

USMCA Podcast Show NOTES June 12, 2020

On June 3, 2020, the Office of the U.S. Trade Representative released two Uniform Regulations providing instructions and guidance for manufacturers and distributors for goods crossing between the U.S., Mexico, and Canada under the renegotiated NAFTA, known as the U.S.-Mexico-Canada Agreement (USMCA). [One Uniform Regulation addresses USMCA Chapter 4, Rules of Origin and related provisions in Chapter 6 \(Apparel\)](#), the other on [Chapter 5 \(Origin Procedures\), 6 \(Textile and Apparel Goods\), and 7 \(Customs Administration and Trade Facilitation\)](#).

Will CBP still accept CBP Form 434 (North American Free Trade Agreement (NAFTA) Certificate of Origin) for U.S. – Mexico – Canada Agreement (USMCA) claims for preferential treatment?

No. The USMCA does not require a specific certificate of origin form. Rather, it requires nine specific data elements, which can be presented in any format, similar to other more modern trade agreements that were implemented subsequent to NAFTA [See USMCA Ch. 5 'Origin Procedures,' Art. 5.2 (Claims for Preferential Tariff Treatment) and Annex 5-A (Minimum Data Elements)]. To avoid confusion, the CBP Form 434 will no longer be accepted for claims of preferential treatment under the USMCA. Even if the rule of origin for the subject good is the same under NAFTA and USMCA and all of USMCA's required data elements are present on Form 434, the good needs to be recertified under USMCA.

Any format is acceptable, provided it contains the following nine minimum data elements set out in USCMA, Annex 5-A:

- Importer, Exporter, or Producer Certification of Origin
- Certifier
- Exporter
- Producer
- Importer
- Description and HS Classification of the Good
- Origin Criteria
- Blanket Period (if applicable)
- Authorized Signature and Date

Rules of Origin Certification

For more information see pages 16-17 of [Chapter 5 Origin Procedures, Article 5.2 and Annex 5-A](#).

RVC: Auto Parts Categories

To see where a part falls on the auto classification, the six-digit HTS start on page 99 of the [Uniform Regulations](#).

RVC: Steel and Aluminum Content For the steel and aluminum products covered by the 70% requirement for auto OEMs, see page 115 of the [Uniform Regulations](#), and note the following: "The descriptions do not cover structural steel or aluminum purchased by parts producers or suppliers used in the production of other automotive parts."

PMPA thanks The Franklin Partnership for their contributions to our understanding of this emerging issue. - Miles Free, Director Industry Research PMPA