit movement according to CBP regulations. If the merchandise qualifies, the following steps should be taken:

(1) When merchandise is arriving on a carnet for transit through the United States, the CBP officer will:

- a) Confirm that the carnet has not expired. If the carnet is past the expiration date, it will not be accepted.
- b) Verify that the front green cover of the carnet has been signed by both the holder and the issuing association.
- c) Confirm that the "Certificate by Customs at Departure" has been completed. If it was not completed the CBP officer shall either:
 - i) Verify that the exportation counterfoil and voucher have been completed, as well as the front green cover being signed by both the holder and issuing association. If those requirements have been met, the CBP officer shall fill out the transit counterfoil, or
 - ii) Verify that the exportation counterfoil has been completed as well as the front green cover being signed by both the holder and issuing association.

If either of those requirements has NOT been met, the carnet will be rejected back to the holder to obtain the necessary information from the foreign customs administration.

- d) Verify that Sections A, B, C, D, E and F are completed on the front of the two blue transit vouchers and the holder has signed them.
- e) Validate that all the merchandise to be dispatched in transit matches the description of the items contained on the General List and on the reverse of the two blue transit vouchers.
- f) Examine the merchandise, if necessary.

(2) The CBP officer will complete the sections, "Clearance for Transit" sections, of BOTH of the blue transit counterfoils and affix his/her signature and CBP stamp in Box 7.

- (3) The CBP officer will also complete all of Box H (a-e, only) of both of the blue transit vouchers and affix his/her signature and stamp. The CBP officer will, if necessary, secure the goods with CBP seals and record the seal numbers in Box H, part d of both the blue transit vouchers.
- (4) The CBP officer will remove one of the blue transit vouchers, leaving the counterfoil with the carnet. The carnet will be returned to the holder and the merchandise shall be released.

Transit (Outbound)

- (1) When merchandise arriving on a carnet for discharge at destination after transit through the United States, the CBP officer will:
 - a) Confirm that the carnet has not expired. If the carnet is past the expiration date, the CBP officer will annotate on the second transit counterfoil and voucher, "*Goods subject to claim for payment of liquidated damages under 19 CFR 10.39(d)(2); stipulated period of importation exceeded.*" **(NOTE: The notation of the export date only is not sufficient).**
 - b) Confirm that Sections A, B, C, D, E and F are completed on the second blue transit voucher and the holder has signed it.
 - c) Verify that all of the merchandise to be discharged matches the items contained on the General List and on the reverse of the remaining blue transit voucher.
 - d) Confirm that all of the merchandise that was cleared for transit, as indicated on first transit counterfoil, is to be exported.
Discrepancies should be annotated as follows:
 - 1) The holder of the carnet has followed directions as listed in Part X of this directive for merchandise that is to be re-exported in split shipments.
 - 2) Merchandise has been destroyed in accordance with CBP laws, regulations and procedures.
 - 3) All applicable liquidated damages have been paid pursuant to 19 CFR 10.39(d) (2).
 - e) Verify that the seals are intact and that the numbers are the same as recorded in Box H, part d on the remaining transit voucher. If the seals are broken, normal penalty procedures for such offenses shall be applied.

- (2) The CBP officer will complete the sections, "Certificate of discharge by the Customs Office of destination" of the counterfoil in a legible manner. Upon completion of the required information, the officer will affix his/her signature and stamp in Box 6. Any discrepancies shall be annotated on line 2, Other Remarks and a conditional discharge of the merchandise shall be given.
- (3) The CBP officer will also complete Box H of both the blue transit vouchers in a legible manner.

Upon completion of the required information, the officer will affix his/her signature and stamp. Any discrepancies shall be annotated in Box H, g, "Other Remarks" and any applicable penalties shall be assessed.
- (4) The CBP officer will remove the remaining blue transit voucher. The voucher shall then be returned to the original port of entry; or can be sent to the USCIB, if the transit port of export is not the transit port of import. The USCIB will forward the voucher to the appropriate port for reconciliation or further action.
- (5) The CBP officer will return the carnet to the holder.

