

## TITLE II

### FACTORS ON THE BASIS OF WHICH IMPORT OR EXPORT DUTIES AND OTHER MEASURES IN RESPECT OF TRADE IN GOODS ARE APPLIED

#### CHAPTER 1

##### *Common Customs Tariff and tariff classification of goods*

**Disclaimer:** NO DA foreseen.

#### CHAPTER 2

##### *Origin of goods*

#### SECTION 1

##### NON-PREFERENTIAL ORIGIN

##### *Article DA-II-2-01 (221-01-DA)*

##### **Goods wholly obtained in a single country**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 60(1)	Article 62	None	X	DA

Pursuant to Article 60(1) of the Code the following goods shall be considered as wholly obtained in a single country

- (a) mineral products extracted within that country;
- (b) vegetable products harvested therein;
- (c) live animals born and raised therein;
- (d) products derived from live animals raised therein;
- (e) products of hunting or fishing carried on therein;
- (f) products of sea fishing and other products taken from the sea outside a country's territorial waters by vessels registered or recorded in the country concerned and flying the flag of that country;
- (g) goods obtained or produced on board factory ships from the products referred to in point (f) originating in that country, provided that such factory ships are registered or recorded in that country and fly its flag;

- (h) products taken from the seabed or subsoil beneath the seabed outside the territorial waters provided that that country has exclusive rights to exploit that seabed or subsoil;
- (i) waste and scrap products derived from manufacturing operations and used articles, if they were collected therein and are fit only for recovery of raw materials;
- (j) goods which are produced therein exclusively from goods referred to in points (a) to (i) or from their derivatives, at any stage of production.

*Article DA-II-2-02 (221-02-DA)*

**Goods the production of which involved more than one country**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 60(2)	Article 62	Articles 35-37,39	Annex X	DA

1. Pursuant to Article 60(2) of the Code, goods listed in Annex 22-01 shall be considered to have undergone their last, substantial, economically justified processing or working, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture, in the country in which the rules set out in that Annex for the goods in question are fulfilled.

2. Where the rules set out in Annex 22-01 are not fulfilled, the following residual rules shall apply in sequence:

- (a) when goods are produced from material or materials all of which originated in a single country, the country of origin of the goods shall be the country in which the material or materials originated;
- (b) when a residual rule is provided at chapter level, the country of origin of the goods shall be the country where that rule is satisfied;
- (c) when goods are produced from materials of more than one country, the country of origin of the goods shall be the country in which the major portion of those materials originated, as determined on the basis of the value of the materials, except where otherwise specified in a chapter note.

3. The method of applying the primary rules in Annex 22-01 and the residual rules in paragraph 2 is described in the introductory notes and the chapter notes in that Annex.

*Article DA-II-2-03 (221-03-DA)*

**Minimal operations**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>

Article 60(2)	Article 62	Article 38	-	DA
---------------	------------	------------	---	----

For the purpose of Article DA-II-2-02(1) (221-02-DA(1) ), the following shall in any event not be considered as last substantial transformation conferring origin:

- (a) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, removal of damaged parts and like operations) or facilitating shipment or transport;
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching, washing, cutting up;
- (c) changes of packing and breaking-up and assembly of consignments; simple placing in bags, cases, boxes, fixing on cards or boards, etc., and all other simple packing operations;
- (d) putting up of goods in sets or ensembles or putting up for sale;
- (e) affixing of marks, labels or other like distinguishing signs on products or their packaging;
- (f) simple assembly of parts of products to constitute a complete product;
- (g) disassembly or change of use;
- (h) a combination of two or more operations specified in points (a) to (g).

However, such operations shall not preclude conferring origin on the goods if origin is conferred as a result of other operations.

*Article DA-II-2-04 (221-04-DA)*

**Accessories, spare parts or tools**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 60	Article 62	Articles 41, 46	-	DA

1. Accessories, spare parts or tools, delivered with any piece of equipment, machine, apparatus or vehicle, which form part of its standard equipment shall be deemed to have the same origin as that piece of equipment, machine, apparatus or vehicle.

2. Essential spare parts for use with any piece of equipment, machine, apparatus or vehicle previously released for free circulation in the Union shall be deemed to have the same origin as that piece of equipment, machine, apparatus or vehicle if the incorporation of the said essential spare parts at the production stage would not have changed its origin.

*Article DA-II-2-05 (221-05-DA)*

**Neutral elements and packing**

<b>UCC implemented</b>	<b>UCC empowering</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption</b>
------------------------	-----------------------	-----------------------------	--------------	-----------------

<b>provision</b>	<b>provision</b>			<b>procedure</b>
Article 60	Article 62	None	Annex X	DA

1. In order to determine whether goods originates in a country, the origin of the power and fuel, plant and equipment, including safety equipment, or machines and tools used to obtain goods or the materials used in its manufacture which do not remain in the goods or form part of the goods shall not be taken into account.

2. Where, under General Interpretative rule 5 for the interpretation of the Harmonized System, packing materials and specially shaped or fitted packaging containers are included with the product for classification purposes, they shall be disregarded for the purpose of determining origin, except where the rule in Annex 22-01 for the goods concerned is based on an added value percentage.

*Article DA-II-2-06 (221-06-DA)*

### **Form of presentation of the proof of origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 6(3)(a)	Article 7(b)	None	-	DA

In accordance with Article 6(3)(a) of the Code, proofs of origin shall be issued by the means specified by the relevant provision.

## **SECTION 2**

### **PREFERENTIAL ORIGIN**

#### **SUBSECTION 1**

#### **PROCEDURES TO FACILITATE THE ISSUE OR MAKING OUT OF PROOFS OF ORIGIN**

*Article DA-II-2-07 (222-05-DA)*

### **Means for applying to and issuing Information Certificates INF 4**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 6(3)(a)	Article 7(b)	None		DA

1. In accordance with Article 6(3)(a) of the Code, an application for the Information Certificate INF 4 may be made by means other than electronic-data processing techniques in accordance with the provisions in force in the Member State concerned.

2. In accordance with Article 6(3)(a) of the Code, the Information Certificate INF 4 shall be issued using the form shown in Annex 22-02.

*Article DA-II-2-08 (222-08-DA)*

**Means for applying to and issuing approved exporter authorisations**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 6(3)(a)	Article 7(b)	None	-	DA

In accordance with Article 6(3)(a) of the Code, the application for the status of approved exporter for the purpose of making out proofs of preferential origin may be made and the relevant authorisation may be issued by means other than electronic data-processing techniques in line with the provisions in force in the Member State concerned.

**SUBSECTION 2**

**RULES OF ORIGIN APPLICABLE WITHIN THE FRAMEWORK OF THE EU'S  
GENERALIZED SYSTEM OF PREFERENCES (GSP)**

**I - GENERAL PROVISIONS**

*Article DA-II-2-09 (222-2-01-DA)*

**Scope**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64((3)	Article 65	Article 66	-	DA

This Subsection, Subsection 2A and Subsection 2B lay down the rules concerning the definition of the concept of 'originating products', the procedures and the methods of administrative cooperation related thereto, for the purposes of the application of the scheme of generalised tariff preferences (GSP) granted by the Union by Regulation (EU) No 978/2012 of the European Parliament and of the Council<sup>1</sup> to developing countries ('the scheme').

---

<sup>1</sup> Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 (OJ L 303, 31.10.2012, p. 1).

**Definitions**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 67		DA

1. For the purposes of this Subsection, Subsection 2A and Subsection 2B the following definitions shall apply:

- (a) 'beneficiary country' means a country as defined in Article 2 (d) of Regulation (EC) No 978/2012;
- (b) 'manufacture' means any kind of working or processing including assembly;
- (c) 'material' means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (d) 'product' means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (e) 'goods' means both materials and products;
- (f) 'bilateral cumulation' means a system that allows products which according to this Regulation originate in the Union, to be considered as originating materials in a beneficiary country when they are further processed or incorporated into a product in that beneficiary country;
- (g) 'cumulation with Norway, Switzerland or Turkey' means a system that allows products which originate in Norway, Switzerland or Turkey to be considered as originating materials in a beneficiary country when they are further processed or incorporated into a product in that beneficiary country and imported into the Union;
- (h) 'regional cumulation' means a system whereby products which according to this Regulation originate in a country which is a member of a regional group are considered as materials originating in another country of the same regional group (or a country of another regional group where cumulation between groups is possible) when further processed or incorporated in a product manufactured there;
- (i) 'extended cumulation' means a system, conditional upon the granting by the Commission, on a request lodged by a beneficiary country and whereby certain materials, originating in a country with which the Union has a free-trade agreement in accordance with Article XXIV of the General Agreement on Tariffs and Trade (GATT) in force, are considered to be materials originating in the beneficiary country concerned when further processed or incorporated in a product manufactured in that country;
- (j) 'fungible materials' means materials that are of the same kind and commercial quality, with the same technical and physical characteristics, and which cannot be distinguished from one another once they are incorporated into the finished product;

- (k) 'regional group' means a group of countries between which regional cumulation applies;
- (l) 'customs value' means the value as determined in accordance with the 1994 Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on Customs Valuation);
- (m) 'value of materials' in the list in Annex 22-03 means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the beneficiary country. Where the value of the originating materials used needs to be established, this point shall be applied *mutatis mutandis*;
- (n) 'ex-works price' means the price paid for the product ex-works to the manufacturer in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used and all other costs related to its production, minus any internal taxes which are, or may be, repaid when the product obtained is exported.

Where the actual price paid does not reflect all costs related to the manufacturing of the product which are actually incurred in the beneficiary country, the ex-works price means the sum of all those costs, minus any internal taxes which are, or may be, repaid when the product obtained is exported;

- (o) 'maximum content of non-originating materials' means the maximum content of non-originating materials which is permitted in order to consider a manufacture as working or processing sufficient to confer originating status on the product. It may be expressed as a percentage of the ex-works price of the product or as a percentage of the net weight of these materials used falling under a specified group of chapters, chapter, heading or sub-heading;
- (p) 'net weight' means the weight of the goods themselves without packing materials and packing containers of any kind;
- (q) 'chapters', 'headings' and 'sub-headings' mean the chapters, the headings and sub-headings (four- or six-digit codes) used in the nomenclature which makes up the Harmonized System with the changes pursuant to the Recommendation of 26 June 2004 of the Customs Cooperation Council;
- (r) 'classified' refers to the classification of a product or material under a particular heading or sub-heading of the Harmonized System;
- (s) 'consignment' means products which are either:
  - (i) sent simultaneously from one exporter to one consignee; or
  - (ii) covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such document, by a single invoice;
- (t) 'exporter' means a person exporting the goods to the Union or to a beneficiary country who is able to prove the origin of the goods, whether or not he is the manufacturer and whether or not he himself carries out the export formalities;

- (u) 'registered exporter' means an exporter who is registered with the competent authorities of the beneficiary country concerned for the purpose of making out statements on origin for the purpose of exporting under the scheme;
- (v) 'statement on origin' means a statement made out by the exporter indicating that the products covered by it comply with the rules of origin of the scheme, for the purpose of allowing either the person declaring the goods for release for free circulation in the Union to claim the benefit of preferential tariff treatment or the economic operator in a beneficiary country importing materials for further processing in the context of cumulation rules to prove the originating status of such goods.

2. For the purpose of paragraph 1(a), where reference is made to a 'beneficiary country', the term shall also cover and cannot exceed the limits of the territorial sea of that country within the meaning of the United Nations Convention on the Law of the Sea (Montego Bay Convention, 10 December 1982).

3. For the purpose of point (n) of paragraph 1, where the last working or processing has been subcontracted to a manufacturer, the term 'manufacturer' referred to in the first subparagraph of point (n) of paragraph 1 may refer to the enterprise that has employed the subcontractor.

*Article DA-II-2-11 (222-2-03-DA)*

**Obligation of beneficiary countries to provide administrative cooperation**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 68	-	DA

1. In order to ensure the proper application of the scheme beneficiary countries shall undertake:

- (a) to put in place and to maintain the necessary administrative structures and systems required for the implementation and management in that country of the rules and procedures laid down in this Subsection, including where appropriate the arrangements necessary for the application of cumulation;
- (b) that their competent authorities will cooperate with the Commission and the customs authorities of the Member States.

2. The cooperation referred to in point (b) of paragraph 1 shall consist of:

- (a) providing all necessary support in the event of a request by the Commission for the monitoring by it of the proper management of the scheme in the country concerned, including verification visits on the spot by the Commission or the customs authorities of the Member States;
- (b) without prejudice to Articles DA-II-2-48 (222-2-41 DA) and DA-II-2-49 (222-2-42 DA), verifying the originating status of products and the compliance with the other conditions laid down in this Subsection, including visits on the spot, where requested by the Commission or the customs authorities of the Member States in the context of origin investigations.

3. The beneficiary countries shall submit to the Commission the undertaking referred to in paragraph 1.

*Article DA-II-2-12 (222-2-04-DA)*

**Registered exporter database: Notifications to the Commission**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 69		DA

1. Beneficiary countries shall notify the Commission of the names and addresses of the authorities situated in their territory which are:

- (a) part of the governmental authorities of the country concerned, or act under the authority of the government, and empowered to register exporters and to withdraw them from the record of registered exporters;
- (b) part of the governmental authorities of the country concerned and empowered to support the Commission and the customs authorities of the Member States through the administrative co-operation as provided for in this Subsection.

2. Beneficiary countries shall inform the Commission immediately of any changes to the information notified under paragraph 1.

3. The Commission shall establish an electronic data-base of registered exporters on the basis of the information supplied by the governmental authorities of beneficiary countries and the customs authorities of Member States.

