U.S. Customs and Border Protection

Notification of Treatment

FACT SHEET

Overview

This provision provides guidance for notification of treatment to the Parties. The new United States-Mexico-Canada Agreement (USMCA) no longer requires a good to be marked as a good of CA or MX to receive preferential tariff treatment, as was the case under the North American Free Trade Agreement (NAFTA).

References

- **USMCA**
  - *Final Text:* Chapter 5, Article 5.17
  - *HR 5430 Citation:* Title II, Section 207
- **NAFTA**
  - *Final Text:* Chapter 5, Article 512

Significant Changes in USMCA

Provision	USMCA	NAFTA
Notification of Treatment	**Change from NAFTA** • USMCA no longer requires a Party to notify other Parties of a measure that is likely to affect future determinations of origin, as USMCA no longer requires a good to be marked as a good of CA or MX to receive preferential tariff treatment.	• Requires notification to other Parties of treatment.

Detailed USMCA/NAFTA Side-by-Side

Provision	USMCA	NAFTA
Notification of Treatment	• Each Party shall notify the other Parties of the following determinations, measures, and rulings, including to the extent practicable those that are prospective in application: a) a determination of origin issued as the result of a verification conducted pursuant to Article 5.9 (Origin Verification); b) a determination of origin that the Party is aware is contrary to: i. a ruling issued by the customs administration of another Party, or ii. consistent treatment given by the customs administration of another Party with respect to the tariff classification or value of a good, or of materials used in the production	• Each Party shall notify the other Parties of the following determinations, measures and rulings, including to the greatest extent practicable those that are prospective in application: a) a determination of origin issued as the result of a verification conducted pursuant to Article 506(1); b) a determination of origin that the Party is aware is contrary to i. a ruling issued by the customs administration of another Party with respect to the tariff classification or value of a good, or of materials used in the production of a good, or the reasonable allocation of costs where calculating the net cost of a good,

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Provision	USMCA	NAFTA
	of a good, or the reasonable allocation of costs when calculating the net cost of a good, that has been the subject of a determination of origin; c) a measure establishing or significantly modifying an administrative policy that is likely to affect a future determination of origin; and d) an advance ruling, or a ruling modifying or revoking an advance ruling, on origin under this Agreement, pursuant to Article 5.14 (Advance Rulings Relating to Origin), and Article 7.5 (Advance Rulings).	that is the subject of a determination of origin, or ii. consistent treatment given by the customs administration of another Party with respect to the tariff classification or value of a good, or of materials used in the production of a good, or the reasonable allocation of costs where calculating the net cost of a good, that is the subject of a determination of origin; c) a measure establishing or significantly modifying an administrative policy that is likely to affect future determinations of origin, country of origin marking requirements or determinations as to whether a good qualifies as a good of a Party under the Marking Rules; and d) an advance ruling, or a ruling modifying or revoking an advance ruling, pursuant to Article 509.