X. PROCESSING OF U.S. CARNETS

General Information

U.S. carnets (ATA or TECRO/AIT) will be accepted in lieu of CBP Form 4455 (Certificate of Registration). Each time any or all of the merchandise covered by the carnet departs or re-enters the United States, the carnet holder must present the carnet package to a CBP official. It is permissible that two carnets (ATA and TECRO/AIT Carnets) with identical General Lists be presented simultaneously to CBP for activation and validation at the time the carnets depart and/or re-enter the U.S.

The merchandise covered under the carnet must be available for inspection at the time the carnet is presented. Export licenses and other Government agency certifications must be presented when required. It is the responsibility of the holder, not CBP or the issuing association, to ensure that merchandise can be temporarily imported into the destined country. Carnets are to be filled out in ink. Any carnet filled out in pencil will not be accepted.

Exportation

- (1) The front green cover (Box H) of the carnet must be activated by CBP prior to or at the time of the first exportation. The purpose of activation is to confirm the description of goods on the General List. Activation of the

front green cover may be done with or without an examination.

The U.S. carnet serves as a registration document in order to establish eligibility under subchapter 1, Chapter 98, HTSUSA on its return from abroad. The validation need not be done at the actual point of exportation.

There are a couple of ways in which the validation may take place:

- a) The carnet, with or without the merchandise, can be validated by CBP at the nearest cargo office.

The validation can take place a few days/weeks prior to the exportation or immediately before the merchandise is exported. This is usually for merchandise being shipped by a conveyance.

- b) The carnet, with or without the merchandise, can be validated by CBP at the airport of departure; (Please verify hours of operation with local CBP before doing so.) This is usually done prior to the holder's flight departing and is for merchandise being hand carried on to the aircraft.

- (2) The carnet, with its exportation counterfoil, shall be presented to CBP for validation. The merchandise shall be made available for examination upon export. Other documentation shall also be presented to the CBP officer with the carnet should the officer not require examination.

This documentation could be:

- a) Air Waybill
- b) Bill of Lading
- c) Rail Manifest
- d) Truck Manifest
- e) Commerce License, Department of State license, or license exemption, and Electronic Export Information, when applicable, in conjunction with the above documentation.

- (3) The carnet shall be reviewed for correctness and completeness. The CBP officer will:

- a) Confirm that the carnet has not expired. If the carnet is past the expiration date, it will not be accepted and will be returned to the holder.
- b) Verify that the front green cover of the carnet has been signed by both the holder or an authorized representative, and the issuing

association. If it is not signed, return to the holder to obtain the required signatures.

- c) Confirm that Box H of the front green cover has been validated by CBP upon activation. If it has not been activated, the CBP officer should affix his/her signature and CBP stamp in Box H. This can be done at the same time as the exportation counterfoil is completed.
 - d) Certify that the carnet has been presented by the holder or his/her specified representative listed in Box B.
 - e) Verify that the items listed on the General List are complete and accurate descriptions of the merchandise. The listing must be sufficient to identify the item(s) upon re-importation and should have identification marks, such as serial numbers, as appropriate.
 - f) Examine the merchandise, if necessary.
- (4) The CBP officer will then complete all sections of the exportation counterfoil and affix his/her signature and stamp in Box 7.
- (5) The CBP officer will return the carnet to the holder.

Re-Importation

- (1) The carnet, including the re-importation counterfoil and evidence of the right to make entry if required, shall be delivered to the CBP officer. The carnet will be in lieu of:
- a) Entry or payment of duty for articles listed under 19 CFR 10.68(a). If examination reveals that returning merchandise was processed or repaired abroad or does not otherwise qualify for return without entry or payment of duty (see subheading 9801, HTSUS, 19 CFR 10.68, 143.21(i) and 143.23(e) for examples), a formal or informal entry with bond shall be required.
 - b) CBP Form 4455 "Certificate of Registration."
- (2) The carnet shall be reviewed for correctness and completeness. The CBP officer will:
- a) Confirm that the carnet has not expired. If the carnet is past the expiration date, the merchandise should still be accepted for the re-importation as long as the CBP officer is satisfied that the merchandise does not qualify for formal entry or payment of duties.
 - b) Verify the front green cover of the carnet has been signed by both the holder or their authorized representative and the issuing association and, that the "Certificate by Customs at Departure" has been completed. If it has not been completed, the CBP officer may choose to examine the returning goods and should activate the carnet by signing and stamping Box H of the front green cover.
 - c) Verify that the merchandise that is to be re-imported matches the merchandise described on the General List and ensure that the

item numbers from the General List are enumerated, e.g. 1-3, 6, 9, 15-33, etc. on the re-importation counterfoil.

