

Bureau of Customs and Border Protection

CBP Decisions

(CBP Dec. 05–25)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR JUNE, 2005

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in CBP Decision 05–21 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): none

Brazil real:

June 1, 2005.....	0.409500
June 2, 2005.....	0.413805
June 3, 2005.....	0.415265
June 4, 2005.....	0.415265
June 5, 2005.....	0.415265
June 6, 2005.....	0.403877
June 7, 2005.....	0.407166
June 8, 2005.....	0.409870
June 9, 2005.....	0.401816
June 10, 2005.....	0.405351
June 11, 2005.....	0.405351
June 12, 2005.....	0.405351
June 13, 2005.....	0.406702
June 14, 2005.....	0.406339
June 15, 2005.....	0.409115
June 16, 2005.....	0.415024
June 17, 2005.....	0.418060
June 18, 2005.....	0.418060
June 19, 2005.....	0.418060
June 20, 2005.....	0.419727
June 21, 2005.....	0.420345
June 22, 2005.....	0.420875
June 23, 2005.....	0.417973
June 24, 2005.....	0.420168
June 25, 2005.....	0.420168

FOREIGN CURRENCIES—Variances from quarterly rates for June 2005 (continued):

Brazil real: (continued):

June 26, 2005	0.420168
June 27, 2005	0.419956
June 28, 2005	0.422066
June 29, 2005	0.425659
June 30, 2005	0.424268

Denmark krone:

June 1, 2005.....	0.164463
June 2, 2005.....	0.164851
June 3, 2005.....	0.164355
June 4, 2005.....	0.164355
June 5, 2005.....	0.164355
June 9, 2005.....	0.164131
June 10, 2005.....	0.162954
June 11, 2005.....	0.162954
June 12, 2005.....	0.162954
June 13, 2005.....	0.161731
June 14, 2005.....	0.161760
June 15, 2005.....	0.162673
June 16, 2005.....	0.162433
June 17, 2005.....	0.164414
June 18, 2005.....	0.164414
June 19, 2005.....	0.164414
June 20, 2005.....	0.163047
June 21, 2005.....	0.162946
June 22, 2005.....	0.162861
June 23, 2005.....	0.161838
June 24, 2005.....	0.162301
June 25, 2005.....	0.162301
June 26, 2005.....	0.162301
June 27, 2005.....	0.163121
June 28, 2005.....	0.162114
June 29, 2005.....	0.162451
June 30, 2005.....	0.162340

South Africa rand:

June 1, 2005.....	0.144613
June 2, 2005.....	0.146897
June 3, 2005.....	0.145773
June 4, 2005.....	0.145773
June 5, 2005.....	0.145773
June 6, 2005.....	0.148038
June 7, 2005.....	0.150306
June 8, 2005.....	0.149365
June 9, 2005.....	0.147973
June 10, 2005.....	0.148126
June 11, 2005.....	0.148126
June 12, 2005.....	0.148126
June 13, 2005.....	0.145719
June 14, 2005.....	0.145666
June 15, 2005.....	0.147682

FOREIGN CURRENCIES—Variances from quarterly rates for June 2005 (continued):

South Africa rand: (continued):

June 16, 2005	0.148533
June 17, 2005	0.150580
June 18, 2005	0.150580
June 19, 2005	0.150580
June 20, 2005	0.149087
June 21, 2005	0.148920
June 22, 2005	0.148976
June 23, 2005	0.148148
June 24, 2005	0.149254
June 25, 2005	0.149254
June 26, 2005	0.149254
June 27, 2005	0.150841
June 28, 2005	0.150432
June 29, 2005	0.149813
June 30, 2005	0.149981

Sweden krona:

