

CONVENTION ON RULES OF ORIGIN

For the purpose of the Economic Partnership Agreements

between

The European Community

and

The Eastern and Southern Africa Countries,

The Economic Community of West African States,

The Economic and Monetary Community of Central Africa,

The Southern African Development Community,

The Forum of the Caribbean ACP States,

The Pacific ACP States,

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CONVENTION ON RULES OF ORIGIN

The European Community,

hereinafter referred to as "the Community",

of the one part and

the contracting parties to the Economic Partnership Agreements between the Community and

the Eastern and Southern Africa Countries,

the Economic Community of West African States,

the Economic and Monetary Community of Central Africa,

the Southern African Development Community,

the Forum of the Caribbean ACP States,

the Pacific ACP States,

whose regional groupings are hereinafter referred to as "Regions",

have decided to conclude the following Convention:

General provisions

ARTICLE 1

This convention lays down the rules concerning the definition of "originating products", the procedures and the methods of administrative cooperation related thereto and the transitional provisions concerning the proof of origin and the administrative cooperation for the purposes of the application of the provisions concerning the Economic Partnership Agreements (hereinafter referred as the EPAs) between the Community and:

- (a) ESA;
- (b) ECOWAS
- (c) CEMAC;
- (d) SADC [*the regional configuration will influence the content of the Convention. South Africa's position has to be determined*];
- (e) CARIFORUM;
- (f) PACP;

hereinafter referred as the Regions.

The Joint EC-ACP Origin Committee

ARTICLE 2

1. A Joint EC-ACP Origin Committee is hereby established in which each Contracting Party to this Convention shall be represented.
2. The Joint EC-ACP Origin Committee shall be composed on the one hand of experts from the Member States and of Commission officials responsible for customs questions, and on the other hand of experts representing the ACP States and of officials of regional groupings of the ACP States who are responsible for customs questions. The Committee may call upon appropriate expertise where necessary.
3. The Joint EC-ACP Origin Committee shall act by mutual agreement.
4. The Joint EC-ACP Origin Committee shall meet whenever necessary but at least once a year. The Community and the Regions may request that a meeting be held.

5. The Joint EC-ACP Origin Committee shall adopt its own rules of procedure which shall, inter alia, contain provisions for convening meetings and for the designation of the chairman and his term of office.

6. The EC-ACP Origin Joint Committee may decide to set up any sub-committee or working party that can assist it in carrying out its duties.

ARTICLE 3

1. It shall be the responsibility of the Joint EC-ACP Origin Committee to administer this Convention and ensure its proper implementation. For this purpose, it shall be regularly informed by the Contracting Parties on the experiences of the application of this Convention and make recommendations, and in the cases provided for in paragraph 3, it shall take decisions.

2. In particular it shall recommend:

- (a) amendments to this Convention, other than those referred to in paragraph 3;
- (b) any other measure required for its application.

3. It shall adopt by decision:

- (a) amendments to the Appendices, including those made necessary by the accession of new countries to the Convention;
- (b) other amendments to this Convention made necessary by amendments to the Appendices;
- (c) decisions on cumulation under the conditions laid down in Title III of Appendix I.
- (d) decisions on derogations from this Convention, under the conditions laid down in Article 32 of Appendix I;
- (e) transitional measures required in the case of the accession of new Member States to the European Union.

Such decisions shall be put into effect by the Contracting Parties in accordance with their own legislation.

4. If, in the Joint EC-ACP Origin Committee, a representative of a Contracting Party has accepted a decision subject to the fulfillment of constitutional requirements, the decision shall enter into force, if no date is contained therein, on the first day of the second month after the lifting of the reservation is notified.

Dispute settlement

ARTICLE 4

Where disputes arise in relation to the verification procedures of Articles 29 and 30 of Appendix I and of Articles 19 and 20 of Appendix II which cannot be settled between the customs authorities requesting verification and the customs authorities responsible for carrying out this verification or where they raise a question as to the interpretation of this Convention, they shall be submitted to the Joint EC-ACP Origin Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall be under the legislation of the said country.

Accession of third countries

ARTICLE 5

1. In order to apply the provisions of Appendix I in its trade relations with the Community or with one or several Regions, any third country or a group of countries may become a Contracting Party to this Convention if invited to do so by the depositary of the Convention following a decision of the Joint EC-ACP Origin Committee.
2. A third country invited to become a Contracting Party to this Convention shall do so by lodging an instrument of accession with the General Secretariat of the Council of the European Communities. The said instrument shall be accompanied by a translation of the Convention into the official language(s) of the acceding country.
3. The accession shall become effective on the first day of the second month following the lodging of the instrument of accession.
4. The depositary shall notify all Contracting Parties of the date on which the instrument of accession was lodged and the date on which the accession will become effective.
5. Recommendations and decisions of the Joint EC-ACP Origin Committee referred to in Article 3 (2) and (3) adopted between the date referred to in paragraph 1 of this Article and the date on which accession becomes effective shall also be communicated to the invited third

country via the General Secretariat of the Council of the European Communities.

A declaration accepting such acts shall be inserted either in the instrument of accession or in a separate instrument lodged with the General Secretariat of the Council of the European Communities within six months of the communication. If the declaration is not lodged within that period the accession shall be considered void.

Miscellaneous and final provisions

ARTICLE 6

Each Contracting Party shall take appropriate measures to ensure that the provisions of this Convention are effectively and harmoniously applied, taking into account the need to reduce as far as possible the formalities imposed on operators and the need to achieve mutually satisfactory solutions of any difficulties arising out of the operation of those provisions.

ARTICLE 7

The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Convention.

ARTICLE 8

The Appendices, with their Annexes, to this Convention shall form an integral part thereof.

ARTICLE 9

Without prejudice to the validity of TITLE IV of the Appendix I and of its annexes the provisions of the Appendix II and its annexes shall apply until 31 December 20....

ARTICLE 10

1. This Convention shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the countries that have signed on of the Economic Partnership Agreements.

ARTICLE 11

Any Contracting Party may withdraw from this Convention provided it gives 12 months' notice in writing to the depositary, which shall notify all other Contracting Parties.

ARTICLE 12

1. This Convention shall enter into force on 1 January 2008, provided that the Contracting Parties, before 1 November 2007 have deposited their instruments of acceptance with the Secretariat of the Council of the European Union, which shall act as depositary.

2. If this Convention does not enter into force on 1 January 2008, it shall enter into force on the same day when the Economic Partnership Agreements will enter into force for the Parties concerned.

3. The depositary shall notify the date of the deposit of the instrument of acceptance of the Community and of the Regions and the date of the entry into force of this Convention.

ARTICLE 13

1. With the entry into force of this Convention, the Protocol 1 to Annex V of ACP-EU Partnership Agreement of 23 June 2000 on the definition of the concept of "originating products" and methods of administrative cooperation shall cease to apply.

2. The provisions of the decisions taken under the Article 38 of the Protocol 1 mentioned in paragraph 1 shall, however, continue to apply for derogations started before the entry into force of this Convention.

ARTICLE 14

This Convention, which is drawn up in a single copy in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Spanish, and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall deliver a certified copy thereof to each Contracting Party.

Done at, 200...

APPENDIX I

DEFINITION OF THE CONCEPT OF "ORIGINATING PRODUCTS" AND METHODS FOR ADMINISTRATIVE COOPERATION

TITLE I

GENERAL PROVISIONS

ARTICLE 1

Definitions

For the purposes of this Convention:

- (a) "material" means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (b) "product" means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (c) "goods" means both materials and products;
- (d) "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 (hereinafter referred to as "WTO Agreement on Customs Valuation");
- (e) "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 materials used, labour costs and profit as well other costs according to the WTO Agreement on Customs Valuation, minus any internal taxes which are, or may be, repaid when the product obtained is exported;

- (f) "local value content" means the difference between the ex-works price and the value of the non-originating materials used, expressed as a percentage of ex-works price;
- (g) "non-originating materials" means materials which do not qualify as originating under this Convention.
- (h) "sufficient processing threshold" means the minimum local value content required to consider a manufacture as working or a processing sufficient to confer originating status on the product, expressed as a percentage of the ex-works price;
- (i) "cumulation content" means the difference between on the one hand the ex-works price and on the other hand the value of all materials imported in the Community or in the Regions, expressed as a percentage of the ex-works price;
- (j) "cumulation threshold" means the minimum cumulation content required to allocate the origin in the Community or in one of the Regions of manufacture within diagonal or cumulation of processing and working operations, expressed as a percentage of the ex-works price;
- (k) "chapters" and "headings" mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System, hereinafter referred to as "the Harmonized System" or "HS";
- (l) "classified" refers to the classification of a product or material under a particular heading;
- (m) "consignment" means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
- (n) "territorial waters" means the national waters within the meaning of the United Nations Convention on the law of the Sea (Montego Bay Convention, 10 December 1982);
- (o) "exporting country" means any Region, the Community, the Overseas Country or Territory or the neighbouring developing country, which the products are exported from;

- (p) "importing country" means any Region, the Community, the Overseas Country or Territory or the neighbouring developing country, which the products are imported into.