There are no U.S. penalties for merchandise that is not returning.

- d) Confirm that the merchandise being re-imported has not been advanced in value.

- (3) The CBP officer will complete all sections of the counterfoil in a legible manner, ensuring that the item numbers from the General List are enumerated. Upon completion of the required information, the officer will affix his/her signature and stamp in Box 6.

- (4) The CBP officer will return the carnet to the holder without removing the counterfoil.

- (5) In the event that the holder fails to have the carnet stamped upon re-importation, it is possible for a CBP official to validate a Certificate of Disposition (CBP Form 3227), per instructions outlined in CBP Directive 3550-17B. Box #8 must be checked and the merchandise description must match the carnet General List.

XI. PARTIAL/SPLIT SHIPMENTS

The carnet is designed to permit merchandise listed on the General List to be split into smaller shipments. If all items on the General List are not included on a particular import/export, it is necessary to identify which items are actually being imported/exported on the corresponding counterfoils and vouchers.

Merchandise that enters or leaves the United States as separate consignments may be consolidated at the time of re-importation or re-exportation.

FOREIGN CARNETS

The Holder Must:

- a) Indicate the items being imported, re-exported or dispatched for transit in Box F (a) of the appropriate voucher; and
- b) Cross off items not included in the transaction on the reverse of the voucher.

For split or partial shipments, the CBP officer shall annotate the following:

- a) The item numbers being imported, re-exported or dispatched for transit in Box 1 of the appropriate counterfoil;
- b) Complete all sections of the counterfoil in a legible manner;
- c) Affix their signature and stamp in the appropriate boxes; and

- d) Return the carnet to the Holder without removing the counterfoils.

U.S. CARNETS

For split or partial shipments, the CBP officer shall complete the following:

- 1) Annotate the item numbers being exported or re-imported in Box 1 of the appropriate counterfoil;
- 2) Complete all sections of the counterfoil in a legible manner;
- 3) Affix his/her signature and stamp in the appropriate boxes;
- 4) Return the carnet to the Holder without removing the counterfoils.

XII. ENFORCEMENT

CBP officers, as appropriate, should query TECS on any person or company that is importing or exporting merchandise under a carnet.

CBP officers are reminded that carnets do not relieve the requirements for licenses under 22 CFR 120-130 (State Department), 15 CFR 730-799 (Department of Commerce) or any other regulatory requirement of a federal, state, or local government agency.

ATTACHMENT 2

APPENDIX A

ANNEX A

to the “Professional Equipment” Convention

Equipment for the press or for sound or television broadcasting

1. Definition

For the purposes of the present Annex, the term “equipment for the press or for sound or television broadcasting” means equipment necessary for representatives of the press or of broadcasting or television organizations visiting a country for purposes of reporting or in order to transmit or record material for specified programmes.

2. Conditions for granting temporary admission

The equipment:

- (a) shall be owned by a natural person resident abroad or by a legal person established abroad;
- (b) shall be imported by a natural person resident abroad or by a legal person established abroad;
- (c) shall be capable of identification on re-exportation; provided that in the case of blank sound or image recording media the most flexible means of identification shall be applied;
- (d) shall be used solely by or under the personal supervision of the visiting person;
- (e) shall not be the subject of a hire contract or similar arrangement to which a person resident or established in the country of temporary importation is a party, provided that this condition shall not apply in the case of joint sound or television broadcasting programmes.

