

U.S.-Chile Free Trade Agreement

Adjustments to Annex 4.1, Specific Rules of Origin

Chapter 7: Edible Vegetables and Certain Roots and Tubers

07.01 – 07.14: Delete headings 07.01 – 07.14 and the rule of origin applicable thereto and replace with the following:

0701.10 - 0712.39: A change to subheading 0701.10 through 0712.39 from any other chapter.

0712.90: A change to marjoram, savory or cilantro, crushed or ground, of subheading 0712.90 from marjoram, savory or cilantro, neither crushed nor ground, of subheading 0712.90 or any other chapter; or

A change to any other good of subheading 0712.90 from any other chapter.

07.13 - 07.14: A change to heading 07.13 through 07.14 from any other chapter.

Chapter 9: Coffee, Tea, Maté and Spices

09.01: Delete heading 09.01 and the rule of origin applicable thereto and replace with the following:

0901.11 – 0901.12: A change to subheading 0901.11 through 0901.12 from any other chapter.

0901.21: A change to subheading 0901.21 from any other subheading.

0901.22: A change to subheading 0901.22 from any other subheading, except from subheading 0901.21.

0901.90: A change to subheading 0901.90 from any other chapter.

09.03 – 09.10: Delete headings 09.03 – 09.10 and the rule of origin applicable thereto and replace with the following:

09.03: A change to heading 09.03 from any other chapter.

0904.11 – 0910.99: A change to crushed, ground, or powdered spices put up for retail sale of subheading 0904.11 through 0910.99 from spices that are not crushed, ground, or powdered of subheading 0904.11 through 0910.99, or from any other subheading; or

A change to mixtures of spices or any good of subheading 0904.11 through 0910.99 other than crushed, ground, or powdered spices put up for retail sale from any other subheading.

Chapter 12: Oil Seeds and Oleaginous Fruits; Miscellaneous Grains, Seeds and Fruit; Industrial or Medicinal Plants; Straw and Fodder

12.01 – 12.14: Delete headings 12.01 – 12.14 and the rule of origin applicable thereto and replace with the following:

12.01 - 12.07: A change to heading 12.01 through 12.07 from any other chapter.

1208.10 - 1209.30: A change to subheading 1208.10 through 1209.30 from any other chapter.

1209.91: A change to celery seeds, crushed or ground, of subheading 1209.91 from celery seeds, neither crushed nor ground, of subheading 1209.91 or any other chapter; or

A change to any other good of subheading 1209.91 from any other chapter.

1209.99 - 1211.40: A change to subheading 1209.99 through 1211.40 from any other chapter.

1211.90: A change to basil, rosemary or sage, crushed or ground, of subheading 1211.90 from basil, rosemary or sage, neither crushed nor ground, of subheading 1211.90 or any other chapter; or

A change to any other good of subheading 1211.90 from any other chapter.

12.12 – 12.14: A change to heading 12.12 through 12.14 from any other chapter.

Chapter 18: Cocoa and Cocoa Preparations

18.01-18.05: Delete headings 18.01 – 18.05 and the rule of origin applicable thereto and replace with the following:

18.01 – 18.02: A change to heading 18.01 through 18.02 from any other chapter.

18.03 – 18.05: A change to heading 18.03 through 18.05 from any other heading.

Chapter 21: Miscellaneous Edible Preparations

2103.30 – 2103.90: Delete subheadings 2103.30 – 2103.90 and the rule of origin applicable thereto and replace with the following:

2103.30: A change to subheading 2103.30 from any other chapter.

2103.90: A change to subheading 2103.90 from any other subheading.

SECTION VI: PRODUCTS OF THE CHEMICAL OR ALLIED INDUSTRIES

Delete the Chapter Notes applicable to Section VI (Chapters 28 through 38) and replace with the following:

Notes to Section VI:

Note 1

Rules 1 through 7 of this Section confer origin to a good of any heading or subheading in this Section, except as otherwise specified in those rules.