June 1, 2005	0.133806
June 3, 2005	0.133887
June 4, 2005	0.133887
June 5, 2005	0.133887
June 9, 2005	0.132779
June 10, 2005	0.131515
June 11, 2005	0.131515
June 12, 2005	0.131515
June 13, 2005	0.129682
June 14, 2005	0.129853
June 15, 2005	0.130516
June 16, 2005	0.130441
June 17, 2005	0.132855
June 18, 2005	0.132855
June 19, 2005	0.132855
June 20, 2005	0.131498
June 21, 2005	0.131216
June 22, 2005	0.130364
June 23, 2005	0.128381
June 24, 2005	0.128780
June 25, 2005	0.128780
June 26, 2005	0.128780
June 27, 2005	0.129381
June 28, 2005	0.128518
June 29, 2005	0.128018
June 30, 2005	0.128166

Switzerland franc:

June 10, 2005	0.788146
June 11, 2005	0.788146
June 12, 2005	0.788146
June 13, 2005	0.782595
June 14, 2005	0.782718
June 15, 2005	0.786782

FOREIGN CURRENCIES—Variances from quarterly rates for June 2005 (continued):

Switzerland franc: (continued):

June 16, 2005	0.784806
June 20, 2005	0.786040
June 21, 2005	0.787278
June 22, 2005	0.786720
June 23, 2005	0.782718
June 24, 2005	0.784375
June 25, 2005	0.784375
June 26, 2005	0.784375
June 27, 2005	0.787774
June 28, 2005	0.781800
June 29, 2005	0.782105
June 30, 2005	0.779606

Thailand baht:

June 28, 2005	0.024278
June 29, 2005	0.024219
June 30, 2005	0.024195

Dated: July 1, 2005

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.

(CBP Dec. 05–26)

FOREIGN CURRENCIES

DAILY RATES FOR COUNTRIES NOT ON QUARTERLY LIST FOR
JUNE, 2005

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday(s): none

European Union euro:

June 1, 2005	1.223200
June 2, 2005	1.226600
June 3, 2005	1.222700
June 4, 2005	1.222700
June 5, 2005	1.222700
June 6, 2005	1.226800
June 7, 2005	1.227700

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly
list for June 2005 (continued):

European Union euro: (continued):

June 8, 2005.....	1.232000
June 9, 2005.....	1.221600
June 10, 2005.....	1.212700
June 11, 2005.....	1.212700
June 12, 2005.....	1.212700
June 13, 2005.....	1.203500
June 14, 2005.....	1.203800
June 15, 2005.....	1.210600
June 16, 2005.....	1.208900
June 17, 2005.....	1.224000
June 18, 2005.....	1.224000
June 19, 2005.....	1.224000
June 20, 2005.....	1.214000
June 21, 2005.....	1.213400
June 22, 2005.....	1.213000
June 23, 2005.....	1.205400
June 24, 2005.....	1.208800
June 25, 2005.....	1.208800
June 26, 2005.....	1.208800
June 27, 2005.....	1.215200
June 28, 2005.....	1.207800
June 29, 2005.....	1.210100
June 30, 2005.....	1.209800

South Korea won:

June 1, 2005.....	0.000990
June 2, 2005.....	0.000987
June 3, 2005.....	0.000994
June 4, 2005.....	0.000994
June 5, 2005.....	0.000994
June 6, 2005.....	0.000997
June 7, 2005.....	0.000995
June 8, 2005.....	0.000994
June 9, 2005.....	0.000995
June 10, 2005.....	0.000993
June 11, 2005.....	0.000993
June 12, 2005.....	0.000993
June 13, 2005.....	0.000984
June 14, 2005.....	0.000986
June 15, 2005.....	0.000986
June 16, 2005.....	0.000987
June 17, 2005.....	0.000992
June 18, 2005.....	0.000992
June 19, 2005.....	0.000992
June 20, 2005.....	0.000988
June 21, 2005.....	0.000992
June 22, 2005.....	0.000991
June 23, 2005.....	0.000990
June 24, 2005.....	0.000987
June 25, 2005.....	0.000987
June 26, 2005.....	0.000987