Only the Commission shall have access to the data-base and the data contained therein. The authorities referred to in the first sub-paragraph shall ensure that data communicated to the Commission are kept up to date, and are complete and accurate.

The data processed in the data-base referred to in the first sub-paragraph shall be disclosed to the public via the internet, with the exception of the confidential information contained in boxes 2 and 3 of the application to become a registered exporter referred to in Article DA-II-2-36 (222-2-29 DA).

Personal data processed in the data-base referred to in the first sub-paragraph and by Member States pursuant to this Subsection shall be transferred or made available to third countries or international organisations only in accordance with Article 9 of Regulation (EC) No 45/2001.

4. This Regulation shall in no way affect the level of protection of individuals with regard to the processing of personal data under the provisions of Union and national law and, in particular, does not alter either the obligations of Member States relating to their processing of personal data under Directive 95/46/EC or the obligations of the Union institutions and bodies relating to their processing of personal data under Regulation (EC) No 45/2001 when fulfilling their responsibilities.

Identification and registration data of exporters, constituted by the set of data listed in points 1, 3 (relating to description of activities), 4 and 5 of Annex 22-06 shall be published by the Commission on the internet only if exporters have freely given prior specific and informed written consent.

Exporters shall be provided with the information laid down in Article 11 of Regulation (EC) No 45/2001.

The rights of persons with regard to their registration data listed in Annex 22-06 and processed in national systems shall be exercised in accordance with the law of the Member State which stored their personal data implementing Directive 95/46/EC.

The rights of persons with regard to the processing of personal data in the central data-base referred to in paragraph 3 shall be exercised in accordance with Regulation (EC) No 45/2001.

The national supervisory data protection authorities and the European Data Protection Supervisor, each acting within the scope of their respective competences, shall cooperate actively and ensure coordinated supervision of the database referred to in paragraph 3.

*Article DA-II-2-13 (222-2-05-DA)*

**Registered exporter database: Publicity measures and effect of fulfilment of foreseen conditions by beneficiary countries**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 70	-	DA

1. The Commission will publish in the *Official Journal of the European Union* (C series) the list of beneficiary countries and the date on which they are considered to meet the conditions referred to in Articles DA-II-2-11 (222-2-03 DA) and DA-II-2-12 (222-2-04 DA). The Commission will update this list when a new beneficiary country fulfils the same conditions and when a beneficiary country no longer fulfils the conditions.

2. Products originating within the meaning of this Subsection in a beneficiary country shall benefit, on release for free circulation in the Union, from the scheme only on condition that they were exported from a beneficiary country on or after the date specified in the list referred to in paragraph 1.

3. The beneficiary country shall be considered to comply with Articles DA-II-2-11 (222-2-03 DA) and DA-II-2-12 (222-2-04 DA) on the date on which it has submitted the undertaking referred to in Article DA-II-2-11(1) (222-2-03(1) DA) and made the notification referred to in Article DA-II-2-12(1) (222-2-04 (1) DA).

4. Where a country has been removed from the list of beneficiary countries referred to in paragraph 1, the obligations laid down in Articles DA-II-2-11 (222-2-03 DA), DA-II-2-32(b) (222-2-24(b) DA), DA-II-2-48(1)(a) (222-2-41(1)(a) DA), DA-II-2-48(3) (222-2-41(3) DA) and DA-II-2-50(1)(b) (222-2-43 (1)(b) DA) shall continue to apply to that country for a period of three years from the date of its removal from that list.

*Article DA-II-2-14 (222-2-06-DA)*

**Temporary withdrawal of preferences**

UCC implemented	UCC empowering	Current IP provision	Annex	Adoption
-----------------	----------------	----------------------	-------	----------

<b>provision</b>	<b>provision</b>			<b>procedure</b>
Article 64(3)	Article 65	Article 71	-	DA

Failure by the competent authorities of a beneficiary country to comply with Articles DA-II-2-11(1) (222-2-03(1) DA), DA-II-2-12(2) (222-2-04(2) DA), DA-II-2-35 (222-2-28 DA), DA-II-2-36 (222-2-29 DA), DA-II-2-37 (222-2-30 DA) or DA-II-2-48 (222-2-41 DA) or systematic failure to comply with Article DA-II-2-49 (222-2-42 DA) may entail temporary withdrawal of preferences under the scheme for that country, in accordance with Article 21 of Regulation (EU) No 978/2012.

## II - DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS

### *Article DA-II-2-15 (222-2-07-DA)*

#### **General principles**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 72	-	DA

The following products shall be considered as originating in a beneficiary country:

- (a) products wholly obtained in that country within the meaning of Article DA-II-2-18 (222-2-10 DA);
- (b) products obtained in that country incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing within the meaning of Article DA-II-2-19 (222-2-11 DA).

### *Article DA-II-2-16 (222-2-08-DA)*

#### **Principle of territoriality**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 73	-	DA

1. The conditions set out in this Subsection for acquiring originating status shall be fulfilled in the beneficiary country concerned.

2. If originating products exported from the beneficiary country to another country are returned, they shall be considered as non-originating unless it can be demonstrated to the satisfaction of the competent authorities that the following conditions are fulfilled:

- (a) the products returned are the same as those which were exported, and

- (b) they have not undergone any operations beyond that necessary to preserve them in good condition while in that country or while being exported.

*Article DA-II-2-17 (222-2-09-DA)*

**Non-manipulation**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 74	-	DA

1. The products declared for release for free circulation in the Union shall be the same products as exported from the beneficiary country in which they are considered to originate. They shall not have been altered, transformed in any way or subjected to operations other than operations to preserve them in good condition, prior to being declared for release for free circulation. Storage of products or consignments and splitting of consignments may take place where carried out under the responsibility of the exporter or a subsequent holder of the goods and the products remain under customs supervision in the country of storage.

2. Compliance with paragraph 1 shall be considered as satisfied unless the customs authorities have reason to believe the contrary; in such cases, the customs authorities may request the declarant to provide evidence of compliance, which may be given by any means, including contractual transport documents such as bills of lading or factual or concrete evidence based on marking or numbering of packages or any evidence related to the goods themselves.

3. Paragraphs 1 and 2 shall apply *mutatis mutandis* when cumulation under Articles DA-II-2-27 (222-2-19 DA), DA-II-2-28 (222-2-20 DA), DA-II-2-29 (222-2-21 DA) or DA-II-2-30 (222-2-22 DA) applies.

*Article DA-II-2-18 (222-2-10-DA)*

**Wholly obtained products**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 75	-	DA

1. The following shall be considered as wholly obtained in a beneficiary country:

- (a) mineral products extracted from its soil or from its seabed;
- (b) plants and vegetable products grown or harvested there;
- (c) live animals born and raised there;
- (d) products from live animals raised there;
- (e) products from slaughtered animals born and raised there;
- (f) products obtained by hunting or fishing conducted there;

- (g) products of aquaculture where the fish, crustaceans and molluscs are born and raised there;
- (h) products of sea fishing and other products taken from the sea outside any territorial sea by its vessels;
- (i) products made on board its factory ships exclusively from the products referred to in point (h);
- (j) used articles collected there that are fit only for the recovery of raw materials;
- (k) waste and scrap resulting from manufacturing operations conducted there;
- (l) products extracted from the seabed or below the seabed which is situated outside any territorial sea but where it has exclusive exploitation rights;
- (m) goods produced there exclusively from products specified in points (a) to (l).

2. The terms 'its vessels' and 'its factory ships' in paragraph 1(h) and (i) shall apply only to vessels and factory ships which meet each of the following requirements:

- (a) they are registered in the beneficiary country or in a Member State;
- (b) they sail under the flag of the beneficiary country or of a Member State;
- (c) they meet one of the following conditions:
  - (i) they are at least 50% owned by nationals of the beneficiary country or of Member States, or
  - (ii) they are owned by companies:
    - which have their head office and their main place of business in the beneficiary country or in Member States, and
    - which are at least 50% owned by the beneficiary country or Member States or public entities or nationals of the beneficiary country or Member States.

3. The conditions of paragraph 2 may each be fulfilled in Member States or in different beneficiary countries insofar as all the beneficiary countries involved benefit from regional cumulation in accordance with Article DA-II-2-29(1) and (5) (222-2-21(1) and (5) DA). In this case, the products shall be deemed to have the origin of the beneficiary country under which flag the vessel or factory ship sails in accordance with point (b) of paragraph 2.

The first sub-paragraph shall apply only provided that the conditions laid down in Article DA-II-2-29(2)(a), (c) and (d) (222-2-21(2)(a), (c) and (d) DA) have been fulfilled.

*Article DA-II-2-19 (222-2-11-DA)*

**Sufficiently worked or processed products**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 76	ex Annex 13a	DA

1. Without prejudice to Articles DA-II-2-21 (222-2-13 DA) and DA-II-2-22 (222-2-14 DA), products which are not wholly obtained in the beneficiary country concerned within the

meaning of Article DA-II-2-18 (222-2-10 DA) shall be considered to originate there, provided that the conditions laid down in the list in Annex 22-03 for the goods concerned are fulfilled.

2. If a product which has acquired originating status in a country in accordance with paragraph 1 is further processed in that country and used as a material in the manufacture of another product, no account shall be taken of the non-originating materials which may have been used in its manufacture.

*Article DA-II-2-20 (222-2-12-DA)*

**Averages**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 77	-	DA

1. The determination of whether the requirements of Article DA-II-2-19(1) (222-2-11(1) DA) are met, shall be carried out for each product.

However, where the relevant rule is based on compliance with a maximum content of non-originating materials, in order to take into account fluctuations in costs and currency rates, the value of the non-originating materials may be calculated on an average basis as set out in paragraph 2.

2. In the case referred to in the second sub-paragraph of paragraph 1, an average ex-works price of the product and average value of non-originating materials used shall be calculated respectively on the basis of the sum of the ex-works prices charged for all sales of the products carried out during the preceding fiscal year and the sum of the value of all the non-originating materials used in the manufacture of the products over the preceding fiscal year as defined in the country of export, or, where figures for a complete fiscal year are not available, a shorter period which should not be less than three months.

3. Exporters having opted for calculations on an average basis shall consistently apply such a method during the year following the fiscal year of reference, or, where appropriate, during the year following the shorter period used as a reference. They may cease to apply such a method where during a given fiscal year, or a shorter representative period of no less than three months, they record that the fluctuations in costs or currency rates which justified the use of such a method have ceased.

4. The averages referred to in paragraph 2 shall be used as the ex-works price and the value of non-originating materials respectively, for the purpose of establishing compliance with the maximum content of non-originating materials.

*Article DA-II-2-21 (222-2-13-DA)*

**Insufficient working or processing**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
----------------------------------	---------------------------------	-----------------------------	--------------	---------------------------

Article 64(3)	Article 65	Article 78	-	DA
---------------	------------	------------	---	----

1. Without prejudice to paragraph 3, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article DA-II-2-19 (222-2-11 DA) are satisfied:

- (a) preserving operations to ensure that the products remain in good condition during transport and storage;
- (b) breaking-up and assembly of packages;
- (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (d) ironing or pressing of textiles and textile articles;
- (e) simple painting and polishing operations;
- (f) husking and partial or total milling of rice; polishing and glazing of cereals and rice;
- (g) operations to colour or flavour sugar or form sugar lumps; partial or total milling of crystal sugar;
- (h) peeling, stoning and shelling, of fruits, nuts and vegetables;
- (i) sharpening, simple grinding or simple cutting;
- (j) sifting, screening, sorting, classifying, grading, matching (including the making-up of sets of articles);
- (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (m) simple mixing of products, whether or not of different kinds; mixing of sugar with any material;
- (n) simple addition of water or dilution or dehydration or denaturation of products;
- (o) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
- (p) slaughter of animals ;
- (q) a combination of two or more of the operations specified in points (a) to (p).

2. For the purposes of paragraph 1, operations shall be considered simple when neither special skills nor machines, apparatus or tools especially produced or installed for those operations are required for their performance.

3. All the operations carried out in a beneficiary country on a given product shall be taken into account when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

*Article DA-II-2-22 (222-2-14-DA)*

### **General tolerance**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 79	Annex 13a	DA

1. By way of derogation from Article DA-II-2-19 (222-2-11 DA) and subject to paragraphs 2 and 3 of this Article, non-originating materials which, according to the conditions set out in the list in Annex 22-03 are not to be used in the manufacture of a given product may nevertheless be used, provided that their total value or net weight assessed for the product does not exceed:

- (a) 15% of the weight of the product for products falling within Chapters 2 and 4 to 24 of the Harmonized System, other than processed fishery products of Chapter 16;
- (b) 15% of the ex-works price of the product for other products, except for products falling within Chapters 50 to 63 of the Harmonized System, for which the tolerances mentioned in Notes 6 and 7 of Part I of Annex 22-03, shall apply.

2. Paragraph 1 shall not allow to exceed any of the percentages for the maximum content of non-originating materials as specified in the rules laid down in the list in Annex 22-03.

3. Paragraphs 1 and 2 shall not apply to products wholly obtained in a beneficiary country within the meaning of Article DA-II-2-18 (222-2-10 DA). However, without prejudice to Articles DA-II-2-21 (222-2-13 DA) and DA-II-2-23(2) (222-2-15(2) DA), the tolerance provided for in those paragraphs shall nevertheless apply to the sum of all the materials which are used in the manufacture of a product and for which the rule laid down in the list in Annex 22-03 for that product requires that such materials be wholly obtained.

*Article DA-II-2-23 (222-2-15-DA)*

**Unit of qualification**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 80	-	DA

1. The unit of qualification for the application of the provisions of this Subsection shall be the particular product which is considered as the basic unit when determining classification using the Harmonized System.

2. When a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each individual item shall be taken into account when applying the provisions of this Subsection.

