



Overview

This provision is new to the United States-Mexico-Canada Agreement (USMCA) and covers procedures for requesting guidance across partner Customs Administration. There is no applicable provision in the former North American Free Trade Agreement (NAFTA).

References

- **USMCA**
 - *Final Text*: Chapter 7, Article 7.16
- **NAFTA**
 - Not specified.

Significant Changes in USMCA

Provision	USMCA	NAFTA
Changes/ Differences	<p>New to USMCA</p> <ul style="list-style-type: none"> • Each Party to the Agreement must establish administrative procedures to allow the customs office in its territory to request guidance on the proper application of its customs laws, regulations, and procedures to a specific customs transaction regardless of whether the transaction is prospective, pending, or has been completed. • An importer, exporter, or a trade-related person can also request guidance in writing through a customs office. • Each Party to the Agreement is to provide the procedures for requesting guidance on a free and easily accessible website. • Allow the trade person to provide information prior to issuing guidance. • This provision does not require the Customs Administration to provide guidance on transactions for which a determination has been made, or for which a determination has been applied consistently throughout its territory; or on a transaction for which a determination is pending. 	

Detailed USMCA/NAFTA Side-by-Side

Provision	USMCA	NAFTA
Administrative Guidance	<p>Article 7.16: Administrative Guidance</p> <ol style="list-style-type: none"> 1. Each Party shall adopt or maintain an administrative procedure by which a customs office in its territory may request the appropriate authority of the customs administration to provide guidance as to the proper application of laws, regulations, and procedures for importation into, exportation from, or transit through its territory with respect to a specific customs transaction regardless of whether the transaction is prospective, pending, or has been completed. A customs office shall request guidance under this administrative procedure on its own initiative or at the 	Not specified.

Provision	USMCA	NAFTA
	<p>written request of an importer or exporter in its territory, or a representative thereof.</p> <ol style="list-style-type: none"> <li data-bbox="500 405 1187 657">2. The appropriate authority of a Party shall provide guidance in response to a request under paragraph 1 if the customs treatment applied or proposed to be applied by the customs office to the transaction is inconsistent with the customs treatment provided with respect to transactions that are identical in all material respects, including by another customs office in the territory of the Party. <li data-bbox="500 678 1187 772">3. Each Party shall make available to the public on a free, publicly accessible website the procedures, including any forms, for requesting guidance under paragraph 1. <li data-bbox="500 793 1187 951">4. Each Party shall allow an importer or exporter to whom a request under paragraph 1 relates an opportunity to submit written views and information to the appropriate authority of the customs administration before it issues guidance in response to a request. <li data-bbox="500 972 1187 1161">5. Guidance in response to a request under paragraph 1 shall be taken into account by the customs office with respect to the transaction that is the subject of the request, provided that there is not a ruling or determination issued on the transaction and the facts and circumstances remain the same. <li data-bbox="500 1182 1187 1497">6. Nothing in this Article requires the appropriate authority of the customs administration to provide guidance on transactions for which a determination has been made, or for which a determination has been applied consistently throughout its territory; on transactions for which a determination is pending; if an importer or exporter has requested a ruling or has received a ruling that has been applied consistently throughout its territory; or on transactions for which a determination or ruling is being reviewed. 	