

on January 1, 2006, entry into the Customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products in the categories and HTS numbers 6111.20.6050, 6111.30.5050 and 6111.90.5050 subject to the agreed levels of restraint under the terms of the MOU, produced or manufactured in China and exported on or after January 1, 2006 for which the Government of China has not transmitted an appropriate ELVIS (Electronic Visa Information System) transmission fully described below. Should a category, including a merged category, or part category, be added to or modified in the MOU, the additional or modified category shall also be included in the coverage of this arrangement.

Baby socks in HTS numbers 6111.20.6050, 6111.30.5050 and 6111.90.5050 shall be counted in dozen pairs for quota and ELVIS purposes. These baby socks are subject to the quota level for 332/432/632-T and the sublevel for 332/432/632-B but the correct category designation 239 will be required at the time of entry for quota and ELVIS purposes.

An ELVIS message must accompany each commercial shipment of the aforementioned textile products.

**A. Each ELVIS message will include the following information:**

i. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numeric digit corresponding to the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO) (the code for China is "CN"), and ending with a six digit numerical serial number identifying the shipment; e.g., 6CN123456. The first digit after the ISO code should not be a "9".

ii. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

iii. The correct category(s), part category(s), merged category(s), quantity(s) and unit(s) of quantity in the shipment as set forth in the U.S. Department of Commerce Correlation and in the Harmonized Tariff Schedule of the United States, annotated or successor documents. e.g., "Cat 340/640-510 dz. ". Products covered by a merged agreed level must be accompanied by either a transmission referring to the merged category or by a transmission referring to the specific category corresponding to the actual shipment (e.g., if the shipment consists of both Category 340 and Category 640 merchandise, it may be transmitted as "340/640", if the shipment consists solely of Category 340 merchandise, it may be transmitted as "Category 340", but not as "Category 640"). Quantities must be stated in whole numbers. Decimals or fractions will not be accepted.

iv. The manufacturer ID number (MID). The MID shall begin with "CN" followed by the first three characters from each of the first two words (of the English rendition) of the

name of the entity performing the origin-conferring operations, followed by the largest number on the address line of the entity up to the first four digits, followed by the first three letters from the city name where the entity is located.

**B. Entry of a shipment shall not be permitted:**

i. if an ELVIS transmission has not been received for the shipment from China;

ii. if the ELVIS transmission for that shipment is missing any of the following:

a. visa number  
b. category, part category, or merged category

c. quantity

d. unit of quantity

e. date of issuance

f. manufacturer ID number

iii. if the ELVIS transmission for the shipment does not match the information supplied by the importer or the Customs broker acting as an agent on behalf of the importer with regard to any of the following:

a. visa number  
b. category, part category, or merged category

c. unit of quantity

iv. if the quantity being entered is greater than the quantity transmitted.

v. if the visa number has previously been used, except in the case of a split shipment, or canceled.

**C. A new, correct ELVIS transmission from China is required before a shipment that has been denied entry for one of the circumstances mentioned in paragraph B.i-v will be released.**

D. If the quantity in the ELVIS transmission is greater than that of the shipment, the United States shall permit entry and shall charge only the amount entered against any applicable level.

E. Shipments will not be released for forty-eight hours or 2 calendar days in the event of a system failure. If system failure exceeds forty-eight hours or 2 calendar days, for the remaining period of the system failure, CBP will only release shipments on the basis of the visa data provided by the Ministry of Commerce. If the Ministry of Commerce is able to provide that data by some means other than an ELVIS transmission. The Ministry of Commerce shall promptly retransmit all data that was affected by the system failure when the system is functioning normally.

F. If a shipment from China has been allowed entry into the commerce of the United States with an incorrect ELVIS transmission, or no ELVIS transmission, and the importer does not comply with a CBP request to redeliver the shipment to CBP, CBP will charge the correct quantity and category of the shipment against the appropriate agreed level.

**Other Provisions.**

A. The date of export is the actual date the merchandise finally leaves the country of origin. For merchandise exported by carrier, this is the day on which the carrier last departs the country of origin.

B. Merchandise imported for the personal use of the importer and not for resale,

regardless of value, and properly marked commercial sample shipments valued at U.S.\$800 or less, do not require an ELVIS transmission for entry and shall not be charged to agreement levels.

In carrying out the above direction, the Commissioner should construe the term "customs territory of the United States" to include only the 50 States, the District of Columbia and Puerto Rico. CITA has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Philip J. Martello,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

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**COMMODITY FUTURES TRADING COMMISSION**

**Sunshine Act Meetings**

**TIME AND DATE:** 11 am, Friday, January 13, 2006.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 202-418-5100.

**Jean A. Webb,**

*Secretary of the Commission.*

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**COMMODITY FUTURES TRADING COMMISSION**

**Sunshine Act Meetings**

**TIME AND DATE:** 11 am, Friday, January 6, 2006.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 202-418-5100.

**Jean A. Webb,**

*Secretary of the Commission.*

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