ARTICLE 2

General condition for products to benefit from the EPAs

1. Products originating within the meaning of this Convention in a Region or in the Community shall benefit, at the time of the customs import declaration, from the preferences resulting from the EPA concerned only on condition that they were exported on or after the date on which the exporting country complies with the provisions laid down in paragraph 2.
2. The exporting country shall undertake to put in place:
 - (a) the necessary national arrangements required for the implementation and enforcement in that country of the rules and procedures laid down in this Convention, including where appropriate those necessary for the application of Title III of this appendix on cumulation;
 - (b) the administrative structures and systems necessary for an appropriate management and control of the origin of products and compliance with the other conditions laid down in this Convention.

It shall make the notifications referred to in Article 3.

ARTICLE 3

Notification of competent authorities by exporting countries

1. Exporting countries shall inform the importing countries of the names and addresses of the authorities situated in their territory which are empowered:
 - (a) to register exporters and to withdraw them from the record of registered exporters;
 - (b) to control the compliance with their obligations;

- (c) to assist the importing country and their customs authorities through the administrative co-operation as defined in this section, for the verification of the originating status of the products exported and the compliance with the other conditions laid down in this Convention.

Exporting countries shall inform the importing countries immediately whenever there are any changes to the information referred to in the first sub-paragraph.

2. The authorities referred to in paragraph 1 shall act under the authority of the government of the exporting country concerned. The authorities in charge of control and verification shall be part of the governmental authorities of the country concerned.

ARTICLE 4

Assistance to the authorities of the importing country

In order to ensure the proper application of the scheme and of the rules under this section, the competent authorities of the exporting countries shall assist the competent authorities of the importing countries in:

- (a) providing all necessary support in the event of a request for a monitoring of the proper management and control of the Convention in the country concerned, including visits on the spot;
- (b) verifying the originating status of products and the compliance with the other conditions laid down in this Convention.

TITLE II

DEFINITION OF THE CONCEPT OF "ORIGINATING PRODUCTS"

ARTICLE 5

Products considered as originating

1. The following products shall be considered as originating in the Community:
 - (a) products wholly obtained in the Community within the meaning of Article 8 of this appendix;
 - (b) products obtained in the Community in the manufacture of which goods other than those referred to in (a) are used, provided that such products have undergone sufficient working or processing within the meaning of Article 9 of this appendix.
2. The following products shall be considered as originating in a Region:
 - (a) products wholly obtained in a Region within the meaning of Article 8 of this appendix;
 - (b) products obtained in a Region in the manufacture of which goods other than those referred to in (a) are used, provided that such products have undergone sufficient working or processing within the meaning of Article 9 of this appendix.
3. For the purpose of implementing paragraph 2 a Region shall be considered as being one territory.
4. For the purpose of implementing paragraph 2, for products of Annex VII to this Appendix a Region shall not be considered as being one territory. Those products shall maintain a national origin.
5. For the purpose of implementing paragraphs 1(b) and 2(b) manufacture means any kind of working or processing, as far as it fulfils the following conditions:
 - it needs special skills or machines, apparatus or equipment especially produced or installed

for carrying it out;

- it shall result in a product presenting objective differences (own properties, composition, specific qualities) with the materials used.

The nature and conduct of the working or processing operation shall be taken into consideration to verify its compliance with these conditions.

In any case the following operations, in isolation or in combination, shall not be considered as manufacture:

- transporting, loading, unloading, reloading, transshipping, warehousing products or utilising them without altering their state, or any similar operation;
- packing products, breaking up and assembly of packages, affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging, or any similar operation;
- ensuring the preservation of products in good condition;
- mixing of sugar with any other material.

ARTICLE 6

Territoriality

1. The conditions set out in this Title for acquiring originating status shall be fulfilled at all times in the exporting countries.

Except as provided in Title IV, if originating products exported from a Region or from the Community to another country are returned they must be considered as non-originating unless they comply with the provisions of Article 7.

ARTICLE 7

Non-manipulation

The products declared at the time of the import declaration shall be the same products as exported from the exporting Region or from the Community in which they are considered to originate and they shall not have been altered or transformed in any way, except insofar as provided for in Title III (other than operations to preserve them in good condition), prior to being declared for import.

ARTICLE 8

Wholly obtained products

1. The following shall be considered as wholly obtained, in the Regions or in the Community, or in the overseas countries and territories defined in Annex IV to this appendix, hereafter referred to as the OCT:

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

2. (*Definition of 'vessels' to be developed*).

ARTICLE 9

Sufficiently worked or processed products

1. Products which are not wholly obtained in a Region or in the Community are considered to be sufficiently worked or processed there, when the local value content amounts to at least the sufficient processing threshold laid down in Annex I to this appendix and, where appropriate, the supplementary conditions specified in this annex for certain products are also met.
2. If a product which has acquired originating status in accordance with paragraph 1 is used in the manufacture of another product, no account shall be taken of the non-originating materials which may have been used in its manufacture.
3. Where the exporter so requests in his application for registration in accordance with Article 18, in order to take into account fluctuations in costs and currency rates, the local value content may be calculated on an average basis by:
 - (a) Calculating the sum of the ex-works prices paid for and the sum of the non-originating materials used in the manufacture of products over:
 - (i) one month,
 - (ii) any period of three or six consecutive months, or
 - (iii) the fiscal year; and
 - (b) using the sums referred to in point (a) as the ex-works price and the value of non-originating materials, respectively.

ARTICLE 10

Unit of qualification

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

Accordingly, it follows that:

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

2. Where, under General 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 11

Accessories, spare parts and tools

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 12

Sets

Sets, as defined in General Rule 3 of the Harmonized System, shall be regarded as originating when all component products are originating. 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 local value content amounts to at least xx% per cent of the ex-works price of the set.

ARTICLE 13

Neutral elements

In order to determine whether a product originates, the following which might be used in its manufacture shall be considered as originating:

- (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.

TITLE III

STATEMENT OF ORIGIN – PROCEDURES AND CONTROL

SECTION 1

PROCEDURES IN THE EXPORTING COUNTRY

ARTICLE 14

Exporters entitled to export under the provisions of the Economic Partnership Agreements

Satisfying the requirements of this section, products originating in the Regions on importation into the Community and products originating in the Community on importation into the Regions shall benefit from the EPAs if they are supplied to the importer:

- (a) by a registered exporter within the meaning of Article 15 or
- (b) by any exporter for any consignment of one or more packages containing originating products whose total value does not exceed EUR 6 000, and subject to the provisions referred to in Article 16.

ARTICLE 15

Registered exporters

1. To be registered, exporters shall lodge an application to the competent authorities in accordance with the form a specimen of which appears in Annex II to this appendix. The competent authorities shall request from the exporters, prior to their registration, all information necessary to ensure that they meet the conditions for exporting goods under the scheme. Exporters will have to

commit themselves to respect the scope and conditions of the registration system and to comply with the relevant rules.

2. An exporter who is not the producer of the goods can be registered only if it may show:
 - (a) its knowledge of whether the products qualify as originating, to be supported by appropriate documentation and records, or
 - (b) its reasonable reliance on the producer's written statement that the products it supplies qualify as originating; that statement can be made out by the producer using the form of statement on origin or any equivalent commercial document bearing the relevant information.

ARTICLE 16

Non-registered exporters

Non-registered exporters shall inform the competent authorities of the beneficiary country of any statement on origin made out for their exports under the scheme.

ARTICLE 17

Obligations of the exporters and producers – supporting documents

1. For the purpose of this protocol exporters shall be in possession of all information and documents proving that the products are originating and showing how they obtained originating status. In particular they shall be in possession of all possible statements on origin and/or suppliers' declarations related to the material used in the manufacture.

They shall keep for at least three years, or more if required by national law, records of the statements on origin they made out and of their domestic or imported supplies, production and stock accounts and productivity rates, allowing an easy identification and traceability of the materials used in the manufacture of the exported products and confirmation of their originating status.

2. The same obligations apply to producers which provide the exporters with written statements certifying the originating status of the goods they supply or suppliers' declarations.

ARTICLE 18

Statement on origin – making out

1. The statement on origin shall be made out and signed by the exporter on a form, a specimen of which appears in Annex III to this appendix, if the products concerned can be considered as originating in the exporting country concerned and fulfil the other requirements of this section.

The statement shall be provided by the exporter to the importer. It can be transmitted by electronic means, as far as it allows the identification of the exporter.

