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U.S. Foreign-Trade Zones Board

# Primer on Uniform Treatment Regulation

February 2016



## Key Provisions of Regulation

- Contracts/agreements that grantee has with zone participants (such as operator or property owner) relating to grantee function must be in writing.
- Grantee – or someone acting on their behalf – must apply uniform treatment in evaluating proposals (such as companies' requests for FTZ designation).
- If grantee has provided different treatment to different zone participants, grantee must be able to provide documented justification for the difference in treatment.



## Key Provisions of Regulation (cont.)

- Person (or related party) who w/in last 12 months has offered/sold FTZ-related product/service to users of a zone cannot undertake any of following “key functions”
  - 1) Take action for/make recommendation to grantee on application disposition (for FTZ authority/activation)
  - 2) Approve/be party to agreement with (or for) grantee pertaining to user’s FTZ authority/activation
  - 3) Oversee user’s operations in zone for grantee.



## Additional Guidance on Regulation

- Professional advice and assistance to grantees on applications would not constitute first key function if ultimate recommendation or action on disposition of application is made within grantee organization.
- Third party's checks on activity (such as compliance reviews) for grantee may constitute third key function.
- May contact Board for determination on whether particular activity constitutes undertaking key function.
- Additional detail also addressed in correspondence available in Reading Room section of Board's website.



## Waiver Provision in Regulation

- Waiver may be requested for party who offers/sells products/services to users of a zone and therefore could not ordinarily undertake any of the three “key functions”
- Waiver application must explain circumstances in detail: Person’s offer/sale of FTZ-related products/services and grantee-related function(s) person would undertake.
- For decision on waiver application, FTZ Board will consider circumstances, including nature of person’s specific grantee-related function(s).



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For any questions, do not hesitate to  
contact your regional representative,  
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