3. Where, under General Interpretative rule 5 of the Harmonized System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

*Article DA-II-2-24 (222-2-16-DA)*

**Accessories, spare parts and tools**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 81	-	DA

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the ex-works price thereof, shall be regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

*Article DA-II-2-25 (222-2-17-DA)*

**Sets**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 82	-	DA

Sets, as defined in General Interpretative rule 3 (b) of the Harmonized System, shall be regarded as originating when all the component products are originating products.

When a set is composed of originating and non-originating products, the set as a whole shall however be regarded as originating, provided that the value of the non-originating products does not exceed 15% of the ex-works price of the set.

*Article DA-II-2-26 (222-2-18-DA)*

**Neutral elements**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 83	-	DA

In order to determine whether a product is an originating product, no account shall be taken of the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) any other goods which do not enter, and which are not intended to enter, into the final composition of the product.

### III - CUMULATION

*Article DA-II-2-27 (222-2-19-DA)*

#### **Bilateral cumulation**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 84	-	DA

Bilateral cumulation shall allow products originating in the Union to be considered as materials originating in a beneficiary country when incorporated into a product manufactured in that country, provided that the working or processing carried out there goes beyond the operations described in Article DA-II-2-21(1) (222-2-13(1) DA).

*Article DA-II-2-28 (222-2-20-DA)*

#### **Cumulation with Norway, Switzerland and Turkey**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 85	-	DA

1. In so far as Norway, Switzerland and Turkey grant generalised tariff preferences to products originating in the beneficiary countries and apply a definition of the concept of origin corresponding to that set out in this Subsection, cumulation with Norway, Switzerland or Turkey shall allow products originating in these countries to be considered as materials originating in a beneficiary country provided that the working or processing carried out there goes beyond the operations described in Article DA-II-2-21(1) (222-2-13(1) DA).

2. Paragraph 1 shall apply on condition that Norway, Switzerland and Turkey grant, by reciprocity, the same treatment to products originating in beneficiary countries which incorporate materials originating in the Union.

3. Paragraph 1 shall not apply to products falling within Chapters 1 to 24 of the Harmonized System.

4. The Commission will publish in the *Official Journal of the European Union* (C series) the date on which the conditions laid down in paragraphs 1 and 2 are fulfilled.

*Article DA-II-2-29 (222-2-21-DA)*

#### **Regional cumulation**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
----------------------------------	---------------------------------	-----------------------------	--------------	---------------------------

Article 64(3)	Article 65	Article 86	ex Annex 13b: ex Annex 16	DA
---------------	------------	------------	------------------------------	----

1. Regional cumulation shall apply to the following four separate regional groups:
  - (a) Group I: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar/Burma, Philippines, Thailand, Vietnam;
  - (b) Group II: Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Peru, Venezuela;
  - (c) Group III: Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka;
  - (d) Group IV: Argentina, Brazil, Paraguay and Uruguay.
  
2. Regional cumulation between countries within the same group shall apply only where the following conditions are fulfilled:
  - (a) the countries involved in the cumulation are, at the time of exportation of the product to the Union:
    - (i) beneficiary countries as long as the registered exporter system has not yet been implemented in those countries;
    - (ii) beneficiary countries as included in the list referred to in Article DA-II-2-13 (222-2-05(1) DA) where the registered exporter system has been implemented in those countries;
  - (b) for the purpose of regional cumulation between the countries of a regional group the rules of origin laid down in this Subsection apply;
  - (c) the countries of the regional group have undertaken:
    - (i) to comply or ensure compliance with this Subsection, and
    - (ii) to provide the administrative cooperation necessary to ensure the correct implementation of this Subsection both with regard to the Union and between themselves;
  - (d) the undertakings referred to in point (c) have been notified to the Commission by the Secretariat of the regional group concerned or another competent joint body representing all the members of the group in question.

For the purposes of point (b), where the qualifying operation laid down in Part II of Annex 22-03 is not the same for all countries involved in cumulation, the origin of products exported from one country to another country of the regional group for the purpose of regional cumulation shall be determined on the basis of the rule which would apply if the products were being exported to the Union.

Where countries in a regional group have already complied with points (c) and (d) of the first subparagraph before 1 January 2011, a new undertaking shall not be required.

3. The materials listed in Annex 22-04 shall be excluded from the regional cumulation provided for in paragraph 2 in the case where:

- (a) the tariff preference applicable in the Union is not the same for all the countries involved in the cumulation; and
- (b) the materials concerned would benefit, through cumulation, from a tariff treatment more favourable than the one they would benefit from if directly exported to the Union.

4. Regional cumulation between beneficiary countries in the same regional group shall apply only under the condition that the working or processing carried out in the beneficiary country where the materials are further processed or incorporated goes beyond the operations described in Article DA-II-2-21(1) (222-2-13(1) DA) and, in the case of textile products, also beyond the operations set out in Annex 22-05.

Where the condition laid down in the first subparagraph is not fulfilled, the products shall have as country of origin the country of the regional group which accounts for the highest share of the value of the materials used originating in countries of the regional group.

Where the country of origin is determined pursuant to the second sub-paragraph, that country shall be stated as country of origin on the proof of origin made out by the exporter of the product to the Union, or, until the application of the registered exporter system, issued by the authorities of the beneficiary country of exportation.

5. At the request of the authorities of a Group I or Group III beneficiary country, regional cumulation between countries of those groups may be granted by the Commission, provided that the Commission is satisfied that each of the following conditions is met:

- (a) the conditions laid down in paragraph 2(a) and (b) are met, and
- (b) the countries to be involved in such regional cumulation have undertaken and jointly notified to the Commission their undertaking:
  - (i) to comply or ensure compliance with this Subsection, and
  - (ii) to provide the administrative cooperation necessary to ensure the correct implementation of this Subsection both with regard to the Union and between themselves.

The request referred to in the first sub-paragraph shall be supported with evidence that the conditions laid down in that sub-paragraph are met. It shall be addressed to the Commission. The Commission will decide on the request taking into account all the elements related to the cumulation deemed relevant, including the materials to be cumulated.

6. Where products manufactured in a beneficiary country of Group I or Group III using materials originating in a country belonging to the other group are to be exported to the Union, the origin of those products shall be determined as follows:

- (a) materials originating in a country of one regional group shall be considered as materials originating in a country of the other regional group when incorporated in a product obtained there, provided that the working or processing carried out in the latter beneficiary country goes beyond the operations described in Article DA-II-2-21(1) (222-2-13(1) DA) and, in the case of textile products, also beyond the operations set out in Annex 22-05;
- (b) where the condition laid down in point (a) is not fulfilled, the products shall have as country of origin the country participating in the cumulation which

accounts for the highest share of the value of the materials used originating in countries participating in the cumulation.

Where the country of origin is determined pursuant to point (b) of the first sub-paragraph, that country shall be stated as country of origin on the proof of origin made out by the exporter of the product to the Union or, until the application of the registered exporter system, issued by the authorities of the beneficiary country of exportation.

7. The Commission will publish in the *Official Journal of the European Union* (C series) the date on which the cumulation between countries of Group I and Group III provided for in paragraph 5 takes effect, the countries involved in that cumulation and, where appropriate, the list of materials in relation to which the cumulation applies.

*Article DA-II-2-30 (222-2-22-DA)*

### **Extended cumulation**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 86	-	DA

1. At the request of any beneficiary country's authorities, extended cumulation between a beneficiary country and a country with which the Union has a free-trade agreement in accordance with Article XXIV of the General Agreement on Tariffs and Trade (GATT) in force, may be granted by the Commission, provided that each of the following conditions is met:

- (a) the countries involved in the cumulation have undertaken to comply or ensure compliance with this Subsection and to provide the administrative co-operation necessary to ensure the correct implementation of this Subsection both with regard to the Union and also between themselves;
- (b) the undertaking referred to in point (a) has been notified to the Commission by the beneficiary country concerned.

The request referred to in the first sub-paragraph shall contain a list of the materials concerned by the cumulation and shall be supported with evidence that the conditions laid down in points (a) and (b) of the first sub-paragraph are met. It shall be addressed to the Commission. Where the materials concerned change, another request shall be submitted.

Materials falling within Chapters 1 to 24 of the Harmonized System shall be excluded from extended cumulation.

2. In cases of extended cumulation referred to in paragraph 1, the origin of the materials used and the documentary proof of origin applicable shall be determined in accordance with the rules laid down in the relevant free-trade agreement. The origin of the products to be exported to the Union shall be determined in accordance with the rules of origin laid down in this Subsection.

In order for the obtained product to acquire originating status, it shall not be necessary that the materials originating in a country with which the Union has a free-trade agreement and used in a beneficiary country in the manufacture of the product to be exported to the Union have

undergone sufficient working or processing, provided that the working or processing carried out in the beneficiary country concerned goes beyond the operations described in Article DA-II-2-21(1) (222-2-13(1) DA).

3. The Commission will publish in the *Official Journal of the European Union* (C series) the date on which the extended cumulation takes effect, the countries involved in that cumulation and the list of materials in relation to which the cumulation applies.

*Article DA-II-2-31 (222-2-23-DA)*

**Application of bilateral cumulation or cumulation with Norway, Switzerland and Turkey in combination with regional cumulation**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 87	-	DA

Where bilateral cumulation or cumulation with Norway, Switzerland or Turkey is used in combination with regional cumulation, the product obtained shall acquire the origin of one of the countries of the regional group concerned, determined in accordance with the first and the second sub-paragraphs of Article DA-II-2-29(4) (222-2-21 (4) DA).

*Article DA-II-2-32 (222-2-24-DA)*

**General provisions and rules of origin applicable for the purpose of bilateral and regional cumulation**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 88 (1)	-	DA

Articles DA-II-2-09 (222-2-01-DA) to DA-II-2-26 (222-2-18-DA) concerning the general provisions and the provisions concerning the definition of the concept of originating products shall apply *mutatis mutandis* to:

- (a) exports from the Union to a beneficiary country for the purposes of bilateral cumulation;
- (b) exports from one beneficiary country to another for the purposes of regional cumulation as provided for in Article DA-II-2-29(1) and (5) (222-2-21(1) and (5) DA), without prejudice to the second subparagraph of Article DA-II-2-29(2)(b) (222-2-21(2)(b) DA).

*Article DA-II-2-33 (222-2-25-DA)*

**Accounting segregation of Union exporters' stocks of materials**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 88 (2)-(5)	-	DA

1. If originating and non-originating fungible materials are used in the working or processing of a product, the customs authorities of the Member States may, at the written request of economic operators, authorise the management of materials in the Union using the accounting segregation method for the purpose of subsequent export to a beneficiary country within the framework of bilateral cumulation, without keeping the materials on separate stocks.

2. The customs authorities of the Member States may make the granting of authorisation referred to in paragraph 1 subject to any conditions they deem appropriate.

The authorisation shall be granted only if by use of the method referred to in paragraph 1 it can be ensured that, at any time, the number of products obtained which could be considered as 'originating in the Union' is the same as the number that would have been obtained by using a method of physical segregation of the stocks.

If authorised, the method shall be applied and the application thereof shall be recorded on the basis of the general accounting principles applicable in the Union.

3. The beneficiary of the method referred to in paragraph 1 shall make out or, until the application of the registered exporter system, apply for proofs of origin for the quantity of products which may be considered as originating in the Union. At the request of the customs authorities of the Member States, the beneficiary shall provide a statement of how the quantities have been managed.

4. The customs authorities of the Member States shall monitor the use made of the authorisation referred to in paragraph 1.

They may withdraw the authorisation in the following cases:

- (a) the holder makes improper use of the authorisation in any manner whatsoever, or
- (b) the holder fails to fulfil any of the other conditions laid down in this Subsection or Subsection 2A.

## V – PROCEDURES AT EXPORT IN THE BENEFICIARY COUNTRY

### *Article DA-II-2-34 (222-2-27-DA)*

#### **Obligation for exporters to be registered and waiver thereof**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 90	-	DA

The scheme shall apply in the following cases:

- (a) in cases of goods satisfying the requirements of this Subsection exported by a registered exporter within the meaning of Article DA-II-2-36 (222-2-29 DA);
- (b) in cases of any consignment of one or more packages containing originating products exported by any exporter, where the total value of the originating products consigned does not exceed EUR 6 000.

*Article DA-II-2-35 (222-2-28-DA)*

**Electronic record of registered exporters**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 91	-	DA

1. The competent authorities of the beneficiary country shall establish and keep up to date at all times an electronic record of registered exporters located in that country. The record shall be immediately updated where an exporter is withdrawn from the register in accordance with Article DA-II-2-37(2) (222-2-30(2) DA).

2. The record shall contain the following information:

- (a) name and full address of the place where the Registered Exporter is established/resides, including the identifier of the country (ISO alpha 2 country code);
- (b) number of the Registered Exporter;
- (c) products intended to be exported under the scheme (indicative list of Harmonized System chapters or headings as considered appropriate by the applicant);
- (d) dates as from and until when the exporter is/was registered;
- (e) the reason for withdrawal (registered exporter's request / withdrawal by competent authorities). This data shall only be available to competent authorities.

3. The competent authorities of the beneficiary countries shall notify the Commission of the national numbering system used for designating registered exporters. The number shall begin with ISO alpha 2 country code.

*Article DA-II-2-36 (222-2-29-DA)*

**Application to become a registered exporter**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 92	ex Annex 13c	DA

To be registered, exporters shall lodge an application with the competent authorities of the beneficiary country referred to in Article DA-II-2-12(1)(a) (222-2-04(1)(a) ), using the form a model of which is set out in Annex 22-06. By the completion of the form exporters give consent to the storage of the information provided in the database of the Commission and to the publication of non-confidential data on the internet.