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly
list for June 2005 (continued):

South Korea won: (continued):

June 27, 2005	0.000987
June 28, 2005	0.000977
June 29, 2005	0.000971
June 30, 2005	0.000967

Taiwan N.T. dollar:

June 1, 2005	0.031949
June 2, 2005	0.031949
June 3, 2005	0.031980
June 4, 2005	0.031980
June 5, 2005	0.031980
June 6, 2005	0.032103
June 7, 2005	0.032031
June 8, 2005	0.031980
June 9, 2005	0.031959
June 10, 2005	0.031918
June 11, 2005	0.031918
June 12, 2005	0.031918
June 13, 2005	0.031766
June 14, 2005	0.031817
June 15, 2005	0.031878
June 16, 2005	0.031847
June 17, 2005	0.032031
June 18, 2005	0.032031
June 19, 2005	0.032031
June 20, 2005	0.031878
June 21, 2005	0.031949
June 22, 2005	0.031888
June 23, 2005	0.031898
June 24, 2005	0.031939
June 25, 2005	0.031939
June 26, 2005	0.031939
June 27, 2005	0.031928
June 28, 2005	0.031918
June 29, 2005	0.031616
June 30, 2005	0.031606

Dated: July 1, 2005

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.

7/1/05

CIE C 28/03
LIQ-03-01-RR:OO:CI

RE: SECTION 159.34 CFR

SUBJECT: CERTIFIED RATES OF FOREIGN EXCHANGE:
THIRD QUARTER, 2005

LISTED BELOW ARE THE BUYING RATES CERTIFIED FOR THE QUARTER TO THE SECRETARY OF THE TREASURY BY THE FEDERAL RESERVE BANK OF NEW YORK UNDER PROVISION OF 31 USC 5151. THESE QUARTERLY RATES ARE APPLICABLE THROUGHOUT THE QUARTER EXCEPT WHEN THE CERTIFIED DAILY RATES VARY BY 5% OR MORE. SUCH VARIANCES MAY BE OBTAINED BY CALLING (646) 733-3065 OR (646) 733-3057.

QUARTER BEGINNING July 1, 2005 AND ENDING
SEPTEMBER 30, 2005

COUNTRY	CURRENCY	U.S. DOLLARS
AUSTRALIA	DOLLAR.....	\$0.751600
BRAZIL.....	REAL.....	\$0.425894
CANADA.....	DOLLAR.....	\$0.805283
CHINA, P.R.....	YUAN	\$0.120824
DENMARK.....	KRONE.....	\$0.160429
HONG KONG	DOLLAR.....	\$0.128670
INDIA	RUPEE	\$0.023015
JAPAN.....	YEN	\$0.008954
MALAYSIA.....	RINGGIT	\$0.263158
MEXICO.....	PESO.....	&0.093136
NEW ZEALAND.....	DOLLAR.....	\$0.683700
NORWAY.....	KRONE.....	\$0.151442
SINGAPORE	DOLLAR.....	\$0.591226
SOUTH AFRICA.....	RAND	\$0.146628
SRI LANKA.....	RUPEE	\$0.009990
SWEDEN	KRONA.....	\$0.126234
SWITZERLAND	FRANC	\$0.771307
THAILAND	BAHT.....	\$0.024166
UNITED KINGDOM.....	POUND STERLING	\$1.770800
VENEZUELA	BOLIVAR	\$0.000466

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.

*General Notices***19 CFR PART 177, SUBPART B****NOTICE OF ISSUANCE OF FINAL DETERMINATION
CONCERNING MULTI-LINE TELEPHONE SETS**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that the Bureau of Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of certain multi-line telephone sets to be offered to the United States Government under an undesignated government procurement contract. The final determination found that, based upon the facts presented, the country of origin of the Avaya Partner multi-line telephone set is Mexico.

DATE: The final determination was issued on July 1, 2005. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of July 11, 2005.

