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No. 360819

The Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to the Embassy 's Note Verbale No. 053 dated 19 January 1996 on the agreement between the Governments of the United States of America and the Republic of the Philippines concerning trade in cotton, wool, man-made fiber silk blend and other non-cotton textiles and textile products amended and extended by exchange notes dated March 10 and March 19, 1994 in Washington, DC, as amended, and to the visa arrangement between the Republic of the Philippines and the United States of America concerning textiles and textile products established on March 24, 1987 (the arrangement).

The Government of the Philippines wishes to confirm acceptance of the amendments to the arrangement to include references to Electronic Visa Information System (ELVIS) transmissions. Furthermore, the Government of the Philippines proposes the inclusion of a provision intended to afford ease of access to information on visa utilization. This provision appears as paragraph 3.G. The arrangement will now include the following amendments:

Add a paragraph 1. C. to read:

C. An "ELVIS transmission " is a message, sent electronically to the U.S. Customs Service, by the country of origin of the textile exported to the United States, or by its representative, which describes the shipment and includes the visa number assigned to the shipment.

Renumber current section 3., 4.; renumber section 4., 5.; and renumber section 5., 6.;
Add new Section 3. to read:
3.ELVIS requirements:

A.Each ELVIS message will include the following information:

I. The visa number as defined in 2.D. I above.

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), merged category(s), part category(s), quantity(s), and unit(s) of quantity of the shipment in the unit(s) of quantity provided for the U.S. Department of Commerce correlation and hi the harmonized tariff schedule of the United States, annotated or successor documents.

IV.The quantity of the shipment in the correct units of quantity.

V. The manufacture ID number (MID). The MID shall begin with PH, followed by the first three characters from each of the first two words of the name of the manufacturer, followed by the largest number on the address line up to the first four digits, followed by three letters from the city name.

B.Entry of a shipment shall not be permitted:

I. If an ELVIS transmission has not been received for the shipment from the Philippines;

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II.If the ELVIS transmission for that shipment is missing any of the following:

A)Visa Number

B)Category or Part Category

C)Quantity

D)Unit of Measure

E)Date of Issuance

F)Manufacturer IDNumber

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 of behalf of the importer, with regard to any of the following:

A) Visa Number

B)Category or Part Category

C)Unit of Measure

IV.If the quantity being entered is greater than the quantity transmitted; or

V.If the visa number has previously been used, except hi the case of a split shipment.

C.A new, correct ELVIS transmission from the country of origin is required before a shipment that has been denied entry for one of the circumstances mentioned in 3.B. I-V will be released.

D.Visa waivers will only be considered for the circumstance described in paragraph 3.B.I., if the shipment qualifies as a one time special purpose shipment that is not part of an ongoing commercial enterprise.

E.Shipments will not be released for forty-eight hours in the event of a system failure. If system failure exceeds forty-eight hours, for the remaining period of the system failure the U.S. Customs Service will release shipments on the basis of the paper visaed document.

F.If a shipment from the Philippines is allowed entry into the commerce of the United States with an incorrect visa, no visa, an incorrect ELVIS transmission, or no ELVIS transmission, and redelivery is requested but cannot be made, the shipment will be charged to the correct category limit whether or not a replacement visa or waiver is provided or a new ELVIS message is transmitted.

G.The U.S. Customs Service will provide Philippine authorities with a report containing information on visa utilization that can be accessed at any time. This report will contain:

I. Visa Number

II. Category Number

III.Quantity charged to quota

If the inclusion of paragraph 3.G. is acceptable to the Government of the United States of America, the Embassy's Note No. 053 dated 19 January 1996, this note and a note from the Embassy confirming acceptance of the inclusion of paragraph 3.G. shall constitute an amendment to the arrangements between the Governments of the United States of America and the Republic of the Philippines.

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The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Pasay City, April 1996.

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