The application shall be accepted by the competent authorities only if it is complete.

*Article DA-II-2-37 (222-2-30-DA)*

**Withdrawal from the record of registered exporters**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 93	-	DA

1. Registered exporters who no longer meet the conditions for exporting any goods under the scheme, or no longer intend to export such goods, shall inform the competent authorities in the beneficiary country who shall immediately remove them from the record of registered exporters kept in that beneficiary country.
2. Without prejudice to the system of penalties and sanctions applicable in the beneficiary country, where registered exporters intentionally or negligently draw up, or cause to be drawn up, a statement on origin or any supporting document which contains incorrect information which leads to irregularly or fraudulently obtaining the benefit of preferential tariff treatment, the beneficiary country’s competent authorities shall withdraw the exporter from the record of registered exporters kept by the beneficiary country concerned.
3. Without prejudice to the possible impact of irregularities found on pending verifications, withdrawal from the record of registered exporters shall take effect for the future, i.e. in respect of statements made out after the date of withdrawal.
4. Exporters who have been removed from the record of registered exporters by the competent authorities in accordance with paragraph 2 may only be re-introduced into the record of registered exporters once they have proved to the competent authorities in the beneficiary country that they remedied the situation which led to their withdrawal.

*Article DA-II-2-38 (222-2-31-DA)*

**Obligations of exporters**

<b>CC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 94	-	DA

1. Exporters, registered or not, shall comply with the following obligations:
  - (a) they shall maintain appropriate commercial accounting records for production and supply of goods qualifying for preferential treatment;

- (b) they shall keep available all evidence relating to the material used in the manufacture;
- (c) they shall keep all customs documentation relating to the material used in the manufacture;
- (d) they shall keep for at least three years from the end of the year in which the statement on origin was made out, or more if required by national law, records of the following:
  - (i) the statements on origin they made out, and
  - (ii) their originating and non-originating materials, production and stock accounts.

The records referred to in point (d) of the first sub-paragraph may be electronic but shall allow the materials used in the manufacture of the exported products to be traced and their originating status to be confirmed.

2. The obligations provided for in paragraph 1 shall also apply to suppliers who provide exporters with suppliers' declarations certifying the originating status of the goods they supply.

*Article DA-II-2-39 (222-2-32-DA)*

**Statement on origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 95	ex Annex 13d	DA

1. A statement on origin shall be made out by the exporter when the products to which it relates are exported, if the goods concerned can be considered as originating in the beneficiary country concerned or another beneficiary country in accordance with the second sub-paragraph of Article DA-II-2-29(4) (222-2-21(4) DA) or with point (b) of the first sub-paragraph of Article DA-II-2-29(6) (222-2-21(6) DA).

2. By derogation from paragraph 1, a statement on origin may exceptionally be made out after exportation ('retrospective statement') on condition that it is presented in the Member State of declaration for release for free circulation no longer than two years after the export.

3. The statement on origin shall be provided by the exporter to its customer in the Union and shall contain the particulars specified in Annex 22-07. A statement on origin shall be made out in English, French or Spanish.

It may be made out on any commercial document allowing to identify the exporter concerned and the goods involved.

4. When cumulation under Articles DA-II-2-27 (222-2-19 DA) or DA-II-2-29 (222-2-21 DA) applies, the exporter of a product in the manufacture of which materials originating in a party with which cumulation is permitted are used shall rely on the statement on origin provided by its supplier. In these cases, the statement on origin made out by the exporter shall, as the case may be, contain the indication 'EU cumulation', 'regional cumulation', 'Cumul UE', 'Cumul regional' or 'Acumulación UE', 'Acumulación regional'.

5. When cumulation under Article DA-II-2-28 (222-2-20 DA) applies, the exporter of a product in the manufacture of which materials originating in a party with which cumulation is permitted are used shall rely on the proof of origin provided by its supplier and issued in accordance with the provisions of the GSP rules of origin of Norway, Switzerland or Turkey, as the case may be. In this case, the statement on origin made out by the exporter shall contain the indication ‘Norway cumulation’, ‘Switzerland cumulation’, ‘Turkey cumulation’, ‘Cumul Norvège’, ‘Cumul Suisse’, ‘Cumul Turquie’ or ‘Acumulación Noruega’, ‘Acumulación Suiza’, ‘Acumulación Turquía’.

6. When extended cumulation under Article DA-II-2-30 (222-2-22 DA) applies, the exporter of a product in the manufacture of which materials originating in a party with which extended cumulation is permitted are used shall rely on the proof of origin provided by its supplier and issued in accordance with the provisions of the relevant free-trade agreement between the Union and the party concerned.

In this case, the statement on origin made out by the exporter shall contain the indication ‘extended cumulation with country x’, ‘cumul étendu avec le pays x’ or ‘Acumulación ampliada con el país x’.

*Article DA-II-2-40 (222-2-33-DA)*

**Validity of statement on origin**

<b>MCC implemented provision</b>	<b>MCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 96	-	DA

1. A statement on origin shall be made out for each consignment.
2. A statement on origin shall be valid for twelve months from the date of its making out by the exporter.
3. A single statement on origin may cover several consignments if the goods meet the following conditions:
  - (a) they are presented unassembled or disassembled within the meaning of General Interpretative rule 2(a) of the Harmonized System,
  - (b) they are falling within Sections XVI or XVII or headings 7308 or 9406 of the Harmonized System, and
  - (c) they are intended to be imported by instalments.

**VI – PROCEDURES AT RELEASE FOR FREE CIRCULATION IN THE UNION**

*Article DA-II-2-41 (222-2-34-DA)*

**General principles and precautions to be taken**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97	ex Annex 13d	DA

1. The customs declaration for release for free circulation shall make reference to the statement on origin. The statement on origin shall be kept at the disposal of the customs authorities, which may request its submission for the verification of the declaration. Those authorities may also require a translation of the statement into the official language, or one of the official languages, of the Member State concerned.

2. Where the application of the scheme is requested by the declarant, without a statement on origin being in its possession at the time of the acceptance of the customs declaration for release for free circulation, that declaration shall be considered as being a simplified declaration within the meaning of Article 166 of the Code and treated accordingly.

3. Before declaring goods for release for free circulation, the declarant shall take due care that the goods comply with the rules in this Subsection by, in particular, checking the following:

- (a) in the data-base referred to in Article DA-II-2-12(3) (222-2-04(3) DA) that the exporter is registered to make statements on origin, except where the total value of the originating products consigned does not exceed EUR 6 000;
- (b) that the statement on origin is made out in accordance with Annex 22-07.

*Article DA-II-2-42 (222-2-35-DA)*

**Exemptions from the obligation to provide a statement on origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97a	-	DA

1. The following products shall be exempted from the obligation to make out and produce a statement on origin:

- (a) products sent as small packages from private persons to private persons, the total value of which does not exceed EUR 500;
- (b) products forming part of travellers' personal luggage, the total value of which does not exceed EUR 1 200.

2. The products referred to in paragraph 1 shall meet the following conditions:

- (a) they are not imported by way of trade;
- (b) they have been declared as meeting the conditions for benefiting from the scheme;
- (c) there is no doubt as to the veracity of the declaration referred to in point (b).

3. For the purposes of point (a) of paragraph 2, imports shall not be considered as imports by way of trade if all the following conditions are met:

- (a) the imports are occasional;
- (b) the imports consist solely of products for the personal use of the recipients or travellers or their families;
- (c) it is evident from the nature and quantity of the products that no commercial purpose is in view.

*Article DA-II-2-43 (222-2-36-DA)*

**Discrepancies and formal errors; Belated presentation of statements on origin**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97b	-	

1. The discovery of slight discrepancies between the particulars included in a statement on origin and those mentioned in the documents submitted to the customs authorities for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the statement on origin null and void if it is duly established that the document does correspond to the products concerned.

2. Obvious formal errors such as typing errors on a statement on origin shall not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in that document.

3. Statements on origin which are submitted to the customs authorities of the importing country after the period of validity mentioned in Article DA-II-2-40 (222-2-33 DA) may be accepted for the purpose of applying the tariff preferences, where failure to submit these documents by the final date set is due to exceptional circumstances. In other cases of belated presentation, the customs authorities of the importing country may accept the statements on origin where the products have been presented to customs before the said final date.

*Article DA-II-2-44 (222-2-37-DA)*

**Importation by instalments**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97c	-	DA

1. The procedure referred to in Article DA-II-2-40(3) (222-2-33(3) DA) shall apply for a period determined by the customs authorities of the Member States.

2. The customs authorities of the Member States of importation supervising the successive releases for free circulation shall verify that the successive consignments are part of the unassembled or disassembled products for which the statement on origin has been made out.

*Article DA-II-2-46 (222-2-39-DA)*

**Suspension of the application of the preference**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97e	-	DA

1. The customs authorities may, where they have doubts with regard to the originating status of the products request the declarant to produce, within a reasonable time period which they shall specify, any available evidence for the purpose of verifying the accuracy of the indication on origin of the declaration or the compliance with the conditions under Article DA-II-2-17 (222-2-09 DA).

2. The customs authorities may suspend the application of the preferential tariff measure for the duration of the verification procedure laid down in Article DA-II-2-49 (222-2-42 DA) where:

- (a) the information provided by the declarant is not sufficient to confirm the originating status of the products or the compliance with the conditions laid down in Article DA-II-2-16 (222-2-08 DA) or Article DA-II-2-17 (222-2-09 DA);
- (b) the declarant does not reply within the time period allowed for provision of the information referred to in paragraph 1.

3. While awaiting either the information requested from the declarant, referred to in paragraph 1, or the results of the verification procedure, referred to in paragraph 2, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

*Article DA-II-2-47 (222-2-40-DA)*

**Refusal of entitlement to the scheme**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97f		DA

1. The customs authorities of the Member State of importation shall refuse entitlement to the scheme, without being obliged to request any additional evidence or send a request for verification to the beneficiary country where:

- (a) the goods are not the same as those mentioned in the statement on origin;
- (b) the declarant fails to submit a statement on origin for the products concerned, where such a statement is required;
- (c) without prejudice to point (b) of Article DA-II-2-34 (222-2-27 DA) and to Article DA-II-2-45(1) (222-2-38(1) DA), the statement on origin in possession

of the declarant has not been made out by an exporter registered in the beneficiary country;

- (d) the statement on origin is not made out in accordance with Annex 22-07;
- (e) the conditions of Article DA-II-2-17 (222-2-09 DA) are not met.

2. The customs authorities of the Member State of importation shall refuse entitlement to the scheme, following a request for verification within the meaning of Article DA-II-2-49 (222-2-42 DA) addressed to the competent authorities of the beneficiary country, where the customs authorities of the Member State of importation:

- (a) have received a reply according to which the exporter was not entitled to make out the statement on origin;
- (b) have received a reply according to which the products concerned are not originating in a beneficiary country or the conditions of Article DA-II-2-16 (222-2-08 DA) were not met;
- (c) had reasonable doubt as to the validity of the statement on origin or the accuracy of the information provided by the declarant regarding the true origin of the products in question when they made the request for verification, and either of the following conditions are met:
  - (i) they have received no reply within the time period permitted in accordance with Article DA-II-2-49 (222-2-42 DA), or
  - (ii) they have received a reply not providing adequate answers to the questions raised in the request.

## VII – CONTROL OF ORIGIN

### *Article DA-II-2-48 (222-2-41-DA)*

#### **Obligations relating to the control of origin**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97g	-	DA

1. For the purpose of ensuring compliance with the rules concerning the originating status of products, the competent authorities of the beneficiary country shall carry out:

- (a) verifications of the originating status of products at the request of the customs authorities of the Member States;
- (b) regular controls on exporters on their own initiative.

To the extent that Norway, Switzerland and Turkey have concluded an agreement with the Union stating that they shall provide each other with the necessary support in matters of administrative cooperation, the first sub-paragraph shall apply *mutatis mutandis* to requests sent to the authorities of Norway, Switzerland and Turkey for the verification of replacement statements on origin made out on their territory, with a view to requesting these authorities to further liaise with the competent authorities in the beneficiary country.

Extended cumulation shall only be permitted under Article DA-II-2-30 (222-2-22 DA), if a country with which the Union has a free-trade agreement in force has agreed to provide the beneficiary country with its support in matters of administrative cooperation in the same way as it would provide such support to the customs authorities of the Member States in accordance with the relevant provisions of the free-trade agreement concerned.

2. The controls referred to in point (b) of paragraph 1 shall ensure the continued compliance of exporters with their obligations. They shall be carried out at intervals determined on the basis of appropriate risk analysis criteria. For that purpose, the competent authorities of the beneficiary countries shall require exporters to provide copies or a list of the statements on origin they have made out.

3. The competent authorities of the beneficiary countries shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts and, where appropriate, those of producers supplying him, including at the premises, or to carry out any other check considered appropriate.

*Article DA-II-2-49 (222-2-42-DA)*

**Verification of statements on origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97h	-	DA

1. Subsequent verifications of statements on origin shall be carried out at random or whenever the customs authorities of the Member States have reasonable doubts as to their authenticity, the originating status of the products concerned or the fulfilment of other requirements of this Subsection.

Where the customs authorities of a Member State request the cooperation of the competent authorities of a beneficiary country to carry out a verification of the validity of statements on origin, the originating status of products, or of both, it shall, where appropriate, indicate on its request the reasons why it has reasonable doubts on the validity of the statement on origin or the originating status of the products.

A copy of the statement on origin and any additional information or documents suggesting that the information given on that statement is incorrect may be forwarded in support of the request for verification.

The requesting Member State shall set a six-month initial deadline to communicate the results of the verification, starting from the date of the verification request, with the exception of requests sent to Norway, Switzerland or Turkey for the purpose of verifying replacement statements on origin made out in their territories on the basis of a statement on origin made out in a beneficiary country, for which this deadline shall be extended to eight months.