3. Illustrative list

(a) Equipment for the press, such as:

Typewriters;
Photographic or cinematographic cameras;
Sound or image transmitting, recording or reproducing apparatus; or
Blank sound or image recording media.

- (b) Sound broadcasting equipment, such as:
- Transmission and communication apparatus;
 - Sound recording or reproducing apparatus;
 - Testing and measuring instruments and apparatus;
 - Operational accessories (clocks, stop-watches, compasses, generating sets, transformers, batteries and accumulators, heating and ventilating apparatus, etc.); or
 - Blank sound recording media.
- (c) Television broadcasting equipment, such as:
- Television cameras;
 - Telekinema;
 - Testing and measuring instruments and apparatus;
 - Transmission and retransmission apparatus;
 - Communication apparatus;
 - Sound or image recording or reproducing apparatus;
 - Lighting equipment;
 - Operational accessories (clocks, stop-watches, compasses, generating sets, transformers, batteries and accumulators, heating and ventilating apparatus, etc.);
 - Blank sound or image recording media;
 - “Film rushes”; or
 - Musical instruments, costumes, scenery, and other stage properties.
- (d) Vehicles designed or specially adapted for the purposes specified above.

ANNEX B
to the “Professional Equipment” Convention

Cinematographic equipment

1. Definition

For the purposes of the present Annex, the term “cinematographic equipment” means equipment necessary for a person visiting a country in order to make a specified film or films.

2. Conditions for granting temporary admission

The equipment:

- (a) shall be owned by a natural person resident abroad or by a legal person established abroad;

- (b) shall be imported by a natural person resident abroad or by a legal person established abroad;
 - (c) shall be capable of identification on re-exportation; provided that in the case of blank image or sound recording media the most flexible means of identification shall be applied;
 - (d) shall be used solely by or under the personal supervision of the visiting person, provided that this condition shall not apply in the case of equipment imported for the production of a film under a co-production contract to which a person resident or established in the country of temporary importation is a party and which is approved by the competent authorities of that country under an inter-governmental agreement concerning cinematographic co-production;
 - (e) shall not be the subject of a hire contract or similar arrangement to which a person resident or established in the country of temporary importation is a party.
3. Illustrative list
- (a) Equipment for the press, such as:
 - Cameras of all kinds;
 - Testing and measuring instruments and apparatus;
 - Camera “dollies” and booms;
 - Lighting equipment;
 - Sound recording or reproducing apparatus;
 - Blank image or sound recording media;
 - “Film rushes;”
 - Operational accessories (clocks, stop-watches, compasses, generating sets, transformers, batteries and accumulators, heating and ventilating apparatus, etc.); or
 - Musical instruments, costumes, scenery, and other stage properties.
 - (b) Vehicles designed or specially adapted for the purposes specified above.

ANNEX C
to the “Professional Equipment” Convention

Other professional equipment

1. Definition

For the purposes of the present Annex the term “other professional equipment” means equipment, of a kind not referred to in the other Annexes to the present convention, necessary for the exercise of the calling, trade or profession of a person visiting a country to perform a specified task. It does not include

equipment that is to be used for internal transport or for the industrial manufacture or packaging of goods or (except in the case of hand-tools) for the exploitation of natural resources, for the construction, repair or maintenance of buildings or for earth moving and like projects.

2. Conditions of grant of temporary admission

The equipment:

- (a) shall be owned by a natural person resident abroad or by a legal person established abroad;
- (b) shall be imported by a natural person resident abroad or by a legal person established abroad;
- (c) shall be capable of identification on re-exportation; and
- (d) shall be used solely by or under the personal supervision of the visiting person.

3. Illustrative list

- (a) Equipment for erection, testing, commissioning, checking, control, maintenance or repair of machinery, plant, means of transport, etc., such as:

Tools;

Measuring, checking or testing equipment and instruments (temperature, pressure, distance, height, surface, speed, etc.) including electrical instruments (voltmeters, ammeters, measuring cables, comparators, transformers, recording instruments, etc.) and jigs;

Apparatus and equipment for taking photographs of machines and plant during or after erection; or

Apparatus for survey of ships.