FOR FURTHER INFORMATION CONTACT: Ed Caldwell, Special Classification and Marking Branch, Office of Regulations and Rulings (202-572-8872).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on July 1, 2005, pursuant to Subpart B of Part 177, Customs Regulations (19 CFR Part 177, subpart B), CBP issued a final determination concerning the country of origin of certain multi-line telephone sets to be offered to the United States Government under an undesignated government procurement contract. The CBP ruling number is HQ 563236. This final determination was issued at the request of Avaya, Inc., under procedures set forth at 19 CFR Part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511-18).

The final determination concluded that, based upon the facts presented, the assembly in Mexico of parts of various origins to create Avaya Partner multi-line telephone sets substantially transformed certain imported parts into a product of Mexico.

Section 177.29, Customs Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the Federal Register within 60 days of the date the final determination is issued. Section 177.30, Customs Regulations (19 CFR 177.30), states that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judi-

cial review of a final determination within 30 days of publication of such determination in the Federal Register.

Dated: July 6, 2005

MICHAEL T. SCHMITZ,
Assistant Commissioner ,
Office of Regulations and Rulings.

Attachment

HQ 563236

July 6, 2005

MAR-2-05 RR:CR:SM 563236 EAC

CATEGORY: Marking

Mr. Dean L. Grayson
Corporate Counsel
Avaya, Inc.
1212 New York Avenue, Suite 1212
Washington, DC 20005

RE: U.S. Government Procurement; Final Determination; country of origin of multi-line telephone sets; substantial transformation; 19 CFR Part 177

Dear Mr. Grayson:

This is in response to your letter dated March 15, 2005, requesting a final determination on behalf of Avaya Inc. (hereinafter "Avaya"), pursuant to subpart B of Part 177, Customs Regulations (19 CFR 177.21 et seq.). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. §2411 et seq.), U.S. Customs and Border Protection ("CBP") issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated foreign country or instrumentality for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of multi-line telephone sets marketed under the name "Partner", which Avaya is considering selling to the U.S. Government. We note that Avaya is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

FACTS:

The Partner multi-line telephone sets are assembled from approximately 36 constituent components (consisting of individual parts and more complex subassemblies) at an Avaya facility in Monterrey, Mexico. Some of the parts utilized in the assembly process have been

identified as plastic upper housings, plastic lower housings, plastic mechanical levers known as a “plungers”, wire spring assemblies, keypad assemblies that contain no electronics, backlights, liquid crystal displays (“LCD’s”), other parts used to make LCD display assemblies, printed circuit assemblies, jacks, speaker assemblies, microphone assemblies, handsets and stands.

You state that some of the parts from which the telephones are assembled are manufactured within Mexico and that others are imported into Mexico from countries such as Malaysia, China, and the United States. Among the components imported into Mexico are printed circuit assemblies which are assembled in Malaysia during a process that requires approximately 8 minutes and involves more than 250 components. Among the components manufactured within Mexico are the handsets, LCD assemblies, microphone assemblies and stands. We are informed that, prior to assembly, none of the component parts is capable of performing any useful function or performing the function of a telephone (*i.e.*, for converting voice to a transmittable digital/analog signal, and in reverse, converting a digital/analog signal to sound that resembles the voice or tones transmitted from the other end of the telephone line) and that neither the printed circuit assemblies, LED displays, or audio amplifiers within the handsets can function without being assembled into the telephone sets.

The Partner multi-line telephone sets are assembled by skilled workers in approximately 20 minutes. The assembly process involves a number of quality control measures, including a quality audit which is performed after the telephone sets have been packaged. Pertinent parts of the assembly process, as set forth in an attachment to the above-referenced letter of March 15, 2005, are as follows:

1. The imported and Mexican parts are received, logged into the system, assigned bar codes if the parts are significant (*i.e.*, the housing, the printed circuit assembly) and placed into bins at the appropriate assembly station.
2. The telephone set’s upper housing is visually inspected to determine whether it is defective.
3. The upper housing is cleaned.
4. The plunger is assembled into the telephone set’s upper housing.
5. The spring assembly is assembled into the upper housing.
6. The keypad assembly is assembled into the upper housing.
7. The LCD display assembly is assembled from component parts that include a liquid crystal display, a backlight and LCD upper and lower housing components.