2. If in cases of reasonable doubt there is no reply within the period specified in paragraph 1 or if the reply does not contain sufficient information to determine the real origin of the products, a second communication shall be sent to the competent authorities. This communication shall set a further deadline of not more than six months.

## VIII – OTHER PROVISIONS

### *Article DA-II-2-50 (222-2-43-DA)*

#### **Application of procedural requirements to exports from the Union and for the purpose of regional cumulation. Union’s registered exporters**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97i	ex Annex 13c	DA

1. Articles DA-II-2-34 (222-2-27-DA) to DA-II-2-47 (222-2-40-DA), DA-II-2-49 (222-2-42-DA) and DA-II-2-55 (222-2-48-DA) concerning the making out, use and subsequent verification of proofs of origin shall apply *mutatis mutandis* to:

- (a) exports from the Union to a beneficiary country for the purpose of bilateral cumulation;
- (b) exports from one beneficiary country to another for the purpose of regional cumulation as provided for in Article DA-II-2-29 (222-2-21 DA).

2. Union exporters shall be considered by the customs authority of a Member State at the exporter's request as a registered exporter for the purposes of the scheme where the exporter fulfils the following conditions:

- (a) the exporter has an EORI number in accordance with Article DA-I-2-04a;
- (b) the exporter has the status of 'approved exporter' under a preferential arrangement;
- (c) the exporter provides in its request addressed to the customs authority of the Member State the following data set out in the form a model of which appears at Annex 22-06:
  - (i) the details set out in boxes 1 and 4;
  - (ii) the undertaking set out in box 5.

### *Article DA-II-2-51 (222-2-44-DA)*

#### **Ceuta and Melilla**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97j	-	DA

1. Articles DA-II-2-09 (222-2-01-DA) to DA-II-2-33 (222-2-25-DA) concerning the general provisions and the provisions concerning the definition of the concept of originating products and cumulation shall apply *mutatis mutandis* in determining whether products may be regarded as originating in a beneficiary country when exported to Ceuta or Melilla or as

originating in Ceuta and Melilla when exported to a beneficiary country for the purposes of bilateral cumulation.

2. Articles DA-II-2-34 (222-2-27-DA) to DA-II-2-49 (222-2-42-DA) concerning making out, use and subsequent verification of proofs of origin shall apply *mutatis mutandis* to products exported from a beneficiary country to Ceuta or Melilla and to products exported from Ceuta and Melilla to a beneficiary country for the purposes of bilateral cumulation.

3. The Spanish customs authorities shall be responsible for the application of Articles DA-II-2-09 (222-2-01-DA) to DA-II-2-49 (222-2-42-DA) in Ceuta and Melilla.

4. For the purposes mentioned in paragraphs 1 and 2, Ceuta and Melilla shall be regarded as a single territory.

## SUBSECTION 2A

### PROCEDURES AND METHODS OF ADMINISTRATIVE COOPERATION APPLICABLE UNTIL THE APPLICATION OF THE REGISTERED EXPORTER SYSTEM

#### I - GENERAL PRINCIPLES

*Article DA-II-2-52 (222-2-45-DA)*

#### **Procedures and methods of administrative cooperation applicable until the application of the registered exporter system**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97k	ex Annexes 17-18	DA

1. Every beneficiary country shall comply or ensure compliance with:
  - (a) the rules on the origin of the products being exported, laid down in Subsection 2;
  - (b) the rules for completion and issue of certificates of origin Form A, a specimen of which is set out in Annex 22-08;
  - (c) the provisions for the use of invoice declarations, a specimen of which is set out in Annex 22-09;
  - (d) the provisions concerning methods of administrative cooperation referred to in Article DA-II-2-60 (222-2-53 DA);
  - (e) the provisions concerning granting of derogations referred to in Article 64(6) of the Code.
  
2. The competent authorities of the beneficiary countries shall cooperate with the Commission or the Member States by, in particular:
  - (a) providing all necessary support in the event of a request by the Commission for the monitoring by it of the proper management of the scheme in the country

concerned, including verification visits on the spot by the Commission or the customs authorities of the Member States;

- (b) without prejudice to Articles DA-II-2-60 (222-2-53 DA) and DA-II-2-61 (222-2-54 DA), verifying the originating status of products and the compliance with the other conditions laid down in this Subsection, including visits on the spot, where requested by the Commission or the customs authorities of the Member States in the context of origin investigations.

3. Where, in a beneficiary country, a competent authority for issuing certificates of origin Form A is designated, documentary proofs of origin are verified, and certificates of origin Form A for exports to the Union are issued, that beneficiary country shall be considered to have accepted the conditions laid down in paragraph 1.

4. When a country is admitted or readmitted as a beneficiary country in respect of products referred to in Regulation (EU) No 978/2012, goods originating in that country shall benefit from the generalised system of preferences on condition that they were exported from the beneficiary country on or after the date referred to in Article DA-II-2-60 (222-2-53 DA).

5. A proof of origin shall be valid for ten months from the date of issue in the exporting country and shall be submitted within the said period to the customs authorities of the importing country.

6. For the purposes of Articles DA-II-2-53 (222-2-46-DA), DA-II-2-54 (222-2-47-DA), DA-II-2-55 (222-2-48-DA), DA-II-2-56 (222-2-49-DA), DA-II-2-57 (222-2-50-DA), DA-II-2-58 (222-2-51-DA) and DA-II-2-59 (222-2-52-DA), where a country has been removed from the list of beneficiary countries referred to in Article DA-II-2-60(2) (222-2-53(2) DA), the obligations laid down in Articles DA-II-2-52(2) (222-2-45(2) DA), DA-II-2-53(5) (222-2-46(5) DA), DA-II-2-61(3), (4), (6) and (7) (222-2-54(3), (4), (6) and (7) DA) and DA-II-2-62(1) (222-2-55(1) DA) shall continue to apply to that country for a period of three years from the date of its removal from that list.

7. The obligations referred to in paragraph 6 shall apply to Singapore for a period of three years starting from 1 January 2014.

## II – PROCEDURES AT EXPORT IN THE BENEFICIARY COUNTRY

### *Article DA-II-2-53 (222-2-46-DA)*

#### **Procedure for the issue of a certificate of origin Form A**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 971	ex Annex 17	DA

1. Certificates of origin Form A, a model of which is set out in Annex 22-08, shall be issued on written application from the exporter or its representative, together with any other appropriate supporting documents proving that the products to be exported qualify for the issue of a certificate of origin Form A.

2. The certificate shall be made available to the exporter as soon as the export has taken place or is ensured. However, a certificate of origin Form A may exceptionally be issued after exportation of the products to which it relates, in any of the following cases:

- (a) where it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
- (b) where it is demonstrated to the satisfaction of the competent governmental authorities that a certificate of origin Form A was issued but was not accepted at importation for technical reasons.

3. The competent governmental authorities may issue a certificate retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding export file and, where appropriate, that a certificate of origin Form A satisfying the provisions of this Subsection was not issued when the products in question were exported. Box 4 of certificates of origin Form A issued retrospectively must contain the endorsement 'Issued retrospectively' or 'Délivré à posteriori'.

4. In the event of theft, loss or destruction of a certificate of origin Form A, the exporter may apply, to the competent governmental authorities which issued it, for a duplicate to be made out on the basis of the export documents in their possession. Box 4 of a duplicate Form A issued in this way must be endorsed with the word 'Duplicate' or 'Duplicata', together with the date of issue and the serial number of the original certificate. The duplicate takes effect from the date of the original.

5. For the purposes of verifying whether the product for which a certificate of origin Form A is requested complies with the relevant rules of origin, the competent governmental authorities shall be entitled to call for any documentary evidence or to carry out any check which they consider appropriate.

6. Completion of box[es] 2 [and 10] of the certificate of origin Form A shall be optional. Box 12 shall bear the mention 'Union' or the name of one of the Member States. The date of issue of the certificate of origin Form A shall be indicated in box 11. The signature to be entered in that box, which is reserved for the competent governmental authorities issuing the certificate, as well as the signature of the exporter's authorised signatory to be entered in box 12, shall be handwritten.

*Article DA-II-2-54 (222-2-47-DA)*

**Conditions for making out an invoice declaration**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97m	ex Annexes 17,18	DA

1. The invoice declaration may be made out by any exporter operating in a beneficiary country for any consignment consisting of one or more packages containing originating products whose total value does not exceed EUR 6 000, and provided that the administrative cooperation referred to in Article DA-II-2-52(2) (222-2-45(2) DA) applies to this procedure.

2. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs or other competent governmental authorities of the

exporting country, all appropriate documents proving the originating status of the products concerned.

3. An invoice declaration shall be made out by the exporter in either French or English by typing, stamping or printing on the invoice, the delivery note or any other commercial document, the declaration, the text of which appears in Annex 22-09. If the declaration is handwritten, it shall be written in ink in printed characters. Invoice declarations shall bear the original signature of the exporter in manuscript.

4. The use of an invoice declaration shall be subject to the following conditions:

- (a) one invoice declaration shall be made out for each consignment;
- (b) if the goods contained in the consignment have already been subject to verification in the exporting country by reference to the definition of 'originating products', the exporter may refer to that verification in the invoice declaration.

*Article DA-II-2-54a (222-2-47a-DA)*

**Conditions for issuing a certificate of origin Form A in case of cumulation**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97m	ex Annexes 17,18	DA

When cumulation under Articles DA-II-2-27 ( 222-2-19 DA), DA-II-2-28 (222-2-20 DA), DA-II-2-29 (222-2-21 DA) or DA-II-2-30 (222-2-22 DA) applies, the competent governmental authorities of the beneficiary country called on to issue a certificate of origin Form A for products in the manufacture of which materials originating in a party with which cumulation is permitted are used shall rely on the following:

- (a) in the case of bilateral cumulation, on the proof of origin provided by the exporter's supplier and issued in accordance with the provisions of Article DA-II-2-63 (222-2-56-DA);
- (b) in the case of cumulation with Norway, Switzerland or Turkey, on the proof of origin provided by the exporter's supplier and issued in accordance with the GSP rules of origin of Norway, Switzerland or Turkey, as the case may be;
- (c) in the case of regional cumulation, on the proof of origin provided by the exporter's supplier, namely a certificate of origin Form A, a model of which appears at Annex 22-08 or, as the case may be, an invoice declaration, the text of which appears in Annex 22-09;
- (d) in the case of extended cumulation, on the proof of origin provided by the exporter's supplier and issued in accordance with the provisions of the relevant free-trade agreement between the Union and the country concerned.

In the cases referred to in points (a), (b), (c) and (d) of the first sub-paragraph, Box 4 of certificate of origin Form A shall, as the case may be, contain the indication:

- 'EU cumulation', 'Norway cumulation', 'Switzerland cumulation', 'Turkey cumulation', 'regional cumulation', 'extended cumulation with country x'

or

- ‘Cumul UE’, ‘Cumul Norvège’, ‘Cumul Suisse’, ‘Cumul Turquie’, ‘cumul régional’, ‘cumul étendu avec le pays x’

or

- ‘Acumulación UE’, ‘Acumulación Noruega’, ‘Acumulación Suiza’, ‘Acumulación Turquía’, ‘Acumulación regional’, ‘Acumulación ampliada con el país x’.

### III – PROCEDURES AT RELEASE FOR FREE CIRCULATION IN THE UNION

#### *Article DA-II-2-55 (222-2-48-DA)*

#### **Submission of proof of origin and belated presentation thereof**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97n	-	DA

1. Certificates of origin Form A or invoice declarations shall be submitted to the customs authorities of the Member States of importation in accordance with the procedures concerning the customs declaration.

2. Proofs of origin which are submitted to the customs authorities of the importing country after the period of validity mentioned in Article DA-II-2-52(5) (222-2-45 (5) DA) may be accepted for the purpose of applying the tariff preferences, where failure to submit these documents by the final date set is due to exceptional circumstances. In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been presented to customs before the said final date.

#### *Article DA-II-2-56 (222-2-49-DA)*

#### **Importation by instalments**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97o	-	DA

1. Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing Member State, unassembled or disassembled products within the meaning of General rule 2(a) for the interpretation of the Harmonized System and falling within Section XVI or XVII or heading 7308 or 9406 of the Harmonized System are imported by instalments, a single proof of origin for such products may be submitted to the customs authorities on importation of the first instalment.

2. At the request of the importer and having regard to the conditions laid down by the customs authorities of the importing Member State, a single proof of origin may be submitted to the customs authorities at the importation of the first consignment when the goods:

- (a) are imported within the framework of frequent and continuous trade flows of a significant commercial value;
- (b) are the subject of the same contract of sale, the parties of this contract established in the exporting country or in the Member State(s);
- (c) are classified in the same code (eight digits) of the Combined Nomenclature;
- (d) come exclusively from the same exporter, are destined for the same importer, and are made the subject of entry formalities at the same customs office of the same Member State.

This procedure shall be applicable for a period determined by the competent customs authorities.

*Article DA-II-2-58 (222-2-51-DA)*

**Exemptions from the obligation to provide a proof of origin**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97q	-	DA

1. Products sent as small packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products benefiting from the tariff preferences referred to in Article DA-II-2-09 (222-2-01 DA) without requiring the presentation of a certificate of origin Form A or an invoice declaration, provided that:

- (a) such products:
  - i) are not imported by way of trade;
  - ii) have been declared as meeting the conditions required for benefiting from the scheme;
- (b) there is no doubt as to the veracity of the declaration referred to in point (a)(ii).