2. The form can be replaced by any commercial document, as far as it allows the identification of the exporter and bears all the information required. Before making out statements on origin using such documents, the exporters shall check with the competent authorities of the beneficiary country whether it complies with the said-requirements.

3. The statement on origin may also be made out by means of a data processing technique, as far as it allows the identification of the exporter and the transmission of all the information required. Before making out statements on origin using such data processing techniques, the exporters shall check with the competent authorities of the exporting country whether it complies with the said-requirements.

4. A statement on origin may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country no longer than two years after the importation.

5. The statements on origin which do not comply with the requirements in Annex III to this appendix shall be rejected by the customs authorities of the importing country.

ARTICLE 19

Statement on origin – Imports coverage and validity

1. A statement on origin shall be made out for each single consignment to be declared in the import declaration.
2. A statement on origin shall be valid for twelve months from the date of its making out by the exporter.
3. At the request of the importer and having regard to the conditions laid down by the customs authorities of the importing country, a single statement on origin (*'long-term statement'*) can also cover several importations, as far as the products concerned:
 - (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 or the importing country;
 - (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 in the importing country, and are made the subject of entry formalities at the same customs office in the importing country;
 - (e) are dismantled or non assembled products within the meaning of general rule 2(a) of the Harmonised system and falling within Section XVI or XVII or heading 7308 or 9406 of the Harmonised system which are imported by instalments. A single statement of origin shall be submitted to the customs authorities on importation of the first instalment.

The procedure referred to in the sub-paragraphs (a), (b), (c) and (d) shall be applicable for the quantities and a period determined by the competent authorities. The period cannot, in any circumstances, exceed twelve months from the date of importation of the first consignment. The validity of the statement shall begin at the date of importation of the first consignment. The customs office of importation shall take the necessary steps to ensure that the successive imports under the scheme correspond to the products and do not exceed the quantities covered by the statement.

ARTICLE 20

Record of registered exporters

1. The competent authorities of the exporting country shall maintain and manage an up to date electronic record of registered exporters located therein.
2. The record shall contain the following information:
 - (a) Name and full address of Registered Exporter;
 - (b) Number of Registered Exporter;
 - (c) Product coverage;
 - (d) Period of validity.

For the purpose of verification, the Commission, the customs authorities of the Member States and of the Regions' States shall obtain, by appropriate means including electronic means, an access to the record of registered exporters.

3. The competent authorities of the countries must notify each other of the national numbering system used for designating registered exporters. The number shall begin with the ISO-alpha code of the country concerned.
4. Exporters who no longer meet the conditions for exporting goods under the scheme shall inform the competent authorities in the exporting country and be immediately removed from the record of registered exporters in the exporting country concerned.
5. Without prejudice to the system of penalties applicable in the exporting country, exporters who draw up, or cause to be drawn up, a statement on origin or any supporting document which contains incorrect information for the purpose of obtaining a preferential treatment for products, shall be sanctioned by a temporary or definitive withdrawal from the record of registered exporters in the exporting country concerned, depending on the seriousness of the irregularity or fraud committed. Where the exporter is a legal person, the withdrawal shall also concern its manager or managers.

SECTION 2

PROCEDURES IN THE IMPORTING COUNTRY

ARTICLE 21

Production and submission of the exporter's statement on origin

1. Statements of origin made out by the exporter of the products, in accordance with Article 14, shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. The import declaration shall bear a reference to this statement on origin. The statement shall accompany the import declaration or be kept at the disposal of the customs authorities for a possible verification of the declaration. The said authorities may also require a translation of the statement.
2. The importer shall check that the exporter is registered to make and provide statements regarding the originating status of the products concerned and shall obtain from the exporter any additional information or evidence aiming at supporting the originating status mentioned on the statements.
3. The following products are exempted from the production of a statement on origin:
 - (a) products sent as small packages from private persons to private persons, whose total value does not exceed EUR 500;
 - (b) products forming part of travellers personal luggage, whose total value does not exceed EUR 1 200;

provided that such products are not imported by way of trade and have been declared as meeting the conditions for benefiting from the EPAs and where there is no doubt as to the veracity of such a declaration.

Imports which are occasional and consist of 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.

ARTICLE 22

Replacement of statements on origin in the importing country

1. A statement on origin, within the meaning of Article 18, made out by an exporter in the Community or in the Regions, can be replaced by one or more statements made out by any person established in the importing country, for the purpose of sending all or some of the products elsewhere within the Community or the Regions (*'replacement statements'*).
2. Where a statement on origin is replaced, there shall be indicated on it the number(s) and references(s) of the replacement certificates and the names and addresses of the consignor and the consignee(s) in the Community or in the Regions. It shall be marked as "*Replaced*".
3. Replacement statements shall be filled in using the form referred to in Article 18 (1). They shall indicate the name and address of the consignor of the products in the Community or in the Regions, the name and address of the consignee in the Community or in the Regions, and the date and place of the replacement. They shall also contain a reference to the initial statement, the date of its validity and the name and address of the exporter in the exporting country.

The provisions of paragraphs 1 to 3 shall apply *mutatis mutandis* to statements replacing statements that are themselves replacement statements.

ARTICLE 23

Request for additional evidence on origin

1. The customs authorities shall refuse the application of the EPAs if the importer fails to comply with the requirements under this Title, in particular with regard to the statement on origin. For that purpose, they may challenge any importers declaration of origin and corresponding statement on origin.
2. Notwithstanding the production of a statement on origin, the customs authorities may, in the event of doubts with regard to the originating status of the products, require the importer to produce, within a given time period, any additional documents or evidence for the purpose of verifying the accuracy of the indication on origin on the declaration and the compliance with the conditions under Articles 6 and 7.

3. Where the customs authorities consider that the information provided by the importer is not sufficient to confirm the originating status of the products or the compliance with the conditions laid down in Articles 6 and 7, or where there is no reply from the importer within the time period allowed, they shall suspend the application of the preferential tariff measure, while awaiting the results of the verification procedure, as described in Article 27.

4. However, while awaiting either the information required from the importer, as referred to in paragraph 2, or the results of the verification procedure, as referred to in paragraph 3, the customs authorities would decide to release the products without suspension of the application of the preferential tariff measure, they shall apply any precautionary measure judged necessary.

ARTICLE 24

Refusal of preferential treatment

1. The customs authorities of the importing country shall refuse entitlement to the scheme, without having to request any additional evidence or send a request for verification to the exporting country where:

- (a) the goods are not the same as those mentioned in the statement on origin;
- (b) the importer is not in a position to submit a statement on origin for the products concerned, where such a statement is required;
- (c) the statement on origin in possession of the importer, which covers a consignment exceeding EUR 6 000, has not been made out by an exporter registered in the exporting country;
- (d) the statement on origin does not indicate the required information;
- (e) the importer is not in a position to prove that the goods comply with the conditions of Article 7.

2. The customs authorities of the importing country shall refuse entitlement to the EPAs, following a request for verification within the meaning of Article 27 by the competent authorities of the exporting country, where:

- (a) they have received a reply according to which the exporter was not entitled to make out the statement;
- (b) they have received a reply according to which the products concerned are not originating in the exporting country or other conditions under this section were not met;
- (c) they have received no reply within the time period imposed;
- (d) they have received a reply not providing appropriate answers to the questions raised in the request.

ARTICLE 25

Amounts expressed in Euro

1. For the application of the provisions of Articles 14(b), 21(3) and 24(1)(c) in cases where products are invoiced in a currency other than Euro, amounts in the national currencies of the Member States of the Community or of the Regions' States and of the other countries referred to in Title III of this appendix equivalent to the amounts expressed in Euro shall be fixed annually by each of the countries concerned.
2. A consignment shall benefit from the provisions of Articles 14(b), 21(3) and 24(1)(c) by reference to the currency in which the invoice is drawn up, according to the amount fixed by the country concerned.
3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in Euro as at the first working day of October. The amounts shall be communicated to the Commission of the European Communities by 15 October and shall apply from 1 January the following year. The Commission of the European Communities shall notify all countries concerned of the relevant amounts.
4. A country may round up or down the amount resulting from the conversion into its national currency of an amount expressed in Euro. The rounded-off amount may not differ from the amount resulting from the conversion by more than 5%. A country may retain unchanged its national currency equivalent of an amount expressed in Euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an

increase of less than 15% in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion would result in a decrease in that equivalent value.

5. The amounts expressed in Euro shall be reviewed by the Joint EC-ACP Origin Committee at the request of the Community or of a Regions' State. When carrying out this review, the Joint EC-ACP Origin Committee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in Euro.

SECTION 3

CONTROL OF ORIGIN

ARTICLE 26

Control of exporters

For the purpose of ensuring compliance with the rules concerning the originating status of the products, the competent authorities of the exporting country shall carry out verifications at the request of the customs authorities of the importing country and carry out regular controls on exporters on their own initiative.