- (b) Equipment necessary for businessmen, business efficiency consultants, productivity experts, accountants and members of similar professions, such as:

Typewriters;

Sound transmitting, recording or reproducing apparatus; or

Calculating instruments and apparatus.

- (c) Equipment necessary for experts undertaking topographical surveys or geophysical, prospecting work, such as:

Measuring instruments and apparatus;

Drilling equipment; or

Transmission and communication equipment.

- (d) Instruments and apparatus necessary for doctors, surgeons, veterinary surgeons, midwives and members of similar professions.

- (e) Equipment necessary for archeologists, paleontologists, geographers, zoologists and other scientists.
- (f) Equipment necessary for entertainers, theatre companies and orchestras, including all articles used for public or private performances (musical instruments, costumes, scenery, animals, etc.).
- (g) Equipment necessary for lecturers to illustrate their lectures.
- (h) Vehicles designed or specially adapted for the purposes specified above, such as mobile inspection units, traveling workshops and traveling laboratories.

ATTACHMENT 2

APPENDIX B

“Commercial Samples” Convention

ARTICLE 3

Temporary duty-free admission of other samples

1. For the purpose of this Article, the term “samples” means articles that are representative of a particular category of goods already produced or are examples of goods the production of which is contemplated on condition that they:
 - (a) are owned abroad and are imported solely for the purpose of being shown or demonstrated in the territory of importation for the soliciting of orders for goods to be supplied from abroad;
 - (b) are not sold or put to normal use except for purposes of demonstration or used in any way for hire or reward while in the territory of importation;
 - (c) are intended to be re-exported in due course; and
 - (d) are capable of identification on re-exportation;

but does not include identical articles brought in by the same individual, or sent to a single consignee, in such quantity that, taken as a whole, they no longer constitute samples under ordinary commercial usage.

2. Samples that are chargeable with import duties shall, when imported from the territory of another Contracting Party, with or without the intervention of a commercial traveler, by persons established in the territory of any Contracting Party, be temporarily admitted into the territory of any of the Contracting Parties free of import duties, subject to the amount of the import duties and any other amount that may be payable being deposited or security being given for payment if necessary. Any deposits taken (other than those required in virtue of Article 6 of this Convention) shall not, however, exceed the amount of the import duties by more than 10 percent.
3. To obtain the facilities provided for in this Article, the persons concerned must comply with the relevant laws and regulations prescribed by the authorities of the territory of importation and the customs formalities in force in that territory.

As regards vehicles and industrial and agricultural machinery or equipment of a value for customs purposes exceeding 1,000 United States dollars (or the

equivalent in other currencies), importers may be required to declare the place of destination of such machinery, equipment or vehicles; they may also be required by CBP to establish, at any time, that the machinery, equipment or vehicles are at the declared places. CBP may seal such machinery, equipment or vehicles or otherwise preclude their operation during the time in which temporary duty-free admission is allowed and limit the places where these goods may be operated for demonstration purposes.

4. CBP shall, as a general rule, recognize as sufficient for the future identification of samples the marks that have been affixed by the customs authorities of a Contracting Party, provided that the samples are accompanied by a descriptive list certified by the customs authorities of the latter Contracting Party. Additional marks may be affixed to the samples by the customs authorities of the territory into which they are imported only if they are necessary, in the opinion of those authorities, to ensure the identification of the samples on re-exportation. Any mark affixed to samples shall not be such as to destroy their usefulness.
5. The period allowed for re-exportation of samples that qualify for exemption from import duties under this Article shall be not less than six months. When the period allowed for re-exportation has expired, the amount of the import duties and any other amount due may be charged on samples that have not been re-exported. These amounts may also be charged, before the expiry of the period, on samples that cease to satisfy the conditions of paragraph 1 of this Article.
6. On the re-exportation within the permitted time of samples imported under this Article, the refund of any amount deposited or the release of any security given on importation in accordance with paragraph 2 of this Article shall be effected without delay at any of the customs offices situated at the border or in the interior of the territory that possesses the necessary authority, subject to the deduction of the duties and any other amount payable on samples not produced for re-exportation. When special circumstances exist, deposits may, however, be returned by other means, provided the return is effected promptly. Each Contracting Party shall publish a list of the customs offices on which the authority has been conferred.

