

## ANNEX 3B

### OPERATIONAL CERTIFICATION PROCEDURES

For the purposes of implementing the Rules of Origin in Chapter 3, the following operational procedures on the issuance and verification of the Certificate of Origin and other related administrative matters, shall be followed:

#### (1) AUTHORITIES

##### RULE 1

The Certificate of Origin ([Attachment 1](#)) shall be issued by the government authority designated by the exporting Party and notified to the other Party.

##### RULE 2

- (a) Each Party shall inform the other Party of the names and addresses of the government officials issuing this Certificate of Origin and shall provide specimen signatures and official seals used by the government officials.
- (b) Any change in names, addresses, or official seals shall be promptly notified to the other Party.

##### RULE 3

For the purpose of verifying the conditions for preferential treatment, the government authority designated to issue the Certificate of Origin (hereinafter referred to as Issuing Authority) shall have the right to call for any supporting documentary evidence or to carry out any check considered appropriate.

#### (i) APPLICATIONS

##### RULE 4

The manufacturer and/or exporter of the products qualified for preferential treatment shall apply in writing to the relevant Issuing Authority requesting for the pre-exportation verification of the origin of the products. The result of the verification, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in verifying the origin of the said products to be exported thereafter. The pre-exportation verification may not apply to products, the origin of which can be easily verified, by their nature.

## RULE 5

At the time of carrying out the formalities for exporting the products under preferential treatment, the exporter or his authorized representative shall submit a written application for the Certificate of Origin together with appropriate supporting documents proving that the products to be exported qualify for the issuance of a Certificate of Origin.

### (ii) PRE-EXPORTATION EXAMINATION

## RULE 6

The Issuing Authority shall, to the best of its competence and ability, carry out proper examination upon each application for the Certificate of Origin to ensure that:

- (a) The application and the Certificate of Origin are duly completed and signed by the authorised signatory;
- (b) The origin of the product is in conformity with the Rules of Origin of this Agreement;
- (c) The other statements of the Certificate of Origin correspond to supporting documentary evidence submitted; and
- (d) Description, quantity and weight of goods, marks and number of packages, number and kinds of packages, as specified, conform to the consignment to be exported.

### (iii) ISSUANCE OF CERTIFICATE OF ORIGIN

## RULE 7

- (a) The validity of the Certificate of Origin shall be 12 months from the date of its issuance.
- (b) The Certificate of Origin must be on ISO A4 size paper in conformity to the specimen shown in Appendix 1. It shall be made in English.
- (c) The Certificate of Origin shall comprise one original and three (3) carbon copies of the following colours:

Original	-	light grey
Duplicate	-	white
Triplicate	-	white
Quadruplicate	-	white

- (d) Each Certificate of Origin shall bear a reference number given separately by each place or office of issuance.
- (e) The original copy, together with the triplicate, shall be forwarded by the exporter to the importer for submission of the original copy to the Customs Authority at the port or place of importation. The duplicate shall be retained by the issuing authority in the exporting Party. The triplicate shall be retained by the importer and the quadruplicate shall be retained by the exporter.

#### RULE 8

To implement the provisions of Articles 3.2, 3.3 and 3.4 of Chapter 3, the Certificate of Origin issued by the exporting Party shall indicate the applicable Rules of Origin and the local value-added content, where applicable, in Box 8 of the Certificate of Origin.

#### RULE 9

Neither erasures nor superimpositions shall be allowed on the Certificate of Origin. Any alteration shall be made by striking out the erroneous materials and making any addition required. Such alterations shall be approved by an official authorised to sign the Certificate of Origin and certified by the Issuing Authority. Unused spaces shall be crossed out to prevent any subsequent addition.

#### RULE 10

- (a) The Certificate of Origin shall be issued by the relevant Issuing Authority of the exporting Party at the time of exportation, or within 3 working days from the date of shipment whenever the products to be exported can be considered originating in that Party within the meaning of the Rules of Origin in Chapter 3.
- (b) In exceptional cases where a Certificate of Origin has not been issued at the time of exportation or within 3 working days from the date of shipment due to involuntary errors or omissions or other valid causes, the Certificate of Origin may be issued retroactively but no longer than one year from the date of shipment, bearing the word “ISSUED RETROACTIVELY”

#### RULE 11

In the event of theft, loss or destruction of a Certificate of Origin, the exporter may apply in writing to the Issuing Authority which issued it for the certified true copy of the original and the triplicate to be made on the basis of the export documents in their possession bearing the endorsement of the word “CERTIFIED TRUE COPY” (in lieu of

the Original Certificate) in Box 12 of the Certificate of Origin. This copy shall bear the date of the original Certificate of Origin. The certified true copy of a Certificate of Origin shall be issued within the validity period of the original Certificate of Origin and on condition that the exporter provides to the Issuing Authority the quadruplicate mentioned in Rule 7.