The own-initiative controls referred to in the first paragraph 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 exporting countries may require exporters to provide copies or a list of the statements on origin they have made out.

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

ARTICLE 27

Request for subsequent verification

1. The customs authorities of the importing country may request the assistance of the competent authorities of the exporting country to proceed to a verification of the validity of statements on origin and/or the originating status of the products. For that purpose, they shall indicate on their request the reasons why they have doubts on the validity of the statement on origin and/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 the statement is incorrect shall be forwarded in support of the request for verification.

2. The procedure for verification shall be completed within six months of the date of the verification request. In the event where the competent authorities of the exporting country cannot meet the deadline, in particular for verification involving administrative cooperation with other countries of a Region or between countries of different Regions, they may ask for a prolongation of the period for the reply, which shall not exceed a further six months.

TITLE IV

CUMULATION OF ORIGIN

ARTICLE 28

Cumulation of working and processing operations across the Regions and with the Community

1. Without prejudice of Article 5, working and processing operations carried out in the Community or in a Region shall be considered as having been carried out in the Community or in the Region, when the materials undergo subsequent working or processing operations there.
2. Where these operations go beyond the cumulation threshold referred to Annex I to this appendix the obtained product shall acquire origin of the Community or of the Region where the operations have been carried out.
3. Where the working and processing operations carried out in the Community or in a Region do not go beyond cumulation threshold, the product obtained shall be considered as originating in the Community or in one of the other Regions which account for the highest cumulation content.

ARTICLE 29

Cumulation across the Regions and with the Community

1. Originating products made up of materials wholly obtained or sufficiently worked and processed in the Community or in a Region shall be considered as products originating in the Community or in the Region where the last working or processing operation took place, provided that the working or processing operations carried out there go beyond the cumulation threshold referred to in Annex I to this appendix.
2. If this is not so, the product obtained shall be considered as originating in the Community or in the Region which accounts for the highest cumulation content.

ARTICLE 30

Cumulation with the Overseas Countries and Territories

1. Cumulation provisions under Articles 28 and 29 shall apply also with the overseas countries and territories (OCTs) provided that the Decision of the Council of the European Union on the association of these overseas countries and territories with the European Community includes rules of origin which are identical to those set out in this Appendix and provides for the application between the OCTs and the Regions of procedures and controls identical to those referred to in Title III.

ARTICLE 31

Cumulation of origin with neighbouring developing countries

1. At the request of one or several Regions, materials originating in a neighbouring developing country, as defined in Annex VII to this Appendix, other than a State of the Regions, belonging to a coherent geographical entity, shall be considered as materials originating in a Region when incorporated into a product obtained there. The latter shall acquire the origin of the Region concerned provided the cumulation content amounts to at least the cumulation threshold referred to in Annex I to this appendix.

2. The request shall be accepted if the country accedes to this Convention or if the Regions, the Community and the country concerned have concluded an agreement on adequate administrative procedures which will ensure a correct implementation of this article.

3. For the purpose of determining whether the products originate in the neighbouring developing country, the provisions of this Convention shall apply.

4. The Joint EC-ACP Origin Committee shall decide on the Regions' requests in accordance with Article 3 of the Convention.

ARTICLE 32

Procedures and control under cumulation

For the purpose of applying cumulation among the Regions, with the OCTs and with the neighbouring developing countries laid down in Articles 28, 29, 30 and 31, the provisions of Title III shall apply *mutatis mutandis*.

ARTICLE 33

Information procedure for cumulation of working and processing operations – suppliers' declaration

1. When Articles 28 or 30 are applied, the evidence of the working or processing carried out in the Community, the Regions or the OCT shall be given by the supplier's declaration a specimen of which appears in Annex IV to this Appendix, given by the exporter in the exporting country from which the materials came.
2. A separate supplier's declaration shall be given by the supplier for each consignment of material on the commercial invoice related to that shipment or in an annex to that invoice, or on a delivery note or other commercial document related to that shipment which describes the materials concerned in sufficient detail to enable them to be identified.
3. The supplier's declaration may be made out on a pre-printed form.
4. The suppliers' declarations shall be signed in manuscript. However, where the invoice and the supplier's declaration are established using electronic data-processing methods, the supplier's declaration need not be signed in manuscript provided the responsible official in the supplying company is identified to the satisfaction of the customs authorities in the State where the suppliers' declarations are established. The said customs authorities may lay down conditions for the implementation of this paragraph.
5. The supplier's declarations are transmitted by the exporter to the importer and submitted to the competent customs authorities in the importing country.

ARTICLE 34

Verification of suppliers' declarations

1. For the purpose of ensuring compliance with the rules concerning the originating status of the products, the competent authorities of the exporting country shall carry out verifications of suppliers' declarations on their own initiative or at the request of the customs authorities of the importing country whenever there are reasonable doubts to the authenticity of the document or the accuracy or completeness of the information concerning the value of working or processing operations carried out on the supplied materials. The own-initiative controls 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.

2. The competent authorities of the exporting country may request the competent authorities of the country where the declaration was made to issue an information certificate, a specimen of which appears in Annex V to this Appendix. Alternatively, the competent authorities of the exporting country may request the exporter to produce an information certificate issued by the customs authorities of the State where the declaration was made.

A copy of the information certificate shall be preserved by the office which has issued it for at least three years.

3. The requesting authorities shall be informed of the results of the verification within 4 months of the date of the verification request. The results must be such as to indicate positively whether the declaration is containing correct declarations.

4. For the purpose of verification, suppliers shall keep for not less than three years a copy of the document containing the declaration together with all necessary evidence showing correctness of the declaration.

5. The competent authorities of the country where the supplier's declaration is established shall have the right to call for any evidence or to carry out any check which they consider appropriate in order to verify the correctness of any supplier's declaration.

6. Any statement on origin made out on the basis of an incorrect supplier's declaration shall be considered null and void.

TITLE V

CEUTA AND MELILLA

ARTICLE 35

Special conditions

1. The term "Community" used in this Convention shall not cover Ceuta and Melilla. The term "products originating in the Community" shall not cover products originating in Ceuta and Melilla.
2. The provisions of this Convention shall apply *mutatis mutandis* in determining whether products may be deemed as originating in the Regions when imported into Ceuta and Melilla.
3. Where products wholly obtained in Ceuta, Melilla or in the Community undergo working and processing in one of the Regions, they shall be considered as having been wholly obtained in that Region.
4. Working or processing carried out in Ceuta, Melilla or in the Community shall be considered as having been carried out in one of the Regions, when materials undergo further working or processing in that Region.
6. Ceuta and Melilla shall be considered as a single territory.

TITLE VI

OTHER PROVISIONS

ARTICLE 36

Derogations

The need and the conditions for derogations will be evaluated depending on the new basic rules for the determination of origin.

ANNEX I

SUFFICIENT PROCESSING THRESHOLDS, LIST OF PRODUCTS FOR WHICH ADDITIONAL CONDITIONS APPLY, CUMULATION THRESHOLD

A. INTRODUCTION

This annex lays down the sufficient processing thresholds together with additional conditions where relevant and the cumulation thresholds.

B. SUFFICIENT PROCESSING THRESHOLDS

Except where otherwise specified in point [C] below, the sufficient processing threshold for products which are not wholly obtained in the Community or in a Region shall be:

- **xx % of the ex-works price of the product.**

C. LIST OF PRODUCTS FOR WHICH SPECIAL CONDITIONS APPLY

1. For the products contained in the list below, the threshold shown in column 3 shall apply and where so indicated the additional condition specified in column 4.
2. The first two columns describe the product obtained. Column 1 gives the heading number or chapter number used in the Harmonised System and column 2 gives the description of goods used in that system for that heading or chapter.

D. CUMULATION THRESHOLD

The cumulation threshold, as referred to in Title IV, shall be:

[xx %] of the ex-works price of the product.

The products in Annex VII shall be excluded from the cumulation provided for in Title IV.

ANNEX II

APPLICATION TO BECOME A REGISTERED EXPORTER

1. Exporter's name, full address and country. Contact details including telephone and fax number as well as e-mail address where available should be supplied.

