



USMCA FACT SHEET

TOPIC	NAFTA	USMCA	Notes
Certification	Form 434	No specific format required. Must have 9-minimum data elements as set on Chapter 5, Annex 5-A.	On 7/1/2020, CBP Form 434 will not be accepted for a USMCA as the certification is different and product is subject to GN 11 new specific USMCA rules of origin. A blanket certification for up to one year is valid. Exclusions of this certification requirement may apply for informal entries (under US\$2,500)
Certification may be signed by:	Exporter / Producer	Importer / Exporter / Producer	Importer many now sign the certification
(SPI) Special Program Indicator	MX / CA	"S" "S+"	The new SPI indicators "S" and "S+" apply to all USMCA countries. "S+" is designated for certain agricultural tariff rate quota (TRQs) goods, agricultural staging goods, and textile tariff preference level (TPL) goods. SPI "S+" is used only when the HTSUS provides different preferential tariff treatment to each of the USMCA countries
Rules of Origin	YES	SAME	Many of the rules of origin remain unchanged, or are simpler to read, and/or with less requirements; however, they must be reviewed in case there is a change for your specific product.
Sets	The set could be considered originating	Each good in the set is originating Both the set and individual goods meet all other applicable requirements or Total value of non-originating goods does not exceed 10% of the value of the set Good meet all other applicable requirements	
De Minimis	Allowance for foreign materials for non-textiles, 7%	Allowance for foreign materials for non-textiles, increased to 10%	Increase in percentage (HTS Chapters 1-27 + textiles & apparel have different de minimis rules)
Post Importation Claims	Allowed under 520d, duties and MPF refundable Effective Period: One year after date of importation	Allowed under 520d, ONLY duties are refundable SAME	MPF is no longer refundable with a post import claim
Reconciliation	NAFTA Flag	USMCA flag	USMCA reconciliation allowed.
Drawback	Drawback claims for Section 201 and/or 301 duties Allowed	SAME	* For further changes please contact us
Transit and Transshipment (Imported Directly)	If an originating good is transported outside the territories of the Parties , the good will retain its originating status if the good: Remains under customs control in the territory operation outside the territories of the Parties other than unloading, reloading, separation, storing, labeling / marking or any other operations necessary to preserve it in good condition or to transport the good to the territory of the importing Party	SAME	No Change
Country of Origin Markings	19 CFR 102 determine the country of origin for marking purposes of a good imported from Canada or Mexico in accordance with the requirements of 19 CFR Part 134	A good does not need to qualify to be marked as a good of CA or MX in order to receive preferential tariff treatment under USMCA. Exception: Certain agricultural goods In addition a good with a non foreign origin (i.e. a US good) is also eligible for preferential tariff treatment and U.S. will also be accepted as a country of origin on a USMCA claim	
Recordkeeping	Requirement of 5 years	SAME	
Repairs and Alterations:	Duty relief for repairs and alterations performed in North America	SAME	
Audits	YES	SAME	

Provision	USMCA
GENERAL INFORMATION	
Agreement Name	United States - Mexico - Canada Agreement
Implementation Date	July 1, 2020
Expiration	Includes sunset provision - renewal consideration required every six (6) years , with a 16-year sunset clause .
Merchandise Processing Fee (MPF)	Originating good and tariff preference level (TPL) goods are exempt if the claim for preferential tariff
Post-Importation Preference Claim	USMCA allows post-importation preference claim to request a refund of excess duties within one year of
CITATIONS	
HTS General Note (GN)	While not yet published, the applicable General Note will be General Note 11 (GN 11)
CFR	The USC citation is to be determined, but USMCA will be reflected in 19 CFR182
Special Program Indicator	Tariff items eligible for preferential tariff treatment under USMCA will leverage a new Special Program

Resources:	
USMCA Interim implementing instructions <i>NEW</i> (6-30-20)	https://www.cbp.gov/sites/default/files/assets/documents/2020-Jun/USMCA%20Implementing%20Instructions%20-%202020%20Jun%2030%20%28Final%29.pdf
The USMCA Implementation Act (Public Law No: 116-113)	https://www.congress.gov/bill/116th-congress/house-bill/5430/text
Uniform Regulations for Rules of origin and origin Procedures <i>NEW (07-01-20)</i>	https://www.govinfo.gov/content/pkg/FR-2020-07-01/pdf/2020-13865.pdf?utm_source=lnks.gd&utm_medium=lnks.gd&utm_term=undefined&utm_content=undefined&utm_campaign=(not%20set)&gclid=undefined&dclid=undefined&GAID=1164630120.1592461090
The USMCA Agreement, Final Text	https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between
CBP USMCA Center	New Center created to answer inquiries USMCA@CBP.DHS.gov US Government (USG) lead for implementation of the USMCA Rules of Origin.
USTR's Federal Register Notice on the USMCA Alternative Staging Regimes for Automotive Imports - 85 FRN 22238, April 21, 2020	https://www.govinfo.gov/content/pkg/FR-2020-04-21/pdf/2020-08405.pdf

Please note this information is updated as of 07-01-20