2. Imports shall not be considered as imports by way of trade if all the following conditions are met:

- (a) the imports are occasional;
- (b) the imports consist solely of products for the personal use of the recipients or travellers or their families;
- (c) it is evident from the nature and quantity of the products that no commercial purpose is in view.

3. The total value of the products referred to in paragraph 2 shall not exceed EUR 500 in the case of small packages or EUR 1 200 in the case of products forming part of travellers' personal luggage.

*Article DA-II-2-59 (222-2-52-DA)*

**Discrepancies and formal errors**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97r	-	DA

1. The discovery of slight discrepancies between the statements made in the certificate of origin Form A or in an invoice declaration, and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the certificate or declaration null and void if it is duly established that that document does correspond to the products submitted.

2. Obvious formal errors on a certificate of origin Form A, a movement certificate EUR.1 or an invoice declaration shall not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in that document.

#### IV – METHODS OF ADMINISTRATIVE COOPERATION

##### *Article DA-II-2-60 (222-2-53-DA)*

#### **Beneficiary countries' notification obligations**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 97s	-	DA

1. The beneficiary countries shall inform the Commission of the names and addresses of the governmental authorities situated in their territory which are empowered to issue certificates of origin Form A, together with specimen impressions of the stamps used by those authorities, and the names and addresses of the relevant governmental authorities responsible for the control of the certificates of origin Form A and the invoice declarations.

The Commission will forward this information to the customs authorities of the Member States. When this information is communicated within the framework of an amendment of previous communications, the Commission will indicate the date of entry into use of those new stamps according to the instructions given by the competent governmental authorities of the beneficiary countries. This information is for official use; however, when goods are to be released for free circulation, the customs authorities in question may allow the importer to consult the specimen impressions of the stamps.

Beneficiary countries which have already provided the information required under the first sub-paragraph shall not be obliged to provide it again, unless there has been a change.

2. For the purpose of Article DA-II-2-52(4) (222-2-45(4) DA) the Commission will publish, in the *Official Journal of the European Union* (C series), the date on which a country admitted or readmitted as a beneficiary country in respect of products referred to in Regulation (EU) No 978/2012 met the obligations set out in paragraph 1 of this Article.

3. The Commission will send to the beneficiary countries specimen impressions of the stamps used by the customs authorities of the Member States for the issue of movement certificates EUR.1 upon request of the competent authorities of the beneficiary countries.

**Subsequent verification of proofs of origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97t	-	DA

1. Subsequent verifications of certificates of origin Form A and invoice declarations shall be carried out at random or whenever the customs authorities of the Member States have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Subsection.

2. When they make a request for subsequent verification, the customs authorities of the Member States shall return the certificate of origin Form A and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the competent governmental authorities in the exporting beneficiary country giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof of origin is incorrect shall be forwarded in support of the request for verification.

If the customs authorities of the Member States decide to suspend the granting of the tariff preferences while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

3. When a request for subsequent verification has been made, such verification shall be carried out and its results communicated to the customs authorities of the Member States within a maximum of six months or, in the case of requests sent to Norway, Switzerland or Turkey for the purpose of verifying replacement proofs of origin made out in their territories on the basis of a certificate of origin Form A or an invoice declaration made out in a beneficiary country, within a maximum of eight months from the date on which the request was sent. The results shall be such as to establish whether the proof of origin in question applies to the products actually exported and whether these products can be considered as products originating in the beneficiary country.

4. In the case of certificates of origin Form A issued following bilateral cumulation, the reply shall include a copy (copies) of the movement certificate(s) EUR.1 or, where necessary, of the corresponding invoice declaration(s).

5. If, in cases of reasonable doubt, there is no reply within the six months specified in paragraph 3 or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, a second communication shall be sent to the competent authorities. If after the second communication the results of the verification are not communicated to the requesting authorities within four months from the date on which the second communication was sent, or if these results do not allow the authenticity of the document in question or the real origin of the products to be determined, the requesting authorities shall, except in exceptional circumstances, refuse entitlement to the tariff preferences.

6. Where the verification procedure or any other available information appears to indicate that the rules of origin are being contravened, the exporting beneficiary country shall, on its own initiative or at the request of the customs authorities of the Member States, carry

out appropriate inquiries or arrange for such inquiries to be carried out with due urgency to identify and prevent such contraventions. For this purpose, the Commission or the customs authorities of the Member States may participate in the inquiries.

7. For the purposes of the subsequent verification of certificates of origin Form A, the exporters shall keep all appropriate documents proving the originating status of the products concerned and the competent governmental authorities of the exporting beneficiary country shall keep copies of the certificates, as well as any export documents referring to them. These documents shall be kept for at least three years from the end of the year in which the certificate of origin Form A was issued.

*Article DA-II-2-62 (222-2-55-DA)*

**Verification of proofs of origin relating to products having acquired origin through cumulation**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97u	-	DA

1. Articles DA-II-2-60 (222-2-53 DA) and DA-II-2-61 (222-2-54 DA) shall also apply between the countries of the same regional group for the purposes of provision of information to the Commission or to the customs authorities of the Member States and of the subsequent verification of certificates of origin Form A or invoice declarations issued in accordance with the rules on regional cumulation of origin.

2. For the purposes of Articles DA-II-2-28 (222-2-20 DA), DA-II-2-54 (222-2-47 DA) and DA-II-2-57 (222-2-50 DA), the agreement concluded between the Union, Norway, Switzerland and Turkey shall include inter alia an undertaking to provide each other with the necessary support in matters of administrative cooperation.

For the purposes of Articles DA-II-2-30 (222-2-22 DA) and DA-II-2-52 (222-2-45 DA), the country with which the Union has concluded a free-trade agreement in force and which has agreed to be involved in extended cumulation with a beneficiary country shall also agree to provide the latter with its support in matters of administrative cooperation in the same way as it would provide such support to the customs authorities of the Member States in accordance with the relevant provisions of the free-trade agreement concerned.

**V – PROCEDURES FOR THE PURPOSE OF BILATERAL CUMULATION**

*Article DA-II-2-63 (222-2-56-DA)*

**Proof of Union’s originating status - Approved exporter**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97v	ex annex 21	DA

1. Evidence of the originating status of Union products shall be furnished by either of the following:
  - (a) the production of a movement certificate EUR.1, a specimen of which is set out in Annex 22-10 or
  - (b) the production of an invoice declaration, the text of which is set out in Annex 22-09. An invoice declaration may be made out by any exporter for consignments containing originating products whose total value does not exceed EUR 6 000 or by an approved Union exporter.
2. The exporter or its representative shall enter 'GSP beneficiary countries' and 'EU', or 'Pays bénéficiaires du SPG' and 'UE', in box 2 of the movement certificate EUR.1.
3. The provisions of this Subsection concerning the issue, use and subsequent verification of certificates of origin Form A shall apply *mutatis mutandis* to EUR.1 movement certificates and, with the exception of the provisions concerning their issue, to invoice declarations.
4. The customs authorities of the Member States may authorise any exporter, hereinafter referred to as an 'approved exporter', who makes frequent shipments of products originating in the Union within the framework of bilateral cumulation to make out invoice declarations, irrespective of the value of the products concerned, where that exporter offers, to the satisfaction of the customs authorities, all guarantees necessary to verify the following:
  - (a) the originating status of the products;
  - (b) the fulfilment of other requirements applicable in that Member State.
5. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate. The customs authorities shall grant to the approved exporter a customs authorisation number which shall appear on the invoice declaration.
6. The customs authorities shall monitor the use of the authorisation by the approved exporter. The customs authorities may withdraw the authorisation at any time.

They shall withdraw the authorisation in each of the following cases:

  - (a) the approved exporter no longer offers the guarantees referred to in paragraph 4;
  - (b) the approved exporter does not fulfil the conditions referred to in paragraph 5;
  - (c) the approved exporter otherwise makes improper use of the authorisation.
7. An approved exporter shall not be required to sign invoice declarations provided that the approved exporter gives the customs authorities a written undertaking accepting full responsibility for any invoice declaration which identifies the approved exporter as if the approved exporter had signed it in manuscript.

## VI – CEUTA AND MELILLA

*Article DA-II-2-64 (222-2-57-DA)*

### **Ceuta and Melilla**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 97w	-	DA

The provisions of this Subsection concerning the issue, use and subsequent verification of proofs of origin shall apply *mutatis mutandis* to products exported from a beneficiary country to Ceuta and Melilla and to products exported from Ceuta and Melilla to a beneficiary country for the purposes of bilateral cumulation.

Ceuta and Melilla shall be regarded as a single territory.

The Spanish customs authorities shall be responsible for the application of this Subsection in Ceuta and Melilla.

## SUBSECTION 2B

*Article DA-II-2-65 (222-2-58-DA)*

### **Date of application of certain provisions**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Articles 2 and 3 of Regulation 1063/2010		DA

- Beneficiary countries shall submit to the Commission the undertaking in accordance with Article DA-II-2-11(3) (222-2-03-DA(3) ) and information required by Article DA-II-2-12 (222-2-04-DA) of this Regulation, at least three months before the actual application in their territories of the registered exporter system.
- On 1 July 2016 and 1 July 2019 at the latest the Commission will examine the state of preparation of beneficiary countries for the application of the registered exporter system. The Commission will propose any necessary adjustments.
- Subject to paragraph 4 of this Article, Subsection 2, insofar as it relates to Articles DA-II-2-12 (222-2-04-DA), DA-II-2-13 (222-2-05-DA), DA-II-2-14 (222-2-06-DA), DA-II-2-19 (222-2-11-DA), DA-II-2-34 to DA-II-2-50 (222-2-27 to 222-2-43 DA) and DA-II-2-51(2) (222-2-44 (2) DA) and Annex 22-06 shall apply from 1 January 2017.
- Beneficiary countries which are not in a position to implement the registered exporter system on the date specified in paragraph 3 and which make a written request to the Commission before 1 July 2016 or in relation to which in accordance with the second paragraph the Commission has proposed adjustments, may continue to apply the provisions set out in Subsection 2A and Annexes 22-08 and 22-09 until 1 January 2020.

5. Subsection 2A shall apply until the date specified in paragraph 3 or, for the beneficiary countries referred to in paragraph 4, until the date specified in paragraph 4.

### SUBSECTION 3

#### RULES OF ORIGIN APPLICABLE WITHIN THE FRAMEWORK OF THE PREFERENTIAL TARIFF MEASURES ADOPTED UNILATERALLY BY THE UNION FOR CERTAIN COUNTRIES OR TERRITORIES

##### I – GENERAL PROVISIONS

###### *Article DA-II-2-66 (222-3-01- DA)*

##### Scope

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	-	-	DA

This Subsection lays down the rules concerning the definition of the concept of “originating products”, the procedures and the methods of administrative cooperation related thereto, for the purposes of the application of preferential tariff measures adopted unilaterally by the Union for certain countries or territories.

###### *Article DA-II-2-67 (222-3-02- DA)*

##### Definitions

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	- Article 97x		DA

1. For the purposes of this Subsection the following definitions shall apply:
  - (a) “manufacture” means any kind of working or processing including assembly;
  - (b) “material” means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
  - (c) “product” means the product being manufactured, even if it is intended for later use in another manufacturing operation;
  - (d) “goods” means both materials and products;
  - (e) “customs value” means the value as determined in accordance with the 1994 Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on Customs Valuation);

- (f) “ex-works price” in the list in Annex 22-12 means the price paid for the product ex-works to the manufacturer in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;

Where the actual price paid does not reflect all costs related to the manufacturing of the product which are actually incurred in the beneficiary country, the ex-works price means the sum of all those costs, minus any internal taxes which are, or may be, repaid when the product obtained is exported.

- (g) “value of materials” in the list in Annex 22-12 means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the Union or in the beneficiary country within the meaning of Article DA-II-2-68(1) (222-3-03(1) DA). Where the value of the originating materials used needs to be established, this sub-paragraph shall be applied *mutatis mutandis*;
- (h) “chapters”, “headings” and “sub-headings” mean the chapters, the headings and “sub-headings” (four- or six-digit codes) used in the nomenclature which makes up the Harmonized System;
- (i) “classified” refers to the classification of a product or material under a particular heading or sub-heading of the Harmonized System;
- (j) “consignment” means products which are either:
- (i) sent simultaneously from one exporter to one consignee, or
  - (ii) covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such document, by a single invoice.

2. For the purpose of paragraph 1(f), where the last working or processing has been subcontracted to a manufacturer, the term “manufacturer” referred to in the first paragraph of paragraph 1(f) may refer to the enterprise that has employed the subcontractor.

## II – DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS

### *Article DA-II-2-68 (222-3-03)*

#### **General requirements**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 98	-	DA

1. For the purposes of the provisions concerning preferential tariff measures adopted unilaterally by the Union for certain countries, groups of countries or territories (hereinafter referred to as ‘beneficiary countries or territories’), with the exception of those referred to in Subsection 2 of this Section and the overseas countries and territories associated with the

Union, the following products shall be considered as products originating in a beneficiary country:

- (a) products wholly obtained in that beneficiary country with the meaning of Article DA-II-2-69 (222-3-04 DA);
- (b) products obtained in that beneficiary country, in the manufacture of which products other than those referred to in (a) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article DA-II-2-70 (222-3-05 DA).

2. For the purposes of this Subsection, products originating in the Union, within the meaning of paragraph 3, which are subject in a beneficiary country to working or processing going beyond that described in Article DA-II-2-71 (222-3-06 DA) shall be considered as originating in that beneficiary country.

