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EMBASSY OF THE UNITED STATES OF AMERICA No. 053

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The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs of the Republic of the Philippines and has the honor to refer to the agreement between the Governments of the United States of American 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, D.C., 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 2 4, 1987 (the arrangement).

On behalf of the Government of the United States of America, the Embassy proposes that the United States and the Philippines commence a six-month Electronic Visa Information System (ELVIS) test implementation period beginning on March 1, 1996. During this test implementation period, the U.S. Customs Service will require a complete and accurate ELVIS transmission, as well as a valid paper visa, before permitting entry for a shipment. After six months from the date of implementation, the United States will assess when a transition to a paperless ELVIS system with the Philippines will be possible. To that effect, the Embassy proposes that the arrangement be amended to include the following references to ELVIS transmissions: Proposed of 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 in 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;

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

A) Visa Number

B) Category or Part Category

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C) Quantity

D) Unit of Measure

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 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 in 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. If the foregoing is acceptable to the Government of the Republic of the Philippines, this note and your note of confirmation shall constitute an amendment to the arrangements between our two governments. The Embassy of the United States of America avails itself of this opportunity to renew to the Department of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America, Manila, January 19, 1996

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