8. The LCD display assembly is assembled into the telephone set's upper housing.
9. The printed circuit assembly is assembled into the telephone set's upper housing.
10. The printed circuit assembly is connected to the keypad assembly that was previously assembled into the upper housing.
11. The printed circuit assembly is connected to the LCD display assembly that was previously assembled into the upper housing.
12. The jack is connected to the upper housing. The jack is used to connect the telephone to the handset.
13. The speaker assembly, which is the hearing function of the telephone, is assembled into the upper housing.
14. The speaker assembly is soldered to the printed circuit assembly that was previously assembled into the upper housing.
15. The microphone assembly is assembled from component parts.
16. The microphone assembly, which is the speaking function of the telephone, is assembled into the upper housing.
17. The microphone assembly is soldered to the printed circuit assembly that was previously assembled into the upper housing.
18. The upper and lower housing are screwed together.
19. The handset is connected to the jack that was previously connected to the upper housing.
20. The line cable assembly is assembled into the upper housing. The line cable is used to connect the telephone to a wall jack.
21. The telephone set is visually inspected for defects and a "functional" test of the telephone set is performed.
22. The telephone stand is assembled from plastic pieces molded in Mexico.
23. Four rubber buttons/feet are attached to the bottom of the telephone stand.
24. The telephone set, stand and documents relating to the telephone, including a user guide, are packaged.

ISSUE:

Whether the assembled Partner multi-line telephone sets are considered to be products of Mexico for purposes of U.S. Government procurement.

LAW AND ANALYSIS:

Pursuant to Subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. §2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. §2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also, 19 CFR 177.22(a).

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (CIT 1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. See, C.S.D. 80-111, C.S.D. 85-25, C.S.D. 89-110, C.S.D. 89-118, C.S.D. 90-51, and C.S.D. 90-97. In C.S.D. 85-25, 19 Cust. Bull. 844 (1985), CBP held that for purposes of the Generalized System of Preferences ("GSP"), the assembly of a large number of fabricated components onto a printed circuit board in a process involving a considerable amount of time and skill resulted in a substantial transformation. In that case, in excess of 50 discrete fabricated components (such as resistors, capacitors, diodes, integrated circuits, sockets, and connectors) were assembled.

In Headquarters Ruling Letter ("HRL") 557208 dated July 24, 1993, cordless telephones were produced in Mexico from various components including three printed circuit board ("PCB") subassemblies identified as base unit circuit boards, base unit control boards, and handset mainboards. The PCB subassemblies were "stuffed" in Mexico by incorporating various parts (such as diodes and resistors)

onto bare printed circuit boards which were imported into Mexico from the United States, Japan and other countries abroad. The base unit circuit board was produced in a 13-step process involving 212 parts; the base unit control board was produced in a 7-step process involving 74 parts; and, the handset main board was produced in a 12-step process involving 274 parts. The three stuffed PCB assemblies were thereafter utilized to produce finished cordless telephones in a separate 58-step process that involved 95 parts.

At issue in HRL 557208 was whether, for purposes of determining eligibility under the GSP, the components imported into Mexico and used in the production of the finished cordless telephones underwent a double substantial transformation during assembly. Upon consideration of this matter, CBP held that assembling the imported components onto the circuit boards, control boards, and handset boards resulted in an initial substantial transformation. It was also determined that a second substantial transformation occurred when the PCB assemblies were subsequently assembled with other components to form finished telephones because the cordless telephones were readily identifiable as distinct articles of commerce differing in name, character and use from the PCB subassemblies. See also, HRL 735097 dated September 7, 1993 (under the same facts as considered in HRL 557208, CBP concluded that the country of origin of the cordless telephones for marking purposes was Mexico).

