

ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

**OPERATIONAL PROCEDURES FOR THE CERTIFICATION AND
VERIFICATION OF THE ORIGIN OF GOODS UNDER THE ASIA-
PACIFIC TRADE AGREEMENT**

ASIA PACIFIC TRADE AGREEMENT



**United Nations
ESCAP**

OPERATIONAL PROCEDURES FOR THE CERTIFICATION AND VERIFICATION OF THE ORIGIN OF GOODS UNDER THE ASIA-PACIFIC TRADE AGREEMENT

The Parties to the Asia-Pacific Trade Agreement, done on 2 November 2005 (hereinafter referred to as the “Participating States”):

For the purpose of implementing the Rules of Origin under the Asia-Pacific Trade Agreement (hereinafter referred to as “APTA”), by developing the present operational procedures for the certification and verification of origin and other related administrative matters

Have agreed as follows:

Article 1: Issuing Authorities

(1) The Certificates of Origin shall be issued by an authority/ authorities designated by the government of the exporting Participating State (hereinafter referred to as “Issuing Authorities”).

(2) Each Participating State shall communicate the names and addresses of their respective Issuing Authorities and shall provide specimens of their official seals for the endorsement of Certificates of Origin to the other Participating States. Any change in the above information and specimens shall be promptly communicated to the other Participating States.

Article 2: Application

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

(2) At the time of carrying out the formalities for exporting the products under preferential treatment, the exporter or its authorized representative shall apply in writing (manually or electronically) to the Issuing Authorities for the Certificate of Origin and submit the Certificate of Origin duly completed together with the appropriate supporting documents proving that the products to be exported qualify for the issuance of a Certificate of Origin.

(3) The Issuing Authorities shall have the right, in verifying the application for a Certificate of Origin, to request any supporting documents to be furnished by the applicant in order to ascertain the conformity of the goods with the Rules of Origin under the APTA and the present Procedures.

(4) The Issuing Authorities shall scrutinize each application for a Certificate of Origin to ensure that:

(a) the application and the Certificate of Origin have been duly completed and signed by the exporter or authorized signatory or submitted electronically;

(b) the origin of the goods is in conformity with the Rules of Origin under the APTA;

- (c) the other statements/entries on the Certificate of Origin correspond to the supporting documentary evidence submitted; and
- (d) the tariff item number, description, quantity and weight of goods, marks and number of packages, number and kinds of packages, as specified, correspond to the goods to be exported.

Article 3: Certificate of Origin

- (1) The Certificate of Origin shall be on an ISO A4 size paper in conformity with the specimen text set out in Annex-II to APTA, which shall be printed in English.
- (2) The Certificate of Origin shall comprise one original and one copy or duplicate to be retained by the Issuing Authority. The colour of the Certificate of Origin shall be determined by each exporting Participating State and notified to the other Participating States and the Secretariat.
- (3) Each Certificate of Origin shall bear a unique reference number separately given by each place of office of issuance.
- (4) The original shall be forwarded by the exporter to the importer for submission to the Customs Authority at the port or place of importation.

Article 4: Issuance of Certificate of Origin

- (1) A Certificate of Origin shall be issued manually or electronically by the Issuing Authorities of the exporting Participating State at the time of exportation or within three working days from the date of shipment whenever the products to be exported can be considered originating in that Participating State within the meaning of the Rules of Origin under the APTA. A Certificate of Origin shall be valid for one year from the date of issuance.
- (2) Neither erasures nor superimposition shall be allowed on the Certificate of Origin. Unused spaces shall be crossed out to prevent any subsequent addition.
- (3) Under Rule 2, 3 or 4 of Annex II to the APTA, the Issuing Authority of the exporting Participating State shall indicate, in Box 8 of the Certificate of Origin, the relevant rules and applicable percentage of regional content.
- (4) In the event of theft, loss or destruction of a Certificate of Origin, the exporter may apply in writing to the Issuing Authorities for a certified true copy of the original. The copy shall be made on the basis of the relevant documents kept in the dossier of the Issuing Authority. This copy should bear the words "CERTIFIED TRUE COPY" in Box 3, as well as the date when the original Certificate of Origin was issued. The certified true copy of a Certificate of Origin shall be issued within the validity period of the original Certificate of Origin.

Article 5: Presentation of the Certificate of Origin

- (1) An original Certificate of Origin shall be submitted for preferential treatment to the Customs Authority at the time of lodging the import entry for the products concerned.

(2) The Certificate of Origin shall be submitted to the Customs Authority of the importing Participating State within its validity period.

