§ 7.4 Watches and watch movements from U.S. insular possessions.

(a) The issuance of an International Trade Administration Form ITA–360, Certificate of Entitlement to Secure the Refund of Duties on Watches and Watch Movements, by the Department of Commerce, authorizes a producer of watches in the U.S. insular possessions to file requests with CBP for the refund of duties paid on imports of watches, watch movements (including solid state watches and watch movements), and watch parts (excepting separate watch cases and any articles containing any materials to which rates of duty set forth in Column 2, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) apply). The amount of the refund requested may be up to the value specified in the certificate, provided that the articles for which refunds are requested were entered during a 3-year period beginning 2 years before the date of issuance of the Form ITA–360 certificate from the Department of Commerce.

(b) The Form ITA–360 may not be used to secure refunds. To secure a refund, the party requesting the refund of duties (claimant) must present to CBP Form ITA–361, Request for Refund of Duties on Watches and Watch Movements, properly executed, and authenticated by the Department of Commerce.

(c) By completing Form ITA–361, the insular producer may either:

(1) Transfer its entitlement, in whole or in part, to any other party for any consideration agreed to by the insular producer and the transferee, or

(2) Request the refund of duties to itself.

(d) A claimant must file Form ITA–361 with CBP at the same port where the watch import entry was originally filed and duties paid. The documentation accompanying Form ITA–361 shall include a copy of the import entry, providing proof that duty was paid on the watches and watch movements.

(e) When requesting the refund of duties on Form ITA–361, the claimant also must complete and submit to CBP the declaration on the form which reads as follows:

I declare that the information given above is true and correct to the best of my knowl-edge and belief; that no notices of exportation of articles with benefit of drawback were filed upon exportation of this merchandise from the United States; that no liquidated refunds on the articles relating to the present claim have been paid; and that no protest or request for litigation for refund of duties paid and herewith claimed has been made.

(f) A fee of 1 percent will be deducted from each refund request as reimbursement to salaries and expenses of those CBP personnel processing the request.

(g) Form ITA–360 expires 1 year from its date of issuance. Any refund request on Form ITA–361 made by either the insular producer itself or any transferee named on Form ITA–360 must be filed within this 1-year period. This expiration date applies equally to all refund requests, whether a single request for the entire amount specified in the Form ITA–361 certificate or multiple requests for partial amounts. Refund requests will be accepted until either the amount specified in the certificate is depleted or until the certificate expires 1 year from its date of issuance.

(h) CBP will process only those refund requests made in accordance with the joint rules of the Departments of Commerce and the Interior governing the issuance and handling of certificates and the transfer of entitlements as contained in 15 CFR part 303.

[T.D. 84–16, 49 FR 1481, Jan. 12, 1984, as amended by T.D. 84–211, 49 FR 39044, Oct. 3, 1984; T.D. 89–1, 53 FR 51252, Dec. 21, 1988. Redesignated and amended by T.D. 97–75, 62 FR 46441, Sept. 3, 1997 ; CBP Dec. 08-25, 73 FR 40725, July 16, 2008]

§ 7.11 Guantanamo Bay Naval Station.

Articles of foreign origin may enter the area (both land and water) of the Guantanamo Bay Naval Station free of duty, but such articles shall be subject to duty upon their subsequent entry into the United States.

[28 FR 14636, Dec. 31, 1963]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Subpart A—General Provisions

ARTICLES EXPORTED AND RETURNED

Sec.