Committee on Rules of Origin: Dedicated session on Least Developed Countries

Documentary requirements and Certification (Paragraph 1.8 of the Decision)

8, Florence, Italy
Recalling Paragraph 1.8 of the Decision

• The documentary requirements regarding compliance with the rules of origin should be simple and transparent.

• For instance, requirement to provide proof of non-manipulation or any other prescribed form for a certification of origin for products shipped from LDCs across other Members may be avoided.

• With regard to certification of rules of origin, whenever possible, self-certification may be recognized.

• Mutual customs cooperation and monitoring could complement compliance and risk-management measures.
Questions

• Are WTO members using documentary requirements that are simple and transparent?
• Are WTO members avoiding to require proof of non-manipulation or any other prescribed form for a certification of origin for products shipped from LDCs across other Members?
• Are WTO members providing for self-certification of origin?
• Are WTO members providing technical assistance to LDCs on mutual cooperation and risk assessment on rules of origin administration?
### QUAD Administrative requirements and CO issuance

**Are WTO members using documentary requirements that are simple and transparent?**

<table>
<thead>
<tr>
<th>Country / group of countries</th>
<th>Administrative requirements</th>
<th>CO</th>
<th>Comments/ additional requirements</th>
</tr>
</thead>
</table>
| European Community (EBA)     | • Certifying Governmental authorities to be notified to the Commission  
• Notification of Stamp used | • Form A to be stamped by certifying authorities  
• Form A- Special quality paper  
• Origin criteria to be indicated in form A | • System of registered exporters who issue statements of origin in 2017.  
• Cumulation uses GSP form A |
| Japan                        | • Certifying authorities to be notified to Japan  
• Notification of stamp used | • Similar to EU above, but Form A is not requested for some products. | • Cumulation and donor country content require additional forms |
| Canada                       | • Self certification admitted with use of Form A or Canada CO  
• Special certificate for Textile and clothing products | • Form A- Special entries on criteria and percentage requirement, no need for official stamp  
• Self declaration-Entry with percentage required | • For textile and clothing  
- Special certification B255  
- Entry the specific RoO criteria |
| United States                | • No certificate of origin required | • No CO-importer based declaration | |
| AGOA                         | • Same as above | • Same as above | • Special visa requirements apply for textiles and clothing |
## QUAD proof of Non-manipulation

**Are WTO members avoiding to require proof of non-manipulation for products shipped from LDCs across other Members?**

<table>
<thead>
<tr>
<th>Country / group of countries</th>
<th>Administrative Requirements</th>
<th>Other requirements</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Community (EBA)</td>
<td>No proof of manipulation required</td>
<td>In case of doubt EC customs authorities may request evidence</td>
<td>YES, most liberal since reform of EBA RoO in 2011</td>
</tr>
</tbody>
</table>
| Japan                        | (a) a through bill of lading  
(b) a certification by the customs authorities or other government authorities of the transit countries; or  
(c) any other substantiating document deemed sufficient. | • **NO**, unchanged since inception | |
| Canada                       | • The goods must be shipped directly on a TBL to a consignee in Canada from the beneficiary or LDC in which the goods were certified.  
• Evidence in the form of a TBL (or a copy) showing that the goods have been shipped directly to a consignee in Canada must be presented to the CBSA upon request. | Special rules exists for Haiti and China | NO, Most stringent |
| United States                | 1) Remained under customs control in the country of transit  
2) the US Port director is satisfied that the importation results from the original commercial transaction and  
3) Were not subjected to operations other than loading and unloading (Source: 19 CFR 10.175) | Unless shipping documents show US as final destination | NO, evidence is required |
| AGOA                         | Same as above | Same as above | NO, evidence is required |
## Other PGCs proof of Non-manipulation

*Are WTO members avoiding to require proof of non-manipulation for products shipped from LDCs across other Members?*

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<th>Compliance / comments</th>
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| Eurasian Custom Union       | • Goods must be directly purchased by the importer  
                               • Goods must be delivered directly  
                               • Not clear if documentary evidence of direct delivery is required | No, English text not available. Only original in Russia |
| China                       | • As regards imported goods transiting a third country (region), relevant documents that, according to the Customs of China, are necessary to certify that the goods remains under customs control. | No, evidence is required |
| India                       | • Requirement of direct shipment  
                               • The following shall be produced to the customs authority of India at the time of importation:  
                                  a) a through Bill of Lading issued in the exporting country;  
                                  b) a certificate of origin issued by the Issuing Authority of the exporting beneficiary country;  
                                  c) a copy of the original commercial invoice in respect of the product; and  
                                  d) supporting documents in evidence that other requirements of rule 7 (direct shipment) have been complied with | No, evidence is required |
| South Korea                 | Not specified in available legislation | Not specified in available legislation |
### QUAD and other PGCs Self-certification

*Are WTO members providing for self-certification of origin?*

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<th>Compliance</th>
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| European Community (EBA)    | • Form A required  
• Self certification allowed up to shipment of 6000 euros  
• Self certification allowed in FTAs                    | NO, Introduction of a new system in 2017 |
| Japan                       | • Form A required.  
• No documentary evidence for a number of products  
• Self declaration up to 200,000 JPY (~1’600 USD)      | Partially                              |
| Canada                      | • Self certification allowed with specifications of the rules of origin criteria used            | Yes                                    |
| United States               | • Not applicable since the declaration is made by the importer                                   | Not applicable                          |
| AGOA                        | • Same as above                                                                            | Not applicable                          |
| China                       | • Not available  
• No small consignment provision                                             | No                                      |
| India                       | • Not available  
• No small consignment provision                                             | No                                      |
Are WTO providing technical assistance to LDCs on mutual cooperation and risk assessment on rules of origin administration?

- There are a number of bilateral initiatives that are not coordinated and do not focus on the issue of origin.
- LDC Government, Customs and private sectors are in extreme need of coordinated capacity building activities on rules of origin.
- Verification of proof of origin is often conducted as post facto.
- It is unrealistic to demand binding RoO information to LDCs under the Trade facilitation agreement without targeted technical assistance (Article 3., Paragraph 9, Subtitle A, Title II).
Conclusions and recommendations

• As EU practice shows there is no need for documentary evidence to prove non manipulation. Risk assessment procedures and practices are sufficient evidence.
• All preference giving countries should follow the best practices adopted by the EU.
• Self certification is trade facilitating and should be accompanied by TA to LDCs for customs and private sector.
• LDCs are simply not aware how the new EU system of registered exporter will work in practice.
• The EU should adopt pilot exercises in some LDCs in 2016 and report to the CRO
Thank you for your attention

Michael Wamai
E-mail: nevwamai@yahoo.com
Representative of Uganda at the WTO LDC Group

Manoj Kumar Acharya
E-mail: manojacharya295@gmail.com
Representative of Nepal at the WTO LDC Group