(3) Where a Certificate of Origin is submitted to the relevant Customs Authority of the importing Participating State after the expiration of its validity, 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.

(4) In all cases, the relevant Customs Authority in the importing Participating State may accept such Certificate of Origin provided that the products were imported before the expiration of the validity of the Certificate of Origin

(5) Where the origin of a product is not in doubt, 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 Participating State 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.

Article 6: Origin Verification¹

(1) The Customs Authority of the importing Participating State may request the Issuing Authority of the exporting Participating State for a retroactive random check and/or when it has reasonable doubt as to the authenticity of the documents or as to the accuracy of the origin status of the goods in question.

(2) The request shall be accompanied by 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.

(3) The Customs Authority of the importing Participating State may suspend the preferential treatment while awaiting the result of the verification. However, it may release the goods 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.

(4) The Issuing Authority receiving a request for verification shall respond to the request promptly and reply within three (3) months after receipt of the request. The verification process, including the actual process and the determination of whether the subject goods are originating or not, should be completed and the result should be communicated to the Issuing Authority within six (6) months. While the process of the verification is being undertaken, sub-paragraph (3) shall be applied. In the cases where the Customs Authority of the importing Participating State does not receive any reply within four (4) months after the making of the request, the Customs Authority may deny the claim for preferential treatment. In case the reply does not supply enough information to confirm the authenticity of the documents or the origin of the goods, the concerned authorities shall resolve the issue through bilateral consultation within three (3) months, failing which the preferential treatment may be denied.

¹ For the Republic of Korea the term “Issuing Authority” for Origin Verification purposes is the Customs Authority.

Article 7: Record Keeping Requirements

- (1) An application for a Certificate of Origin and all documents related to such application shall be retained by the Issuing Authorities for a period of not less than two (2) years from the date of issuance.
- (2) Information relating to the accuracy of the Certificate of Origin shall be furnished upon request of the importing Participating State.
- (3) Any information communicated between the Participating States shall be treated as confidential and shall be used for the verification of Certificates of Origin only.

Article 8: Special Cases

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

- (1) If the products have already been submitted to the Customs Authority in the specified importing Participating State, the Certificate of Origin shall, following a written application by the importer, be endorsed to this effect for all or parts of products by the said authorities and the original returned to the importer.
- (2) If the change of destination occurs during transportation to the importing Participating State as specified in the Certificate of Origin, the exporter shall apply in writing, accompanied by the issued Certificate of Origin, for the issuance of new Certificate/s of Origin for all or parts of products.

Article 9: Supporting Documents of Direct Transportation

Under Rule 5(b) of Annex II to APTA, where the goods are transported through the territory outside the Participating States, the following documents shall be presented to the customs authorities of the importing Participating State:

- (1) the through Bill of Lading issued in the exporting Participating State;
- (2) the Certificate of Origin issued by the Issuing Authority of the exporting Participating State;
- (3) the original commercial invoice in respect of the goods; and
- (4) supporting documents which prove the compliance with Rule 5(b) of Annex II to APTA.

Article 10: Cooperation of the Participating States

- (1) When it is suspected that fraudulent acts regarding the Certificate of Origin have been committed, the authorities in the Participating States concerned shall co-operate in taking action against the persons involved, and undertake legal sanctions against fraudulent acts according to their respective domestic legislations.

(2) In the case of any dispute concerning origin determination, classification, goods or other matters, the competent authorities concerned in the importing and exporting Participating States shall consult each other with a view to resolving the dispute, and the result shall be communicated to other Participating States.

(3) Each Participating State shall designate a focal point or focal points to ensure the effective and efficient implementation of the Rules of Origin under the APTA

Article 11: Exhibition Purposes

(1) Products sent from one Participating State for exhibition in another Participating State and sold during or after the exhibition shall benefit from the preferential tariff treatment provided in the APTA, on the condition that the Products meet the requirements of Rules of Origin under the APTA and provided it is shown to the satisfaction of the relevant Government authorities of the importing Participating State that:

- (a) the exporter has dispatched those products from the territory of the exporting Participating State to the importing Participating State where the exhibition is held and has exhibited them there;
- (b) the exporter has sold the goods or transferred them to a consignee in the importing Participating State; and
- (c) the products have been sold during the exhibition or immediately thereafter to the importing Participating State in the state in which they were sent for the exhibition.

(2) For the purpose of implementing the above provisions, the Certificate of Origin must be produced to the relevant Government authorities of the importing Participating State.

(3) Paragraph 1 shall apply to exhibitions, fairs or similar shows or displays where the products remain under Customs control during the events.