In HRL 734979 dated September 3, 1993, non-functional telephone shells were imported into the United States where they were combined with U.S.-origin control boards to form operational telephone sets. As entered into the United States, the shells consisted of housings, plastic and electronic subassemblies, and other parts of a telephone which were all assembled together to form the shell. The plastic parts used to form the telephone housings, buttons, and pads were made in China as were the printed circuit boards utilized for the keypads. The shell was also assembled into the plastic housing in China. In finding that the imported shells were substantially transformed in the United States when combined with U.S.-origin control boards, it was noted that the shells (which resembled telephones upon entry) were unable to function until the control boards were installed. CBP additionally stated that: "Although shells as imported contain some electronics and a circuit board for the key pads, they are apparently minor electronic components as compared to the control boards because they do not perform the sophisticated functions that the control boards do." Moreover, the relatively sophisticated control boards were manufactured *and* installed in the United States.

Whereas complex and meaningful assembly operations may substantially transform imported telephone components, CBP has consistently held that simple assembly and/or packaging operations do not result in a substantial transformation of imported components.

See, for example, HRL 734046 dated May 10, 1991 (a base unit headset, headset cord and telephone cord which are imported as a telephone set are not substantially transformed when packed together); HRL 734560 dated July 20, 1992 (telephone components packed together as a set are not substantially transformed by virtue of being assembled into a telephone unit); and, HRL 559067 dated September 19, 1995 (telephone components packed together as a set are not substantially transformed when packaged as a unit for sale as a telephone set).

As the cases set forth above demonstrate, in order to determine whether a substantial transformation occurs when components of various origins are assembled to form completed telephones, CBP considers the totality of the circumstances and makes such decisions on a case-by-case basis. Further guiding our analysis is the principle that the "essence" of finished telephone sets is housed in the telephone base and the handset. See, Uniden America Corporation and Uniden Financial, Inc., v United States, 24 C.I.T. 1191, 1195, 120 F.Supp. 2d 1091, 1096 (2000). Moreover, the determination in this case will ultimately be "a mixed question of technology and customs law, mostly the latter." Texas Instruments, Inc. v. United States, 681 F.2d 778, 783 (C.C.P.A. 1982).

As applied, it is our opinion that the various components (individual parts and subassemblies) which are imported into Mexico for assembly into the Partner multi-line telephone sets are substantially transformed during the processing which occurs in that country. In making this determination, we note that trained workers assemble the telephones in a process which can be described as complex and meaningful. During such assembly operations, the various components lose their separate identities and are subsumed into a product that possesses a new name, character and use. As noted, *supra*, many of the components have no function alone and can only perform their function when assembled to form completed telephone sets. Moreover, the finished telephone sets are comprised of certain essential parts (such as the handsets) which are of Mexican origin. Therefore, based upon the specific circumstances of this case, we find that the assembled Partner multi-line telephone sets are a product of Mexico for purposes of U.S. Government procurement.

HOLDING:

Based upon the specific facts of this case, we find that the components imported into Mexico for use in the Partner multi-line telephone sets are substantially transformed when assembled in the manner set forth above. Therefore, the country of origin of the finished Partner multi-line telephone sets for purposes of U.S. Government procurement is Mexico.

Notice of this final determination will be given in the Federal Register as required by 19 CFR 177.29. Any party-at-interest other than

the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Any party-at-interest may, within 30 days after publication of the Federal Register notice referenced above, seek judicial review of this final determination before the Court of International Trade.

MICHAEL T. SCHMIT,
Assistant Commissioner,
Office of Regulations and Rulings.

[Published in the Federal Register, July 11, 2005 (70 FR 39778)]