ARTICLE 4

Duty free admission of advertising material

1. Each Contracting Party shall exempt from import duties catalogues, price-lists and trade notices relating to:
 - (a) goods offered for sale or hire; or
 - (b) transport or commercial insurance services offered by a person established in the territory of another Contracting Party, when such documents are imported from the territory of any Contracting Party, provided that each consignment imported either:
 - (i) consists of not more than one document; or
 - (ii) if it consists of more than one document, does not include more than one copy of any one document; or
 - (iii) irrespective of the number of documents or copies, does not exceed one kilogram in gross weight.

Simultaneous dispatch of a number of consignments to different addresses in the territory of importation shall not debar such consignments from this exemption, provided that not more than one consignment is sent to any one consignee;

2. Notwithstanding paragraph 1 of this Article, a Contracting Party shall not be obliged to exempt from import duties on importation into its territory:
 - (a) Catalogues, price-lists and trade notices that do not clearly indicate the name of the foreign concern producing, selling or renting the goods, or offering the transport for commercial insurance services, to which such catalogues, price-lists or trade notices relate; or
 - (b) Catalogues, price-lists and trade notices that are entered to CBP in the territory of importation in packets grouped together for subsequent dispatch to separate addresses in that territory.

ARTICLE 5

Temporary duty-free admission of advertising films

Each Contracting Party shall accord the facilities provided by Article 3 of the present Convention, subject to the conditions laid down in that Article, to positive cinematograph advertising films of a width not exceeding 16 mm. shown to the satisfaction of CBP to consist essentially of photographs (with or without sound track) showing the nature or operation of products or equipment whose qualities cannot be adequately demonstrated by samples or catalogues, provided that the films:

- (a) relate to products or equipment offered for sale or for hire by a person established in the territory of another Contracting Party;
- (b) are of a kind suitable for exhibition to prospective customers but not for general exhibition to the public; and
- (c) are imported in a packet that contains not more than one copy of each film and that does not form part of a larger consignment of films.

ARTICLE 6

Temporary waiver of import prohibitions and restrictions

1. No Contracting Party shall apply import prohibitions or restrictions (other than import duties), whether made effective through quotas, import licenses or other measures, on the importation from the territory of another Contracting Party of goods:
 - (a) that qualify (or would qualify if they were dutiable) for exemption from import duties by virtue of the provisions of Article 2 or Article 4 this Convention; or
 - (b) that qualify (or would qualify if they were dutiable) for temporary duty-free admission by virtue of the provisions of Article 3 or Article 5 of this Convention; provided that the importation of such goods does not give rise to any payment other than for freight or insurance or for services provided in the territory of importation by a person established in that territory.
2. In the case of goods that qualify (or would qualify if they were dutiable) for temporary duty-free admission by virtue of the provisions of Article 3 or Article 5,

this waiver of import prohibitions or restrictions shall extend only to the period for which temporary duty-free admission is allowed (or would be allowed if the goods were dutiable). In the case of non re-exportation of such goods within the period during which the application of any import prohibitions or restrictions has been waived under paragraph 1 of this Article, the authorities of the importing country may apply such measures as would have been applicable if the import prohibitions or restrictions had not been so waived. To this end, the authorities of the territory of importation may require appropriate guarantees, such as the deposit of a special security over and above any security deposited against payment of import duties.

3. The provisions of this Convention shall not prevent a Contracting Party from applying import prohibitions or restrictions:
 - (a) necessary to protect public morals or essential security interests;
 - (b) necessary to protect human, animal or plant life or health;
 - (c) relating to the importation of gold or silver;
 - (d) necessary to secure compliance with laws or regulations relating to customs enforcement, the enforcement of State monopolies, the protection of patents, trade marks and copyrights;
 - (e) necessary to prevent deceptive practices;
 - (f) relating to the products of prison labour;
 - (g) necessary to the application of standards or regulations for the classification, grading or marketing of commodities in international trade.