2. Description of commercial activity and industrial process.

3. Description of goods produced / supplied which qualify for preferential treatment.

4. Basis for acquisition of origin

Wholly obtained - Sufficient processing - Cumulation article _____

5. Indication of commercial accounting records for production / supply of goods qualifying for preferential treatment.

6. Details of office holders

7. Undertaking by exporter / producer

The undersigned hereby declares that the above details are correct and undertakes:

- to issue statements on origin only for goods which qualify for preferential treatment and comply with the origin rules specified for those goods in the Generalised System of Preferences;
- to maintain appropriate commercial accounting records for production / supply of goods qualifying for preferential treatment.
- to accept any control on the accuracy of his statements on origin, including verification of accounting records and visits to his premises

Place, date and signature of authorised signatory; designation and/or title

8. Box for official use by governmental authority

The applicant is registered under the following number:

Registered Number: _____

Date of registration _____

Period of validity from _____ to _____

Signature and stamp _____

ANNEX III

STATEMENT ON ORIGIN

| | | |
|---|---|---|
| 1. Registered Exporter name, full address and country. | Validity period (if required for long term statement) From: _____ To: _____ <i>(Period not to exceed 12 months)</i> | |
| 2. Number of Registered Exporter | Producer name, full address and country (if required) | |
| 3. Consignees name, full address and country. | | |
| | Competent control authority | |
| 4. Description of goods. | HS Number | Basis for acquisition of origin status. <i>(Indicate as appropriate)</i> Wholly obtained. Sufficient processing. Bilateral cumulation. Regional cumulation. |
| <p>I certify that:</p> <p>The above details and statements are correct; that all goods as listed above qualify for preferential treatment and comply with the origin rules specified for those goods in the Convention on Rules of Origin;</p> <p>The goods originate in _____ and comply with the origin requirements applicable to those goods;</p> <p>I will maintain and present upon request, all documentation necessary to support this statement and to inform all persons to whom the statement is given (including the competent authorities responsible for registration), of all changes that could affect the accuracy and validity of the certificate.</p> <p>Signed: _____</p> <p>Company: _____</p> <p>Date: _____</p> | | |

ANNEX IV

SUPPLIER'S DECLARATION

I, the undersigned, declare that the goods listed on this invoice⁽¹⁾ were manufactured in⁽²⁾ and incorporate the following components or materials which do not have Regions', OCT or Community origin for preferential trade:

.....⁽³⁾⁽⁴⁾⁽⁵⁾
.....
.....
.....⁽⁶⁾

I undertake to make available to the customs authorities, if required, evidence in support of this declaration.

.....⁽⁷⁾⁽⁸⁾
.....⁽⁹⁾

Note

The abovementioned text, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

- ⁽¹⁾ - If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows: "..... listed on this invoice and markedwere produced"
- If a document other than an invoice or an annex to the invoice is used (see Article 33(2)), the name of the document concerned shall be mentioned instead of the word "invoice"
- ⁽²⁾ The Community, Region or OCT.
- ⁽³⁾ Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.
- ⁽⁴⁾ Customs values to be given.
- ⁽⁵⁾ Country of origin to be given.
- ⁽⁶⁾ "and have undergone the following processing in [the Community]] [Region] [OCT], to be added with a description and the value of the processing carried out if this information is required.
- ⁽⁷⁾ Place and date
- ⁽⁸⁾ Name and function in company
- ⁽⁹⁾ Signature

ANNEX V

INFORMATION CERTIFICATE

1. The form of information certificate given in this Annex shall be used and be printed in one or more of the official languages in which the Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting country. Information certificates shall be completed in one of those languages; if they are handwritten, they shall be completed in ink in capital letters. They shall bear a serial number, whether or not printed, by which they can be identified.
2. The information certificate shall measure 210 x 297mm, a tolerance of up to plus 8mm or minus 5mm in the length may be allowed. The paper must be white, sized for writing, not containing mechanical pulp and weighing not less than 25g/m².
3. The national administrators may reserve the right to print the forms themselves or may have them printed by printers approved by them. In the latter case, each form must include a reference to such approval. The forms shall bear the name and address of the printer or a mark by which the printer can be identified.

| | | | |
|--|--|-----------------------------|--------------------------|
| 1. Supplier(,) | INFORMATION CERTIFICATE to facilitate the making out of a STATEMENT ON ORIGIN for preferential trade between the | | |
| 2. Consignee ⁽¹⁾ | EUROPEAN COMMUNITY and | | |
| 3. Processor ⁽¹⁾ | 4. State in which the working or processing has been carried out | | |
| 6. Customs office of importation ⁽¹⁾ | 5. For official use | | |
| 7. Import document Form No Series..... Date <input type="text"/> <input type="text"/> <input type="text"/> | | | |
| GOODS SENT TO THE MEMBER STATES OF DESTINATION | | | |
| 8. Marks, numbers, quantity and kind of package | 9. Harmonised Commodity Description and Coding System heading/subheading number (HS code) | 10. Quantity ⁽¹⁾ | |
| | | 11. Value ⁽³⁾ | |
| IMPORTED GOODS USED | | | |
| 12. Harmonised Commodity Description and Coding System heading/subheading number (HS code) | 13. Country of origin | 14. Quantity ⁽²⁾ | 15. Value ⁽⁴⁾ |
| 16. Nature of the working or processing carried out | | | |
| 17. Remarks | | | |
| 18. CUSTOMS ENDORSEMENT Declaration certified: Document Form No Customs office Date: <input type="text"/> <input type="text"/> <input type="text"/> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 0 auto; text-align: center; padding: 5px;"> Official Stamp </div> (Signature) | 19. DECLARATION BY THE SUPPLIER I, the undersigned, declare that the information on this certificate is accurate. <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border-top: 1px dashed black; width: 150px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> </div> <div style="display: flex; justify-content: space-around; align-items: center; margin-top: 5px;"> (Place) (Date) </div> (Signature) | | |

(1)(3)(4)(5) See footnotes on verso

| | |
|---|---|
| <p>REQUEST FOR VERIFICATION The undersigned customs official requests verification of the authenticity and accuracy of this information certificate.</p> <p>----- (Place and date)</p> <p>Official stamp</p> <p>----- (Official's signature)</p> | <p>RESULT OF VERIFICATION Verification carried out by the undersigned customs official shows that this information certificate:</p> <p>a) was issued by the customs office indicated and that the information contained therein is accurate (*)</p> <p>b) does not meet the requirements as to authenticity and accuracy (see notes appended) (*)</p> <p>----- (Place and date)</p> <p>Official stamp</p> <p>----- (Official's signature)</p> <p>(*) Delete where not applicable</p> |
|---|---|

CROSS REFERENCES

- (1) Name of individual or business and full address.
- (2) Kg, hl, m³ or other measure.
- (3) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (4) The value must be indicated in accordance with the provisions on rules of origin.

ANNEX VI

OVERSEAS COUNTRIES AND TERRITORIES

Within the meaning of this Appendix "overseas countries and territories" shall mean the countries and territories referred to in Part Four of the Treaty establishing the European Community listed below:

(This list does not prejudice the status of these countries and territories, or future changes in their status.)

1. Country having special relations with the Kingdom of Denmark:

- Greenland.

2. Overseas territories of the French Republic:

- New Caledonia,
- French Polynesia,
- French Southern and Antarctic Territories,
- Wallis and Futuna Islands.

3. Territorial collectivities of the French Republic:

- Mayotte,
- Saint Pierre and Miquelon.

4. Overseas countries of the Kingdom of the Netherlands:

- Aruba,
- Netherlands Antilles:
 - = Bonaire,
 - = Curaçao,
 - = Saba,
 - = Sint Eustatius,
 - = Sint Maarten.

5. British overseas countries and territories:

- Anguilla,
- Cayman Islands,
- Falkland Islands,
- South Georgia and South Sandwich Islands,
- Montserrat,
- Pitcairn,
- Saint Helena, Ascension Island, Tristan da Cunha
- British Antarctic Territory,
- British Indian Ocean Territory,
- Turks and Caicos Islands,
- British Virgin Islands.

