



MASTER CUSTOMS SPECIALIST (MCS) COURSE

Part 1: Classification | Module 2: Binding Rulings

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INTRODUCTION

- If an importer wishes to clarify an interpretation of law related to a Customs transaction or wishes to receive further guidance from Customs in the form of a binding ruling, he or she has the right to do so pursuant to 19 CFR Part 177.
- A “ruling” is a written statement issued by the Headquarters Office or the appropriate office of Customs that interprets and applies the provisions of the Customs and related laws to a specific set of facts.
- A “ruling letter” is a ruling issued in response to a written request and set forth in a letter addressed to the person making the request or his designee.
- It is important to note that generally, a ruling may be requested only with respect to prospective transactions, not to transactions which have already taken place.
 - If there is a question about a transaction that is already pending, the Customs office with which the transaction is taking place will settle the matter themselves or forward the matter to the Headquarters Office if needed.
 - A completed transaction may not be the subject of a ruling request.

Lesson 1: Who Can Request a Ruling?

A ruling may be requested by any person who, as an importer or exporter of merchandise, or otherwise, has a direct and demonstrable interest in the question or questions presented in the ruling request, or by the authorized agent of such person.



An “authorized agent” is a person authorized by a principal to act on his behalf. With the exception of attorneys whose authority to represent is known, any person appearing before the Customs Service as an agent in connection with a ruling request may be required to present evidence of his authority to represent the principal. This does not apply to an individual representing his full-time employer or to an officer, director, or other qualified representative of a corporation, association, or organized group.

Lesson 2: Submission of Ruling Requests

A request for a ruling should be in the form of a letter and can be submitted electronically using the eRulings template that can be found at <https://erulings.cbp.gov/s/>

Each request for a ruling must contain a complete statement of all relevant facts relating to the transaction. Such facts include:

- The name, address, e-mail address, and phone number of the requesting party.
- The names, addresses, e-mail addresses, and other identifying information of all interested parties (if known) and the manufacturer ID code (if known)
- The name(s) of the port(s) in which the merchandise will be entered (if known).
- A description of the transaction; for example, a prospective importation (merchandise) from (country).
- A statement that there are, to the importer’s knowledge, no issues on the commodity pending before CBP or any court.
- A statement as to whether advice has been sought from a CBP office, and if so, from whom, and what advice was rendered, if any.

Lesson 3: Tariff Classification Rulings

If the purpose of the ruling request is to request the appropriate tariff classification for an article, the request should include:

- A full and complete description of the good in its imported condition
- Component materials
- The good’s principal use in the United States
- The commercial, common, or technical designation
- Illustrative literature, sketches, digital photographs, flow charts, etc.
- Chemical analysis, flow charts, CAS number, etc.
- Any special invoicing requirements in 19 CFR 141.89
- Any other information that may assist in determining the classification of the article



Requests for classification rulings are limited to five merchandise items, all of which must be the same class or kind.

If the importer or other person to whom a ruling letter is issued disagrees with the tariff classification, he may petition the Director of the Commercial Rulings Division for a review of the ruling.

Lesson 4: Country of Origin Rulings

If the purpose of the ruling request is to request the appropriate country of origin of the goods in question, the request should include:

- Countries where each of the source materials were made or harvested
- Countries where each of the various production steps took place

Country of origin determination determines the applicability of special duty rates and other trade programs.

If requesting a ruling to determine whether free trade agreements or special trade programs apply to the goods in question, provide the information required above and also information on costs incurred in each of the production countries.

Lesson 5: Marking Rulings

If the purpose of the ruling request is to determine whether the goods in question are properly marked or labeled as to the country of origin, the request should include:

- A detailed description of how the article and its container will be marked
- Illustrations that show clearly how the goods are labeled and packaged
- Illustrations should show all other labeling and packaging details, besides the actual country of origin marking
- A detailed description of how the goods will be used or sold upon importation.

Lesson 6: Valuation Rulings

If the purpose of the ruling request is to request the appropriate value for a transaction, the request should include:

- The latest information as to the values in question which the importer has or can reasonably obtain



- All information required to be found on an invoice, including:
 - Port of entry to which the merchandise is destined
 - The time when, the place where, and the person by whom and the person to whom the merchandise is sold or agreed to be sold
 - A detailed description of the merchandise, including the name by which each item is known, the grade or quality, and the marks, numbers, and symbols under which the merchandise is sold
 - The quantities in the weights and measures of the country or place from which the merchandise is shipped, or in the weights and measures of the United States
 - The purchase price of each item in the currency of the purchase
 - All charges upon the merchandise itemized by name and amount, including freight, insurance, commission, cases, containers, coverings, and cost of packing; and if not included above, all charges, costs, and expenses incurred in bringing the merchandise from alongside the carrier at the port of exportation in the country of exportation and placing it alongside the carrier at the first United States port of entry. The cost of packing, cases, containers, and inland freight to the port of exportation need not be itemized by amount if included in the invoice price, and so identified.
 - All rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise, and
 - All goods or services furnished for the production of the merchandise not included in the invoice price.
- The Incoterm applicable to the transaction
- The relationship (if any) of the parties
- Whether the transaction was at arm's length, whether there have been other sales of the same or similar merchandise in the country of exportation, or whether an agency relationship exists

Lesson 7: Carrier Rulings

If the ruling request involves a vessel, the request for a ruling should include:

- Information relating to place of build and nationality of registration and
- If to be used in waters under the jurisdiction of the United States, the exact place or places of intended use, if known.

If the request for a ruling involves a determination as to whether or not the primary object of a contemplated voyage would be considered to be coastwise transportation in violation of 46 U.S.C. 289, the request should:



- Completely identify the voyage, including the proposed time of arrival at and departure from every port on the itinerary, and
- Identify any coordination of the voyage with special events at coastwise ports, and
- Should be accompanied by samples, if available, of brochures, advertising, and other information that may be relevant to a determination of the primary object of the proposed voyage.

Lesson 8: Samples

Each request for a ruling regarding the status of an article should be accompanied by:

- Photographs, drawings, or other pictorial representations of the article and
- When possible, a sample article.

Any article consisting of materials in chemical or physical combination for which a laboratory analysis has been prepared by or for the manufacturer should include a copy of that analysis.

A sample should only be submitted with the understanding that all or a part of it may be damaged or consumed in the course of examination, testing, analysis, or other actions undertaken in connection with the ruling request.

Lesson 9: Issuance of Rulings

Rulings are issued in the order in which they are received unless a request for immediate consideration has been granted. Generally, rulings will be issued within **30 calendar days of the date of receipt**. Rulings that require referral to Headquarters will be issued within **90 days of receipt**.

If a ruling request satisfactorily includes all necessary elements, a ruling letter setting forth a determination will be issued. Otherwise, a request for a ruling will be answered by an information letter or by a letter stating that no ruling can be issued.

The ruling itself will be posted for public consumption on the website <https://rulings.cbp.gov/home> within **90 days after issuing any interpretive decision**.

A ruling letter issued by the Customs Service represents the official position of the Customs Service and is binding on all Customs Service personnel in until modified or revoked.

The binding ruling number must be included on all imports of the subject merchandise. Binding rulings are only valid if the product remains the substantively the same. If the product specifications change, the ruling may no longer be valid.