(iv) PRESENTATION

RULE 12

The Original Certificate of Origin shall be submitted to the Customs Authority at the time of lodging the import entry for the products concerned.

RULE 13

The following time limit for the presentation of the Certificate of Origin shall be observed:

- (a) Certificate of Origin shall be submitted to the Customs Authority of the importing Party within its validity period;
- (b) Where the Certificate of Origin is submitted to the Customs Authority of the importing Party after the expiration of the validity of the Certificate of Origin, such Certificate is still to be accepted when failure to observe the time-limit results from *force majeure* or other valid causes beyond the control of the exporter; and
- (c) In all cases, the relevant government authority in the importing Party may accept such Certificate of Origin provided that the products have been imported before the expiration of the validity of the Certificate of Origin.

RULE 14

The discovery of minor discrepancies between the statements made in the Certificate of Origin and those made in the documents submitted to the Customs Authority of the importing Party for the purpose of carrying out the formalities for importing the products shall not *ipso-facto* invalidate the Certificate of Origin, if it does in fact correspond to the said products.

## RULE 15

- (a) The importing Party may request a retroactive check at random and/or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the products in question or of certain parts thereof.
- (b) The request shall be accompanied with the Certificate of Origin concerned and shall specify the reasons and any additional information suggesting that the particulars given on the said Certificate of Origin may be inaccurate, unless the retroactive check is requested on a random basis.
- (c) The Customs Authority of the importing Party may suspend the provisions on preferential treatment while awaiting the result of verification. However, it may release the products to the importer subject to any administrative measures deemed necessary, provided that they are not held to be subject to import prohibition or restriction and there is no suspicion of fraud.
- (d) The Issuing Authority receiving a request for retroactive check shall respond within three months after the receipt of the request.

## RULE 16

- (a) The application for Certificates of Origin and all documents related to such application shall be retained by the Issuing Authority for not less than two years from the date of issuance.
- (b) Information relating to the validity of the Certificate of Origin shall be furnished upon request of the importing Party.
- (c) Any information communicated among the government authorities shall be treated as confidential and shall be used for the validation of Certificates of Origin purposes only.
- (iv) Special Cases

## RULE 17

When destination of all or parts of the products exported to specified port is changed, before or after their arrival in the importing Party, the following Rules shall be observed:

- (a) If the products have already been submitted to the Customs Authority in the specified importing port, the Certificate of Origin shall, by a written application of the importer, be endorsed to this effect for all or parts of products by the said authority and the original returned to the importer.

- (b) If a change of destination occurs during transportation to the importing Party as specified in the Certificate of Origin, the exporter shall apply in writing, accompanied with the issued Certificate of Origin, for the issuance of new Certificate/s of Origin for all or parts of products.

#### RULE 18

For the purpose of implementing paragraph (b) of Article 3.14 of Chapter 3 , where transportation is effected through the territory of one or more non-parties, the following shall be produced to the government authorities of the importing Party:

- (a) A through Bill of Lading issued in the exporting Party;
- (b) A Certificate of Origin issued by the Issuing Authority of the exporting Party;
- (c) A copy of the original commercial invoice in respect of the product; and
- (d) Supporting documents in evidence that the requirements of paragraph (b) of Article 3.14 of Chapter 3 are being complied with.

#### RULE 19

- (a) Products sent from one Party for exhibition in the other Party and sold during or after the exhibition, for importation into the other Party shall benefit from the preferential tariff treatment provided in this Agreement, on the condition that the products meet the requirements of the Rules of Origin in Chapter 3 and provided it is shown to the satisfaction of the relevant government authorities of the importing Party that:
  - (i) An exporter has dispatched those products from the territory of the exporting Party to the importing Party where the exhibition is held and has exhibited them there;
  - (ii) The exporter has sold the goods or transferred them to a consignee in the importing Party; and
  - (iii) The products have been sold during the exhibition or immediately thereafter to the importing Party in the condition in which they were sent for the exhibition.
- (b) For the purpose of implementing the above provisions, the Certificate of Origin must be produced to the relevant government authorities of the importing Party. The name and address of the exhibition must be indicated, a certificate issued by

the relevant government authority of the Party where the exhibition took place together with supporting documents prescribed in paragraph (d) of Rule 18 may be required.

- (c) Paragraph (a) shall apply to any exhibitions, fairs or similar shows or displays where the products remain under Customs control during these events.

- (v) ACTION AGAINST FRAUDULENT ACTS

#### RULE 20

- (a) When it is suspected that fraudulent acts in connection with the Certificate of Origin have been committed, the Issuing Authorities concerned shall co-operate in the action to be taken in the territory of each Party against the persons involved.
- (b) Each Party shall be responsible for providing legal sanctions for fraudulent acts related to the Certificate of Origin.

#### RULE 21

In the case of a dispute concerning origin determination, classification of products or other matters, the government authorities concerned in the importing and exporting Parties shall consult each other with a view to resolving the dispute.