ANNEX VII

Products excluded from the cumulation provided for in Title IV

| CN-Code | Description |
|------------------------------|--|
| 1704 90 99 | Other sugar confectionery, not containing cocoa. |
| 1806 10 30 1806 10 90 | Chocolate and other food preparations containing cocoa - cacao powder, containing added sugar or sweetening matter: - - containing 65% or more but less than 80% by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose - - containing 80% or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose |
| 1806 20 95 | - Other food preparations containing cocoa in block, slabs or bars weighting more than 2Kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packaging of a content exceeding 2 Kg -- Other --- Other |
| 1901 90 99 | Malt extract, food preparations of flour, groats, meal, starch or malt extract, nit containing cocoa or containing less than 40% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included - other -- other (than malt extract) --- other |
| 2101 12 98 | Other preparations with a basis of coffee. |
| 2101 20 98 | Other preparations with a basis of tea or mate. |
| 2106 90 59 | |
| 2106 90 98 | Food preparations not elsewhere specified or included: - other (than protein concentrates and textured protein substances) -- other --- other |
| 3302 10 29 | Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages: -Of a kind used in the food or drink industries --Of the type used in the drink industries: |

| | |
|--|---|
| | <p>---Preparations containing all flavouring agents characterizing a beverage:</p> <p>----Of an actual alcoholic strength by volume exceeding 0.5%</p> <p>----Other:</p> <p>-----Containing no milkfats, sucrose, isoglucose, glucose, or starch or containing, by weight, less than 1.5% milkfat, 5% sucrose or isoglucose, 5% glucose or starch</p> <p>-----Other</p> |
|--|---|

ANNEX VIII

JOINT DECLARATION ON CUMULATION WITH NEIGHBOURING DEVELOPING COUNTRIES

The Parties agreed that, for the implementation of Article 30 of Appendix I, the following definitions shall apply:

developing country: any country listed as such by the Development Aid Committee of the OECD except the High Income Countries (HIC) and the countries with a GNP exceeding in 1992 100 billion dollars at current prices;

the expression "neighbouring developing country belonging to a coherent geographical entity" shall refer to the following list of countries:

Africa: Algeria, Egypt, Libya, Morocco, Tunisia;

Caribbean: Colombia, Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Venezuela;

JOINT DECLARATION

concerning the Principality of Andorra

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonised System shall be accepted by the Regions as originating in the Community for the purpose of the application of the EPAs.
2. Protocol 4 shall apply *mutatis mutandis* for the purpose of defining the originating status of the above-mentioned products.

JOINT DECLARATION

concerning the Republic of San Marino

1. Products originating in the Republic of San Marino shall be accepted by the Regions as originating in the Community for the purpose of the application of the EPAs.
2. Protocol 4 shall apply *mutatis mutandis* for the purpose of defining the originating status of the above-mentioned products.

APPENDIX II

TRANSITIONAL PROVISIONS ON PROOF OF ORIGIN AND ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

The provisions of this Appendix shall be applicable until 31 December 2010.

ARTICLE 1

General requirements

1. Products originating in the Community shall, on importation into the Regions and products originating in the Regions shall, on importation into the Community, benefit from the EPAs upon submission of:
 - (a) a movement certificate EUR.1, a specimen of which appears in Annex I to this Appendix; or
 - (b) in the cases specified in Article 6(1), a declaration, the text of which appears in Annex II to this Appendix, 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").
2. Notwithstanding paragraph 1, originating products within the meaning of Appendix I shall, in the cases specified in Article 12 of this Appendix, benefit from EPAs without it being necessary to submit any of the documents referred to above.

ARTICLE 2

Procedure for the issue of a movement certificate EUR.1

1. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting country on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative.

2. For this purpose, the exporter or his authorized representative shall fill out both the movement certificate EUR.1 and the application form, specimens of which appear in Annex I. These forms shall be completed in accordance with the provisions of this appendix. If they are handwritten, they shall be completed in ink in printed characters. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.
3. The exporter applying for the issue of a movement certificate EUR.1 shall be prepared to submit at any time, at the request of the customs authorities of the exporting country where the movement certificate EUR.1 is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Convention.
4. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting country if the products concerned can be considered as products originating in the countries of the Regions or in the Community or in one of the other countries referred to in TITLE IV of the Appendix I and fulfil the other requirements of this Convention.
5. The issuing customs authorities shall take any steps necessary to verify the originating status of the products and the fulfilment of the other requirements of this Convention. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The issuing customs authorities shall also ensure that the forms referred to in paragraph 2 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.
6. The date of issue of the movement certificate EUR.1 shall be indicated in Box 11 of the certificate.
7. A movement certificate EUR.1 shall be issued by the customs authorities and made available to the exporter as soon as actual exportation has been effected or ensured.

ARTICLE 3

Movement certificates EUR.1 issued retrospectively

1. Notwithstanding Article 2(7), a movement certificate EUR.1 may exceptionally be issued after exportation of the products to which it relates if:
 - (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 customs authorities that a movement certificate EUR.1 was issued but was not accepted at importation for technical reasons.
2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the movement certificate EUR.1 relates, and state the reasons for his request.
3. The customs 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 file.
4. Movement certificates EUR.1 issued retrospectively must be endorsed with the following phrase:

"ISSUED RETROSPECTIVELY".
5. The endorsement referred to in paragraph 4 shall be inserted in the "Remarks" box of the movement certificate EUR.1.

ARTICLE 4

Issue of a duplicate movement certificate EUR.1

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

documents in their possession.

2. The duplicate issued in this way must be endorsed with the following word:

"DUPLICATE".

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

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

ARTICLE 5

Issue of movement certificates EUR.1 on the basis of a proof of origin issued or made out previously

When originating products are placed under the control of a customs office in a Regions' State or in the Community, it shall be possible to replace the original proof of origin by one or more movement certificates EUR.1 for the purpose of sending all or some of these products elsewhere within the Regions or within the Community. The replacement movement certificate(s) EUR.1 shall be issued by the customs office under whose control the products are placed.

ARTICLE 6

Conditions for making out an invoice declaration

1. An invoice declaration as referred to in Article 1(1)(b) may be made out:

(a) by an approved exporter within the meaning of Article 7, or

(b) by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed EUR 6 000.

2. An invoice declaration may be made out if the products concerned can be considered as products originating in the Regions' States, in the Community or in one of the other countries referred to in TITLE IV of Appendix I and fulfil the other requirements of this Convention.
3. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs 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 Convention.
4. An invoice declaration shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document, the declaration, the text of which appears in Annex II to this Appendix, 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 7 of this appendix shall not be required to sign such declarations provided that he gives the customs authorities of the exporting country 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. An invoice declaration may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country no longer than two years after the importation of the products to which it relates.

ARTICLE 7

Approved exporter

1. The customs authorities of the exporting country may authorize any exporter who makes frequent shipments of products under the trade co-operation provisions of an EPA to make out invoice declarations irrespective of the value of the products concerned. An exporter seeking such authorization must offer 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 Convention.

2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.
3. The customs authorities shall grant to the approved exporter a customs authorization number which shall appear on the invoice declaration.
4. The customs authorities shall monitor the use of the authorization by the approved exporter.
5. The customs authorities may withdraw the authorization 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 an incorrect use of the authorization.

ARTICLE 8

Validity of proof of origin

1. A proof of origin shall be valid for ten months from the date of issue in the exporting country, and must 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 preferential treatment, 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.

ARTICLE 9

Transit procedure

When the products enter a Regions' State or the Community other than the country of origin, a

further period of validity of 4 months shall begin on the date on which the customs authorities in the country of transit enter the following in box 7 of the certificate EUR.1:

- the word "transit",
- the name of the country of transit,
- the official stamp, a specimen of which had been made available to the Commission or to the competent administrations of the Regions' States in conformity with Article 18,
- date of the endorsements.

ARTICLE 10

Submission of proof of origin

Proofs of origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. 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 implementation of EPAs.

ARTICLE 11

Importation by instalments

Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing country, dismantled or non-assembled products within the meaning of General Rule 2(a) of the Harmonized System falling within Sections XVI and XVII or heading No 7308 and 9406 of the Harmonized System are imported by instalments, a single proof of origin for such products shall be submitted to the customs authorities upon importation of the first instalment.

ARTICLE 12

Exemptions from proof of origin

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 without requiring the submission of a proof of origin, provided that such products are not imported by way of trade and have been declared as meeting the requirements of this Convention and where there is no doubt as to the veracity of such a declaration. In the case of products sent by post, this declaration can be made on the customs declaration CN22/CN23 or on a sheet of paper annexed to that document.
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.
3. Furthermore, the total value of these products 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 13

Information procedure for cumulation purposes

1. When Articles 29 or 30 of Appendix I is applied, the evidence of originating status within the meaning of the Convention of the materials coming from one of the Regions' States, OCT or from the Community shall be given by a movement certificate EUR 1 or by the supplier's declaration, a specimen of which appears in Annex III A to this appendix, given by the exporter in the Regions' State, OCT or in the Community from which the materials came.
2. When Article 28 or 30 of the Appendix I is applied, the evidence of the working or processing carried out in the other Regions' State, OCT or in the Community shall be given by the supplier's declaration a specimen of which appears in Annex III B to this appendix, given by the exporter in the Regions' State, OCT or in the Community from which the materials came.
3. A separate supplier's declaration shall be given by the supplier for each consignment of material on the commercial invoice related to that shipment or in an annex to that invoice, or on a delivery note or other commercial document related to that shipment which describes the materials

concerned in sufficient detail to enable them to be identified.