Note 2

Notwithstanding Note 1, a good is an originating good if it meets the applicable change in tariff classification or satisfies the applicable value content requirement specified in the rules of origin in this Section.

Rule 1: Chemical Reaction

A good of Chapters 28 through 38, except goods of heading 38.23, that results from a chemical reaction in the territory of one or both of the Parties shall be treated as an originating good.

Note: For purposes of this section, a “chemical reaction” is a process (including a biochemical process) that results in a molecule with a new structure by breaking intramolecular bonds and by

forming new intramolecular bonds, or by altering the spatial arrangement of atoms in a molecule.

The following are not considered to be chemical reactions for the purposes of determining whether a good is originating:

(a) dissolution in water or in another solvent; (b) the elimination of solvents, including solvent water; or (c) the addition or elimination of water of crystallization.

Rule 2: Purification

A good of Chapters 28 through 38 that is subject to purification shall be treated as an originating good provided that the purification occurs in the territory of one or more of the Parties and results in the following:

- (a) the elimination of 80 percent of the impurities; or
- (b) the reduction or elimination of impurities resulting in a good suitable:
 - (i) as a pharmaceutical, medicinal, cosmetic, veterinary, or food grade substance;
 - (ii) as a chemical product or reagent for analytical, diagnostic, or laboratory uses;
 - (iii) as an element or component for use in micro-elements;
 - (iv) for specialized optical uses;
 - (v) for non-toxic uses for health and safety;
 - (vi) for biotechnical use;
 - (vii) as a carrier used in a separation process; or
 - (viii) for nuclear grade uses.

Rule 3: Mixtures and Blends

A good of Chapters 30, 31, or 33 through 38, except for heading 38.08, shall be treated as an originating good if the deliberate and proportionally controlled mixing or blending (including dispersing) of materials to conform to predetermined specifications, resulting in the production of a good having physical or chemical characteristics that are relevant to the purposes or uses of the good and are different from the input materials, occurs in the territory of one or both of the Parties.

Rule 4: Change in Particle Size

A good of Chapter 30, 31, or 33, shall be treated as an originating good if the deliberate and controlled modification in particle size of the good, including micronizing by dissolving a polymer and subsequent precipitation, other than by merely crushing or pressing, resulting in a good having a defined particle size, defined particle size distribution, or defined surface area, which is relevant to the purposes of the resulting good and have different physical or chemical characteristics from the input materials, occurs in the territory of one or both of the Parties.

Rule 5: Standards Materials

A good of Chapters 28 through 38, shall be treated as an originating good if the production of standards materials occurs in the territory of one or both of the Parties.
For the purposes of this rule “standards materials” (including standard solutions) are preparations suitable for analytical, calibrating, or referencing uses, having precise degrees of purity or proportions that are certified by the manufacturer.

Rule 6: Isomer Separation

A good of Chapters 28 through 38, shall be treated as an originating good if the isolation or separation of isomers from mixtures of isomers occurs in the territory of one or both of the Parties.

Rule 7: Separation Prohibition

A good that undergoes a change from one classification to another in the territory of one or both of the Parties as a result of the separation of one or more materials from a man-made mixture shall not be treated as an originating good unless the isolated material underwent a chemical reaction in the territory of one or both of the Parties.

Chapter 40: Rubber and Articles Thereof

40.05 – 40.17: Delete heading 40.05 – 40.17 and the rules of origin applicable thereto and replace with the following:

40.05 – 40.17: A change to heading 40.05 through 40.17 from any other heading, including another heading within that group.

Chapter 71: Natural or Cultured Pearls, Precious or Semi-Precious Stones, Precious Metals, Metals Clad with Precious Metal and Articles Thereof, Imitation Jewellery; Coin

71.01: Delete heading 71.01 and the rule of origin applicable thereto and replace with the following:

71.01: A change to heading 71.01 from any other heading.