3. Paragraph 1 shall apply *mutatis mutandis* in establishing the origin of the products obtained in the Union.

*Article DA-II-2-69 (222-3-04)*

**Wholly obtained products**

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 64(3)	Article 65	Article 99	-	DA

1. The following shall be considered as wholly obtained in a beneficiary country or in the Union:

- (a) mineral products extracted from its soil or from its seabed;
- (b) vegetable products harvested there;
- (c) live animals born and raised there;
- (d) products from live animals raised there;
- (e) products from slaughtered animals born and raised there;
- (f) products obtained by hunting or fishing conducted there;
- (g) products of sea-fishing and other products taken from the sea outside the territorial waters by its vessels;
- (h) products made on board its factory ships exclusively from the products referred to in (g);
- (i) used articles collected there, fit only for the recovery of raw materials;
- (j) waste and scrap resulting from manufacturing operations conducted there;
- (k) products extracted from the seabed or below the seabed which is situated outside its territorial waters but where it has exclusive exploitation rights;
- (l) goods produced there exclusively from products specified in (a) to (k).

2. The terms ‘its vessels’ and ‘its factory ships’ in paragraph 1(g) and (h) shall apply only to vessels and factory ships which fulfil the following conditions:

- (a) they are registered or recorded in the beneficiary country or in a Member State;
- (b) they sail under the flag of a beneficiary country or of a Member State;
- (c) they are owned to the extent of at least 50 % by nationals of the beneficiary country or of Member States or by a company with its head office in that country or in one of the Member States, of which the manager or managers, Chairman of the Board of Directors or of the Supervisory Board, and the majority of the members of such boards are nationals of that beneficiary country or of the Member States and of which, in addition, in the case of companies, at least half the capital belongs to that beneficiary country or to the Member States or to public bodies or nationals of that beneficiary country or of the Member States;
- (d) the master and officers of the vessels and factory ships are nationals of the beneficiary country or of the Member States;
- (e) at least 75 % of the crew are nationals of the beneficiary country or of the Member States.

3. The terms ‘beneficiary country’ and ‘Union’ shall also cover the territorial waters of that country or of the Member States.

4. Vessels operating on the high seas, including factory ships on which the fish caught is worked or processed, shall be considered as part of the territory of the beneficiary country or of the Member State to which they belong, provided that they satisfy the conditions set out in paragraph 2.

*Article DA-II-2-70 (222-3-05)*

**Sufficiently worked or processed products**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 100	ex Annexes 14-15	

For the purposes of Article DA-II-2-68 (222-3-03 DA), products which are not wholly obtained in a beneficiary country or in the Union are considered to be sufficiently worked or processed when the conditions set out in the list in Annex 22-12 are fulfilled.

Those conditions indicate, for all products covered by this Subsection, the working or processing which must be carried out on non-originating materials used in manufacturing and apply only in relation to such materials.

If a product which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture.

*Article DA-II-2-71 (222-3-06)*

**Insufficient working or processing**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 101	-	

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article DA-II-2-70 (222-3-05 DA) are satisfied:

- (a) preserving operations to ensure that the products remain in good condition during transport and storage;
- (b) breaking-up and assembly of packages;
- (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (d) ironing or pressing of textiles;
- (e) simple painting and polishing operations;
- (f) husking, partial or total milling, polishing and glazing of cereals and rice;
- (g) operations to colour or flavour sugar or form sugar lumps; partial or total milling of sugar;
- (h) peeling, stoning and shelling, of fruits, nuts and vegetables;
- (i) sharpening, simple grinding or simple cutting;
- (j) sifting, screening, sorting, classifying, grading, matching; (including the making-up of sets of articles);
- (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (m) simple mixing of products, whether or not of different kinds; mixing of sugar with any material;
- (n) simple addition of water or dilution or dehydration or denaturation of products;
- (o) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
- (p) a combination of two or more of the operations specified in points (a) to (o);
- (q) slaughter of animals.

2. All the operations carried out in either a beneficiary country or the Union on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

*Article DA-II-2-72 (222-3-07)*

**Unit of qualification**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 101a	-	DA

1. The unit of qualification for the application of the provisions of this Subsection shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonised System.

Accordingly, it follows that:

- (a) when a product composed of a group or assembly of articles is classified under the terms of the Harmonised System in a single heading, the whole constitutes the unit of qualification;
- (b) when a consignment consists of a number of identical products classified under the same heading of the Harmonised System, each product must be taken individually when applying the provisions of this Subsection.

2. Where, under general rule 5 of the Harmonised System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

*Article DA-II-2-73 (222-3-08)*

**General tolerance**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 102	-	DA

1. By way of derogation from the provisions of Article DA-II-2-70 (222-3-05 DA), non-originating materials may be used in the manufacture of a given product, provided that their total value does not exceed 10 % of the ex-works price of the product.

Where, in the list, one or several percentages are given for the maximum value of non-originating materials, such percentages must not be exceeded through the application of the first subparagraph.

2. Paragraph 1 shall not apply to products falling within Chapters 50 to 63 of the Harmonised System.

*Article DA-II-2-74 (222-3-09)*

**Accessories, spare parts and tools**

<b>UCC</b>	<b>UCC empowering</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption</b>
------------	-----------------------	-----------------------------	--------------	-----------------

<b>implemented provision</b>	<b>provision</b>			<b>procedure</b>
Article 64(3)	Article 65	Article 103	-	DA

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the price thereof or which are not separately invoiced, shall be regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

*Article DA-II-2-75 (222-3-10- DA)*

### **Sets**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 104	-	DA

Sets, as defined in general rule 3 of the Harmonised System, shall be regarded as originating when all the component products are originating products. Nevertheless, when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating provided that the value of the non-originating products does not exceed 15 % of the ex-works price of the set.

*Article DA-II-2-76 (222-3-11- DA)*

### **Neutral elements**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 105	-	DA

In order to determine whether a product is an originating product, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) goods which do not enter, and which are not intended to enter, into the final composition of the product.

## **III – TERRITORIAL REQUIREMENTS**

*Article DA-II-2-77 (222-3-12- DA)*

### **Principle of territoriality**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 106	-	DA

The conditions set out in this Subsection for acquiring originating status must continue to be fulfilled at all times in the beneficiary country or in the Union.

If originating products exported from the beneficiary country or from the Union to another country are returned, they shall be considered as non-originating unless it can be demonstrated to the satisfaction of the competent authorities that the following conditions are fulfilled:

- (a) the products returned are the same as those which were exported, and
- (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

*Article DA-II-2-78 (222-3-13- DA)*

### **Direct transport**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 107	-	DA

1. The following shall be considered as transported directly from the beneficiary country to the Union or from the Union to the beneficiary country:

- (a) products transported without passing through the territory of any other country;
- (b) products constituting one single consignment transported through the territory of countries other than the beneficiary country or the Union, with, should the occasion arise, trans-shipment or temporary warehousing in those countries, provided that the products remain under the supervision of the customs authorities in the country of transit or of warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition;
- (c) products which are transported by pipeline without interruption across a territory other than that of the exporting beneficiary country or of the Union.

2. Evidence that the conditions set out in paragraph 1(b) are fulfilled shall be supplied to the competent customs authorities by the production of any of the following:

- (a) a single transport document covering the passage from the exporting country through the country of transit;
- (b) a certificate issued by the customs authorities of the country of transit:
  - (i) giving an exact description of the products;
  - (ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used, and

- (iii) certifying the conditions under which the products remained in the country of transit;
- (c) or, failing these, any substantiating documents.

*Article DA-II-2-79 (222-3-14- DA)*

### **Exhibitions**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 108	-	DA

1. Originating products, sent from a beneficiary country for exhibition in another country and sold after the exhibition for importation into the Union, shall benefit on importation from the tariff preferences referred to in Article DA-II-2-68 (222-3-03 DA), provided that they meet the requirements of this Subsection entitling them to be recognised as originating in that beneficiary country and provided that it is shown to the satisfaction of the competent Union customs authorities that:

- (a) an exporter has consigned the products from the beneficiary country directly to the country in which the exhibition is held and has exhibited them there;
- (b) the products have been sold or otherwise disposed of by that exporter to a person in the Union;
- (c) the products have been consigned during the exhibition or immediately thereafter to the Union in the state in which they were sent for exhibition;
- (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A movement certificate EUR.1 shall be submitted to the Union customs authorities in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the nature of the products and the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organised for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

## **IV – PROOF OF ORIGIN**

*Article DA-II-2-80 (222-3-15- DA)*

### **General requirements**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
----------------------------------	---------------------------------	-----------------------------	--------------	---------------------------

Article 64(3)	Article 65	Article 109		DA
---------------	------------	-------------	--	----

Products originating in the beneficiary country shall benefit from the tariff preferences referred to in Article DA-II-2-68 (222-3-03 DA), on submission of either of the following:

- (a) a movement certificate EUR.1 , a specimen of which appears in Annex 22-10, or
- (b) in the cases specified in Article DA-II-2-87(1) (222-3-22(1) DA), a declaration, the text of which appears in Annex 22-13, given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified (hereinafter referred to as the ‘invoice declaration’).

*Article DA-II-2-81 (222-3-16- DA)*

**Procedure for the issue of a movement certificate EUR.1**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 110	Annex 21	DA

1. Originating products within the meaning of this Subsection shall be eligible, on importation into the Union, to benefit from the tariff preferences referred to in Article DA-II-2-68 (222-3-03 DA) on submission of an EUR.1 movement certificate issued by the customs or other competent governmental authorities of a beneficiary country, on condition that the beneficiary country:

- (a) has communicated to the Commission the information required by Article DA-II-2-92 (222-3-27 DA), and
- (b) assists the Union by allowing the customs authorities of Member States to verify the authenticity of the document or the accuracy of the information regarding the true origin of the products in question.

2. A movement certificate EUR.1 may be issued only where it can serve as the documentary evidence required for the purposes of the tariff preferences referred to in Article DA-II-2-68 (222-3-03 DA).

3. A movement certificate EUR.1 shall be issued only on written application from the exporter or his representative. Such application shall be made on a form, a specimen of which appears in Annex 22-10, which shall be completed in accordance with the provisions of this Article and Articles DA-II-2-80 (222-3-15-DA), DA-II-2-82 (222-3-17-DA), DA-II-2-83 (222-3-18-DA), DA-II-2-84 (222-3-19-DA), DA-II-2-85 (222-3-20-DA), DA-II-2-86 (222-3-21-DA), DA-II-2-87 (222-3-22-DA), DA-II-2-88 (222-3-23-DA), DA-II-2-89 (222-3-24-DA), DA-II-2-90 (222-3-25-DA) and DA-II-2-91 (222-3-26-DA).

Applications for movement certificates EUR.1 shall be kept by the competent authorities of the exporting beneficiary country or Member State for at least three years from the end of the year in which the movement certificate was issued.

4. The exporter or his representative shall submit with his application any appropriate supporting documents proving that the products to be exported qualify for the issue of a movement certificate EUR.1.

The exporter shall undertake to submit, at the request of the competent authorities, any supplementary evidence they may require for the purpose of establishing the correctness of the originating status of the products eligible for preferential treatment and shall undertake to agree to any inspection of their accounts and to any check by the said authorities on the circumstances in which the products were obtained.

5. The movement certificate EUR.1 shall be issued by the competent governmental authorities of the beneficiary country or by the customs authorities of the exporting Member State, if the products to be exported can be considered as originating products within the meaning of this Subsection.

6. Since the movement certificate EUR.1 constitutes the documentary evidence for the application of the preferential arrangements set out in Article DA-II-2-68 (222-3-03 DA), it shall be the responsibility of the competent governmental authorities of the beneficiary country or of the customs authorities of the exporting Member State to take any steps necessary to verify the origin of the products and to check the other statements on the certificate.

7. For the purpose of verifying whether the conditions set out in paragraph 5 have been met, the competent governmental authorities of the beneficiary country or the customs authorities of the exporting Member State shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

8. It shall be the responsibility of the competent governmental authorities of the beneficiary country or of the customs authorities of the exporting Member State to ensure that the forms referred to in paragraph 1 are duly completed.

9. The date of issue of the movement certificate EUR.1 shall be indicated in that part of the certificate reserved for the customs authorities.

10. A movement certificate EUR.1 shall be issued by the competent authorities of the beneficiary country or by the customs authorities of the exporting Member State when the products to which it relates are exported. It shall be made available to the exporter as soon as the export has taken place or is ensured.

*Article DA-II-2-82 (222-3-17- DA)*

**Importation by installments**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 111	-	DA

1. Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing country, unassembled or disassembled products within the meaning of General Rule 2(a) of the Harmonised System and falling within Sections XVI and XVII or headings 7308 and 9406 of the Harmonised System are imported by instalments, a single proof of origin for such products shall be submitted to the customs authorities on importation of the first instalment.

2. At the request of the importer and having regard to the conditions laid down by the customs authorities of the importing Member State, a single proof of origin may be submitted to the customs authorities at the importation of the first consignment when the goods:

- (a) are imported within the framework of frequent and continuous trade flows of a significant commercial value;
- (b) are the subject of the same contract of sale, the parties of this contract established in the exporting country or in the Member State(s);
- (c) are classified in the same code (eight digits) of the Combined Nomenclature;
- (d) come exclusively from the same exporter, are destined for the same importer, and are made the subject of entry formalities at the same customs office of the same Member State.

This procedure shall be applicable for a period determined by the competent customs authorities.

*Article DA-II-2-83 (222-3-18- DA)*

### **Submission of proof of origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 112	-	DA

Proofs of origin shall be submitted to the customs authorities of the Member State of importation in accordance with the procedures laid down in Article 163 of the Code. The said authorities may require a translation of a proof of origin and may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the application of this Subsection.