4. The supplier's declaration may be made out on a pre-printed form.
5. The suppliers' declarations shall be signed in manuscript. However, where the invoice and the supplier's declaration are established using electronic data-processing methods, the supplier's declaration need not be signed in manuscript provided the responsible official in the supplying company is identified to the satisfaction of the customs authorities in the State where the suppliers' declarations are established. The said customs authorities may lay down conditions for the implementation of this paragraph.
6. The supplier's declarations are submitted to the competent customs office in the exporting Regions' State or Member State of the Community requested to issue the movement certificate EUR 1.
7. Suppliers' declarations made and information certificates issued before the date of entry into force of the Convention in accordance with Article 26 of Protocol 1 to the ACP-EU Partnership Agreement signed in Cotonou shall remain valid.

ARTICLE 14

Supporting documents

The documents referred to in Articles 2(3) and 6(3) used for the purpose of proving that products covered by a movement certificate EUR.1 or an invoice declaration can be considered as products originating in a Regions' State or in the Community or in one of the other countries referred to in TITLE IV of Appendix I and fulfil the other requirements of this Convention may consist inter alia of the following:

- (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal bookkeeping;
- (b) documents proving the originating status of materials used, issued or made out in a Regions' State, in the Community or in one of the other countries referred to in TITLE IV of Appendix

I where these documents are used in accordance with domestic law;

- (c) documents proving the working or processing of materials in the Region's States or in the Community, issued or made out in a Regions' State or in the Community, where these documents are used in accordance with domestic law;
- (d) movement certificates EUR.1 or invoice declarations proving the originating status of materials used, issued or made out in the Regions' States, in the Community, or in one of the other countries referred to in TITLE IV of Appendix I and in accordance with this Convention.

ARTICLE 15

Preservation of proof of origin and supporting documents

1. The exporter applying for the issue of a movement certificate EUR.1 shall keep for at least three years the documents referred to in Article 2(3).
2. The exporter making out an invoice declaration shall keep for at least three years a copy of this invoice declaration as well as the documents referred to in Article 6(3).
3. The customs authorities of the exporting country issuing a movement certificate EUR.1 shall keep for at least three years the application form referred to in Article 2(2).
4. The customs authorities of the importing country shall keep for at least three years the movement certificates EUR.1 and the invoice declarations submitted to them.

ARTICLE 16

Discrepancies and formal errors

1. 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 this document does correspond to the products submitted.

2. 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 this document.

ARTICLE 17

Amounts expressed in Euro

1. For the application of the provisions of Article 6(1)(b) and Article 12(3) of this appendix in cases where products are invoiced in a currency other than Euro, amounts in the national currencies of the Member States of the Community or of the Regions' States and of the other countries referred to in TITLE IV equivalent to the amounts expressed in Euro shall be fixed annually by each of the countries concerned.

2. A consignment shall benefit from the provisions of Article 6(1)(b) or Article 12(3) by reference to the currency in which the invoice is drawn up, according to the amount fixed by the country concerned.

3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in Euro as at the first working day of October. The amounts shall be communicated to the Commission of the European Communities by 15 October and shall apply from 1 January the following year. The Commission of the European Communities shall notify all countries concerned of the relevant amounts.

4. A country may round up or down the amount resulting from the conversion into its national currency of an amount expressed in Euro. The rounded-off amount may not differ from the amount resulting from the conversion by more than 5%. A country may retain unchanged its national currency equivalent of an amount expressed in Euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an increase of less than 15% in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion would result in a decrease in that equivalent value.

5. The amounts expressed in Euro shall be reviewed by the Joint EC-ACP Origin Committee at the request of the Community or of a Region's State. When carrying out this review, the Joint EC-ACP Origin Committee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in Euro.

ARTICLE 18

Mutual assistance

1. The Region's States shall send to the Commission specimens of the stamps used together with the addresses of the customs authorities competent to issue movement certificates EUR.1 and carry out the subsequent verification of movement certificates EUR.1 and invoice declarations.

Movement certificates EUR.1 and invoice declarations shall be accepted for the purpose of applying preferential treatment from the date the information is received by the Commission.

The Commission shall send this information to the customs authorities of the Member States.

2. The Commission shall send to the ACP Secretariat specimens of the stamps used together with the addresses of the customs authorities competent to issue movement certificates EUR.1 and carry out the subsequent verification of movement certificates EUR.1 and invoice declarations.

Movement certificates EUR.1 and invoice declarations shall be accepted for the purpose of applying preferential treatment from the date the information is received by the ACP Secretariat.

The ACP Secretariat shall send this information to the customs authorities of the Region's States.

3. In order to ensure the proper application of this Protocol, the Community and the Regions' States shall assist each other, through the competent customs administrations, in checking the authenticity of the movement certificates EUR.1, the invoice declarations or supplier's declarations and the correctness of the information given in these documents.

The authorities consulted shall furnish the relevant information concerning the conditions under

which the product has been made, indicating especially the conditions in which the rules of origin have been respected in the various Regions' States in the Member States of the Community.

ARTICLE 19

Verification of proofs of origin

1. Subsequent verifications of proofs of origin shall be carried out at random or whenever the customs authorities of the importing country 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 the Convention.
2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the importing country shall return the movement certificate EUR.1 and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the customs authorities of the exporting 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.
3. The verification shall be carried out by the customs authorities of the exporting country. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.
4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.
5. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results must indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating in the Regions' States, in the Community or in one of the countries referred to in Title III of Appendix I and fulfil the other requirements of the Convention.

6. If in cases of reasonable doubt there is no reply within ten months of the date of the verification request 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, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.

7. Where the verification procedure or any other available information appears to indicate that the provisions of the Convention are being contravened, the exporting country concerned on its own initiative or at the request of the importing country shall carry out appropriate enquires or arrange for such enquiries to be carried out with due urgency to identify and prevent such contraventions and for this purpose the exporting country concerned may invite the participation of the importing country in these enquiries.

ARTICLE 20

Verification of suppliers' declarations

1. Verification of suppliers' declaration may be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the document or the accuracy or completeness of the information concerning the true origin of the materials in question.

2. The customs authorities to which a supplier's declaration is submitted may request the customs authorities of the State where the declaration was made to issue an information certificate, a specimen of which appears in Annex IV to this Appendix. Alternatively, the customs authorities to which a supplier's declaration is submitted may request the exporter to produce an information certificate issued by the customs authorities of the State where the declaration was made.

A copy of the information certificate shall be preserved by the office which has issued it for at least three years.

3. The requesting customs authorities shall be informed of the results of the verification as soon as possible. The results must be such as to indicate positively whether the declaration concerning the status of the materials is correct.

4. For the purpose of verification, suppliers shall keep for not less than three years a copy of the document containing the declaration together with all necessary evidence showing the true status of the materials.
5. The customs authorities in the State where the supplier's declaration is established shall have the right to call for any evidence or to carry out any check which they consider appropriate in order to verify the correctness of any supplier's declaration.
6. Any movement certificate EUR.1 or invoice declaration issued or made out on the basis of an incorrect supplier's declaration shall be considered null and void.

ARTICLE 21

Penalties

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining a preferential treatment for products.

ARTICLE 22

Free zones

1. The Region's States shall take all necessary steps to ensure that products traded under cover of a proof of origin or a supplier's declaration and which in the course of transport use a free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.
2. By means of an exemption to the provisions contained in paragraph 1, when originating products are imported into a free zone under cover of a proof of origin and undergo treatment or processing, the authorities concerned shall issue a new EUR.1 certificate at the exporter's request, if the treatment or processing undergone is in conformity with the provisions of this Convention.

ANNEX I

Form for movement certificate

1. Movement certificates EUR.1 shall be made out on the form of which a specimen appears in this Annex. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State if they are handwritten, they shall be completed in ink and in capital letters.
2. Each certificate shall measure 210 x 297mm, a tolerance of up to plus 8mm or minus 5mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25g/m². It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
3. The exporting States may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

MOVEMENT CERTIFICATE

| | | | |
|---|---|---|---|
| 1. Exporter <i>(name, full address, country)</i> | EUR.1 No A 000.000 | | |
| | See notes overleaf before completing this form | | |
| | 2. Certificate used in preferential trade between and <i>(insert appropriate countries, groups of countries or territories)</i> | | |
| 3. Consignee <i>(name, full address, country) (Optional)</i> | 4. Country, group of countries or territory in which the products are considered as originating | 5. Country, group of countries or territory of destination | |
| 6. Transport details <i>(Optional)</i> | 7. Remarks | | |
| 8. Item number; Marks and numbers; Number and kind of package ⁽¹⁾; Description of goods | 9. Gross mass (kg) or other measure (litres,m³,etc.) | 10. Invoices <i>(Optional)</i> | |
| 11. CUSTOMS ENDORSEMENT Declaration certified Export document ⁽²⁾ Form No..... Customs office..... Issuing country or territory Date..... <p align="center"><i>(Signature)</i></p> | Stamp | | 12. DECLARATION BY THE EXPORTER I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate. Place and date <p align="center"><i>(Signature)</i></p> |