Chapter 84: Nuclear Reactors, Boilers, Machinery and Mechanical Appliances; Parts Thereof

8415.10 - 8415.83: Delete subheadings 8415.10 – 8415.83 and the rule of origin applicable thereto and replace with the following:

8415.10 – 8415.83: A change to subheading 8415.10 through 8415.83 from any other subheading, including another subheading within that group.

8419.11 – 8419.89: Delete subheadings 8419.11 – 8419.89 and the rule of origin applicable thereto and replace with the following:

8419.11: A change to subheading 8419.11 from any other subheading.

8419.19: A change to subheading 8419.19 from any other heading; or
A change to subheading 8419.19 from any other subheading, provided that there is a regional value content of not less than:
(a) 35 percent when the build-up method is used, or
(b) 45 percent when the build-down method is used.

8419.20 – 8419.89: A change to subheading 8419.20 through 8419.89 from any other subheading, including another subheading within that group.

8420.10: Delete subheading 8420.10 and the rule of origin applicable thereto and replace with the following:

8420.10: A change to subheading 8420.10 from any other subheading.

8421.11 – 8421.39: Delete subheadings 8421.11 – 8421.39 and the rule of origin applicable thereto and replace with the following:

8421.11 – 8421.39: A change to subheading 8421.11 through 8421.39 from any other subheading.

8424.10-8424.89: Delete subheadings 8424.10 – 8424.89 and the rule of origin applicable thereto and replace with the following:

8424.10 – 8430.69: A change to subheading 8424.10 through 8430.69 from any other subheading, including another subheading within that group.

8434.10-8435.90: Delete subheadings 8434.10 – 8435.90 and the rule of origin applicable thereto and replace with the following:

8434.10 – 8435.90: A change to subheading 8434.10 through 8435.90 from any other subheading, including another subheading within that group.

8439.10-8440.90: Delete subheadings 8439.10 – 8440.90 and the rules of origin applicable thereto and replace with the following:

8439.10 – 8440.90: A change to subheading 8439.10 through 8440.90 from any other subheading, including another subheading within that group.

8450.11-8450.20: Delete subheadings 8450.11 – 8450.20 and the rule of origin applicable thereto and replace with the following:

8450.11 – 8450.20: A change to subheading 8450.11 through 8450.20 from any other subheading, including another subheading within that group.

8451.10-8451.80: Delete subheadings 8451.10 – 8451.80 and the rule of origin applicable thereto and replace with the following:

8451.10 – 8451.80: A change to subheading 8451.10 through 8451.80 from any other subheading, including another subheading within that group.

8455.10-8455.30: Delete subheadings 8455.10 – 8455.90 and the rule of origin applicable thereto and replace with the following:

8455.10 – 8455.90: A change to subheading 8455.10 through 8455.90 from any other subheading, including another subheading within that group.

84.69: Delete heading 84.69 and the rule of origin applicable thereto and replace with the following:

84.69: A change to heading 84.69 from any other heading

84.73: Delete heading 84.73 and the rule of origin applicable thereto and replace with the following:

8473.10 – 8473.50: A change to subheading 8473.10 through 8473.50 from any other subheading, including another subheading within that group; or

No change in tariff classification is required, provided that there is a regional value content of not less than:

- (a) 35 percent when the build-up method is used, or
- (b) 45 percent when the build-down method is used.

Chapter 85: Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles

8539.10 – 8539.49: Delete subheadings 8539.10 – 8539.49 and the rules of origin applicable thereto and replace with the following:

8539.10 – 8539.49: A change to subheading 8539.10 through 8539.49 from any other subheading, including another subheading within that group.

Chapter 90: Optical, Photographic, Cinematographic, Measuring, Checking, Precision, Medical or Surgical Instruments and Apparatus; Parts and Accessories Thereof

9030.10 – 9030.89: Delete subheadings 9030.10 – 9030.89 and the rules of origin applicable thereto and replace with the following:

9030.10 – 9030.89 A change to subheading 9030.10 through 9030.89 from any other subheading, including another subheading within that group.