*Article DA-II-2-84 (222-3-19)*

### **Movement certificates EUR.1 issued retrospectively**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 113	-	DA

1. By way of derogation from Article DA-II-2-81(10) (222-3-16(10) DA), a movement certificate EUR.1 may exceptionally be issued after exportation of the products to which it relates if either of the following conditions are fulfilled:

- (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances, or
- (b) it is demonstrated to the satisfaction of the competent authorities that a movement certificate EUR.1 was issued but was not accepted at importation for technical reasons.

2. The competent authorities may issue a movement certificate EUR.1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding export file and that a movement certificate EUR.1 satisfying the provisions of this Subsection was not issued when the products in question were exported.

3. Movement certificates EUR.1 issued retrospectively shall be endorsed with one of the following phrases:

BG: “ИЗДАДЕН ВПОСЛЕДСТВИЕ”

ES: “EXPEDIDO A POSTERIORI”

HR: “IZDANO NAKNADO”

CS: “VYSTAVENO DODATEČNĚ”

DA: “UDSTEDT EFTERFØLGENDE”

DE: “NACHTRÄGLICH AUSGESTELLT”

ET: “VÄLJA ANTUD TAGASIULATUVALT”

EL: “ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ”

EN: “ISSUED RETROSPECTIVELY”

FR: “DÉLIVRÉ À POSTERIORI”

IT: “RILASCIATO A POSTERIORI”

LV: “IZSNIEGTS RETROSPEKTĪVI”

LT: “RETROSPEKTYVUSIS IŠDAVIMAS”

HU: “KIADVA VISSZAMENŐLEGES HATÁLLYAL”

MT: “MAHRUĠ RETROSPETTIVAMENT”

NL: “AFGEGEVEN A POSTERIORI”

PL: “WYSTAWIONE RETROSPEKTYWNIĘ”

PT: “EMITIDO A POSTERIORI”

RO: “ELIBERAT ULTERIOR”

SL: “IZDANO NAKNADNO”

SK: “VYDANÉ DODATOČNE”

FI: “ANNETTU JÄLKIKÄTEEN”

SV: “UTFÄRDAT I EFTERHAND”

4. The endorsement referred to in paragraph 3 shall be inserted in the ‘Remarks’ box of the movement certificate EUR.1.

*Article DA-II-2-85 (222-3-20- DA)*

### **Issue of a duplicate movement certificate EUR.1**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
----------------------------------	---------------------------------	-----------------------------	--------------	---------------------------

Article 64(3)	Article 65	Article 114	-	DA
---------------	------------	-------------	---	----

1. In the event of theft, loss or destruction of a movement certificate EUR.1, the exporter may apply to the competent authorities which issued it, for a duplicate to be made out on the basis of the export documents in their possession.

2. The duplicate issued in this way shall be endorsed with one of the following words:

BG: “ДУБЛИКАТ”

ES: “DUPLICADO”

HR: “DUPLIKAT”

CS: “DUPLIKÁT”

DA: “DUPLIKÁT”

DE: “DUPLIKAT”

ET: “DUPLIKAAT”

EL: “ΑΝΤΙΓΡΑΦΟ”

EN: “DUPLICATE”

FR: “DUPLICATA”

IT: “DUPLICATO”

LV: “DUBLIKĀTS”

LT: “DUBLIKATAS”

HU: “MÁSODLAT”

MT: “DUPLIKAT”

NL: “DUPLICAAT”

PL: “DUPLIKAT”

PT: “SEGUNDA VIA”

RO: “DUPLICAT”

SL: “DVOJNIK”

SK: “DUPLIKÁT”

FI: “KAKSOISKAPPALE”

SV: “DUPLIKAT”

3. The endorsement referred to in paragraph 2 shall be inserted in the ‘Remarks’ box of the movement certificate EUR.1.

4. The duplicate, which shall bear the date of issue of the original movement certificate EUR.1, shall take effect as from that date.

*Article DA-II-2-87 (222-3-22- DA)*

### **Conditions for making out an invoice declaration**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 116	-	DA

1. The invoice declaration may be made out by either of the following:
  - (a) an approved Union exporter within the meaning of Article DA-II-2-88 (222-3-23 DA);
  - (b) any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed EUR 6 000, and on condition that the assistance referred to in Article DA-II-2-81(1) (222-3-16(1) DA) shall apply to this procedure.
2. An invoice declaration may be made out if the products concerned can be considered as originating in the Union or in a beneficiary country and fulfil the other requirements of this Subsection.
3. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs or other competent governmental authorities of the exporting country, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Subsection.
4. An invoice declaration shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or any other commercial document, the declaration, the text of which appears in Annex 22-13, using one of the linguistic versions set out in that Annex and in accordance with the provisions of the domestic law of the exporting country. If the declaration is handwritten, it shall be written in ink, in printed characters.
5. Invoice declarations shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article DA-II-2-88 (222-3-23 DA) shall not be required to sign such declarations provided that he gives the customs authorities a written undertaking that he accepts full responsibility for any invoice declaration which identifies him as if it had been signed in manuscript by him.
6. In the cases referred to in paragraph 1(b), the use of an invoice declaration shall be subject to the following special conditions:
  - (a) an invoice declaration shall be made out for each consignment;
  - (b) if the goods contained in the consignment have already been subject to verification in the exporting country by reference to the definition of 'originating products', the exporter may refer to this check in the invoice declaration.

The provisions of the first subparagraph shall not exempt exporters from complying with any other formalities required under customs or postal regulations.

*Article DA-II-2-88 (222-3-23- DA)*

### **Approved exporter**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>

Article 64(3)	Article 65	Article 117	-	DA
---------------	------------	-------------	---	----

1. The customs authorities in the Union may authorise any exporter, hereinafter referred to as an ‘approved exporter’, who makes frequent shipments of products originating in the Union within the meaning of Article DA-II-2-68(2) (222-3-03(2) DA), and who offers, to the satisfaction of the customs authorities, all guarantees necessary to verify the originating status of the products as well as the fulfilment of the other requirements of this Subsection, to make out invoice declarations, irrespective of the value of the products concerned.
2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.
3. The customs authorities shall assign the approved exporter a customs authorisation number which shall appear on the invoice declaration.
4. The customs authorities shall monitor the use of the authorisation by the approved exporter.
5. The customs authorities may withdraw the authorisation at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1, does not fulfil the conditions referred to in paragraph 2, or otherwise makes improper use of the authorisation.

*Article DA-II-2-89 (222-3-24- DA)*

### **Validity of proof of origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 118	-	DA

1. A proof of origin shall be valid for four months from the date of issue in the exporting country, and shall be submitted within the said period to the customs authorities of the importing country.
2. Proofs of origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying the tariff preferences referred to in Article DA-II-2-68 (222-3-03 DA), where the failure to submit these documents by the final date set is due to exceptional circumstances.
3. In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been submitted before the said final date.
4. At the request of the importer and having regard to the conditions laid down by the customs authorities of the importing Member State, a single proof of origin may be submitted to the customs authorities at the importation of the first consignment when the goods fulfil the following conditions:
  - (a) they are imported within the framework of frequent and continuous trade flows of a significant commercial value;

- (b) they are the subject of the same contract of sale, the parties of this contract established in the exporting country or in the Union;
- (c) they are classified in the same code (eight digits) of the Combined Nomenclature;
- (d) they come exclusively from the same exporter, are destined for the same importer, and are made the subject of entry formalities at the same customs office in the Union.

This procedure shall be applicable for the quantities and a period determined by the competent customs authorities. This period cannot, in any circumstances, exceed three months.

*Article DA-II-2-90 (222-3-25- DA)*

**Exemptions from proof of origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 119	-	DA

1. Products sent as small packages from private person to private persons or forming part of travellers' personal luggage shall be admitted as originating products benefiting from the tariff preferences referred to in Article DA-II-2-68 (222-3-03 DA) without requiring the submission of a movement certificate EUR.1 or an invoice declaration, provided that such products are not imported by way of trade and have been declared as meeting the conditions required for the application of this Subsection, and where there is no doubt as to the veracity of such a declaration.

2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.

Furthermore, the total value of the products shall not exceed EUR 500 in the case of small packages or EUR 1 200 in the case of products forming part of traveller's personal luggage.

*Article DA-II-2-91 (222-3-26- DA)*

**Discrepancies and formal errors**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 120	-	DA

The discovery of slight discrepancies between the statements made in the proof of origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the proof of origin null and void if it is duly established that the document does correspond to the products submitted.

Obvious formal errors such as typing errors on a proof of origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in that document.

## V – METHODS OF ADMINISTRATIVE COOPERATION

### *Article DA-II-2-92 (222-3-27- DA)*

#### **Administrative cooperation**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 121	-	DA

1. The beneficiary countries or territories shall inform the Commission of the names and addresses of the governmental authorities situated in their territory which are empowered to issue movement certificates EUR.1, together with specimen impressions of the stamps used by those authorities, and the names and addresses of the relevant governmental authorities responsible for the control of the movement certificates EUR.1 and the invoice declarations. The stamps shall be valid as from the date of receipt by the Commission of the specimens. The Commission shall forward this information to the customs authorities of the Member States. When these communications are made within the framework of an amendment of previous communications, the Commission shall indicate the date of entry into use of those new stamps according to the instructions given by the competent governmental authorities of the beneficiary countries or territories. This information is for official use; however, when goods are to be released for free circulation, the customs authorities in question may allow the importer to consult the specimen impressions of stamps mentioned in this paragraph.

2. The Commission shall send, to the beneficiary countries or territories, the specimen impressions of the stamps used by the customs authorities of the Member States for the issue of movement certificates EUR.1.

### *Article DA-II-2-93 (222-3-28- DA)*

#### **Verification of proofs of origin**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 64(3)	Article 65	Article 122	-	DA

1. Subsequent verifications of movement certificates EUR.1 and of invoice declarations shall be carried out at random or whenever the customs authorities in the importing Member State or the competent governmental authorities of the beneficiary countries or territories have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Subsection.

2. For the purposes of implementing the provisions of paragraph 1, the competent authorities in the importing Member State or beneficiary country shall return the EUR.1 movement certificate and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the competent authorities in the exporting beneficiary country or Member State, giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof of origin is incorrect shall be forwarded in support of the request for verification.

If the customs authorities in the importing Member State decide to suspend the granting of the tariff preferences referred to in Article DA-II-2-68 (222-3-03 DA) while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

3. When an application for subsequent verification has been made in accordance with paragraph 1, such verification shall be carried out and its results communicated to the customs authorities of the importing Member States or to the competent governmental authorities of the importing beneficiary country within a maximum of six months. The results shall be such as to establish whether the proof of origin in question applies to the products actually exported and whether these products can be considered as originating in the beneficiary country or in the Union.

4. If in cases of reasonable doubt there is no reply within the six months specified in paragraph 3 or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, a second communication shall be sent to the competent authorities. If after the second communication the results of the verification are not communicated to the requesting authorities within four months, or if these results do not allow the authenticity of the document in question or the real origin of the products to be determined, the requesting authorities shall, except in exceptional circumstances, refuse entitlement to the tariff preferences.

5. Where the verification procedure or any other available information appears to indicate that the provisions of this Subsection are being contravened, the exporting beneficiary country shall, on its own initiative or at the request of the Union, carry out appropriate inquiries or arrange for such inquiries to be carried out with due urgency to identify and prevent such contraventions. For this purpose, the Union may participate in the inquiries.

6. For the purposes of the subsequent verification of movement certificates EUR.1, copies of the certificates as well as any export documents referring to them shall be kept by the competent governmental authorities of the exporting beneficiary country or by the customs authorities of the exporting Member State for at least three years from the end of the year in which the movement certificates were issued.

**VI – CEUTA AND MELILLA**

*Article DA-II-2-94 (222-3-29- DA)*

**Ceuta and Melilla**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
----------------------------------	---------------------------------	-----------------------------	--------------	---------------------------

Article 64(3)	Article 65	Article 123	-	DA
---------------	------------	-------------	---	----

1. The term ‘Union’ used in this Subsection shall not cover Ceuta and Melilla. The term ‘products originating in the Union’ shall not cover products originating in Ceuta and Melilla.
2. This Subsection shall apply *mutatis mutandis* in determining whether products may be regarded as originating in the exporting beneficiary countries or territories benefiting from the preferences when imported into Ceuta and Melilla or as originating in Ceuta and Melilla.
3. Ceuta and Melilla shall be regarded as a single territory.
4. The provisions of this Subsection concerning the issue, use and subsequent verification of movement certificates EUR.1 shall apply *mutatis mutandis* to products originating in Ceuta and Melilla.
5. The Spanish customs authorities shall be responsible for the application of this Subsection in Ceuta and Melilla.

## CHAPTER 3

### *Value of goods for customs purposes*

#### *Article DA-II-3-01 (230-15-DA)*

#### **Simplification**

<b>UCC implemented provision</b>	<b>UCC empowering provision</b>	<b>Current IP provision</b>	<b>Annex</b>	<b>Adoption procedure</b>
Article 73	Article 75	Article 156 (a)(1), first sentence	-	DA

1. The authorisation referred to in Article 73 of the Code may be granted where the following conditions are met:
  - (a) the application of the procedure referred to in Article 166 of the Code would, in the circumstances, represent disproportioned administrative costs;
  - (b) the customs value determined, will not significantly differ from that determined in the absence of an authorisation.
2. The grant of the authorisation is conditional to the fulfilment, by the applicant, of the following conditions :
  - a) he complies with the criterion laid down in Article 39(a) of the Code;
  - b) he maintains an accounting system which is consistent with the generally accepted accounting principles applied in the Member State where the accounts are held and which will facilitate audit-based customs control. The accounting system shall maintain a historical record of data that provides an audit trail from the moment the data enters the file;
  - c) he has an administrative organisation which corresponds to the type and size of business and which is suitable for the management of the flow of goods, and have internal controls capable of detecting illegal or irregular transactions;