(1) If goods are not packed, indicate number of articles or state "In bulk" as appropriate
 (2) Complete only where the regulations of the exporting country or territory require

| | |
|--|--|
| <p>13. Request for verification, to:</p> | <p>14. Result of verification</p> <p>Verification carried out shows that this certificate (*)</p> <p><input type="checkbox"/></p> <p>was issued by the customs office indicated and that the information contained therein is accurate.</p> <p>does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> |
| <p>Verification of the authenticity and accuracy of this certificate is requested</p> <p>..... (Place and date)</p> <p>..... Stamp</p> <p>.....(Signature)</p> | <p>..... (Place and date)</p> <p>..... Stamp</p> <p>.....(Signature)</p> <p>(*) Insert X in the appropriate box.</p> |

NOTES

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

APPLICATION FOR A MOVEMENT CERTIFICATE

| | | | |
|---|--|---|--|
| 1. Exporter (name, full address, country) (Optional) | EUR.1 No A 000.000 | | |
| | See notes overleaf before completing this form | | |
| 3. Consignee (name, full address, country) (Optional) | 2. Application for a certificate to be used in preferential trade between | | |
| | and | | |
| | <i>(insert appropriate countries or groups of countries or territories)</i> | | |
| | 4. Country, group of countries or territory in which the products are considered as originating | 5. Country, group of countries or territory of destination | |
| 6. Transport details (Optional) | 7. Remarks | | |
| 8. Item number; Marks and numbers; Number and kind of packages (°); Description of goods | 9. Gross mass (kg) or other measure (litres,m³,etc.) | 10. Invoices (Optional) | |

(1) If goods are not packed, indicate number of articles or state "In bulk" as appropriate

DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....
.....
.....
.....

SUBMIT the following supporting documents ⁽¹⁾:

.....
.....
.....
.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....
(Place and date)

.....
(Signature)

⁽¹⁾ For example, import documents, movement certificates, manufacturer's declarations, etc. referring to the products used in manufacture or to the goods re-exported in the same state.

ANNEX II

Invoice declaration

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

English version

The exporter of the products covered by this document (customs authorization No ... (1)) declares that, except where otherwise clearly indicated, these products are of ... preferential origin (2).

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera nº ... (1)) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... (2).

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... (1)), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... (2).

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... (1) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ... Ursprungswaren sind (2)

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. (1)) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής

⁽¹⁾ When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorization number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 39 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

καταγωγή (2).

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ... (1)), déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... (2).

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ... (1)) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ... (2).

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... (1¹)) verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn (2)².

Portuguese version

O abaixo assinado, exportador dos produtos cobertos pelo presente documento (autorização aduaneira n° ... (1)), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ... (2).

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupan:o ... (1)) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita (2).

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ... (1)) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung (2).

⁽¹⁾ When the invoice declaration is made out by an approved exporter within the meaning of Article 7 of the Annex I to the Protocol, the authorization number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 35 of Appendix I, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

..... (3)
(Place and date)

..... (4)
(Signature of the exporter; in addition the name of the person signing the declaration has to be indicated in clear script)

⁽³⁾ These indications may be omitted if the information is contained on the document itself.

⁽⁴⁾ See Article 6(5) of Appendix II. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

ANNEX III A

Supplier declaration for products having preferential origin status

I, the undersigned, declare that the goods listed on this invoice⁽¹⁾
were produced in⁽²⁾ and satisfy the rules of origin governing the Economic
Partnership Agreements.

I undertake to make available to the customs authorities, if required, evidence in support of this
declaration.

.....⁽³⁾⁽⁴⁾
.....⁽⁵⁾

Note

The abovementioned text, suitably completed in conformity with the footnotes below, constitutes a
supplier's declaration. The footnotes do not have to be reproduced.

- ⁽¹⁾ - If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows: "..... listed on this invoice and marked
.....were produced"
- If a document other than an invoice or an annex to the invoice is used, the name of the document concerned shall be mentioned instead of the word "invoice"
- ⁽²⁾ The Community, Regions or OCT. Where Region or an OCT is given, a reference must also be made to the Community customs office holding any EUR.1 (s) concerned, giving the No of the certificate(s) concerned and, if possible, the relevant customs entry No involved.
- ⁽³⁾ Place and date
- ⁽⁴⁾ Name and function in company
- ⁽⁵⁾ Signature

ANNEX III B

Supplier declaration for products not having preferential original status

I, the undersigned, declare that the goods listed on this invoice⁽¹⁾ were produced in⁽²⁾ and incorporate the following components or materials which do not have Regions, OCT or Community origin for preferential trade:

.....⁽³⁾⁽⁴⁾⁽⁵⁾
.....
.....
.....⁽⁶⁾

I undertake to make available to the customs authorities, if required, evidence in support of this declaration.

.....⁽⁷⁾⁽⁸⁾
.....⁽⁹⁾

Note

The abovementioned text, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

- ⁽¹⁾ - If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows: "..... listed on this invoice and markedwere produced"
- If a document other than an invoice or an annex to the invoice is used, the name of the document concerned shall be mentioned instead of the word "invoice"
- ⁽²⁾ The Community, Region or OCT.
- ⁽³⁾ Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.
- ⁽⁴⁾ Customs values to be given only if required
- ⁽⁵⁾ Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as "third country".
- ⁽⁶⁾ "and have undergone the following processing in [the Community] [OCT] [Region], to be added with a description of the processing carried out if this information is required.
- ⁽⁷⁾ Place and date
- ⁽⁸⁾ Name and function in company
- ⁽⁹⁾ Signature

ANNEX IV

Information Certificate

1. The form of information certificate given in this Annex shall be used and be printed in one or more of the official languages in which the Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting State. Information certificates shall be completed in one of those languages; if they are handwritten, they shall be completed in ink in capital letters. They shall bear a serial number, whether or not printed, by which they can be identified.
2. The information certificate shall measure 210 x 297mm, a tolerance of up to plus 8mm or minus 5mm in the length may be allowed. The paper must be white, sized for writing, not containing mechanical pulp and weighing not less than 25g/m².
3. The national administrators may reserve the right to print the forms themselves or may have them printed by printers approved by them. In the latter case, each form must include a reference to such approval. The forms shall bear the name and address of the printer or a mark by which the printer can be identified.

European Communities

| | | | |
|---|--|-----------------------------|-----------------------------|
| 1. Supplier(,) | INFORMATION CERTIFICATE to facilitate the issue of a MOVEMENT CERTIFICATE for preferential trade between the | | |
| 2. Consignee ⁽¹⁾ | EUROPEAN COMMUNITY and THE ACP STATES | | |
| 3. Processor ⁽¹⁾ | 4. State in which the working or processing has been carried out | | |
| 6. Customs office of importation ⁽¹⁾ | 5. For official use | | |
| 7. Import document ⁽²⁾ Form No Series..... Date: <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> | | | |
| GOODS SENT TO THE MEMBER STATES OF DESTINATION | | | |
| 8. Marks, numbers, quantity and kind of package | 9. Harmonised Commodity Description and Coding System heading/subheading number (HS code) | 10. Quantity ⁽¹⁾ | |
| | | 11. Value ⁽⁴⁾ | |
| IMPORTED GOODS USED | | | |
| 12. Harmonised Commodity Description and Coding System heading/subheading number (HS code) | 13. Country of origin | 14. Quantity ⁽³⁾ | 15. Value ⁽²⁾⁽⁵⁾ |
| 16. Nature of the working or processing carried out | | | |
| 17. Remarks | | | |
| 18. CUSTOMS ENDORSEMENT Declaration certified: Document Form No..... Customs office Date: <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 0 auto; text-align: center; padding: 5px;"> Official Stamp </div> (Signature) | 19. DECLARATION BY THE SUPPLIER I, the undersigned, declare that the information on this certificate is accurate. <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> (Place) (Date) (Signature) | | |

(1)(2)(3)(4)(5) See footnotes on verso

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|---|---|
| <p>REQUEST FOR VERIFICATION The undersigned customs official requests verification of the authenticity and accuracy of this information certificate.</p> <p>----- (Place and date)</p> <p>Official stamp</p> <p>----- (Official's signature)</p> | <p>RESULT OF VERIFICATION Verification carried out by the undersigned customs official shows that this information certificate:</p> <p>a) was issued by the customs office indicated and that the information contained therein is accurate (*)</p> <p>b) does not meet the requirements as to authenticity and accuracy (see notes appended) (*)</p> <p>----- (Place and date)</p> <p>Official stamp</p> <p>----- (Official's signature)</p> <p>(*) Delete where not applicable</p> |
|---|---|

CROSS REFERENCES

- (1) Name of individual or business and full address.
- (2) Optional information.
- (3) Kg, hl, m³ or other measure.
- (4) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (5) The value must be indicated in accordance with the provisions on rules of origin.