

**World Trade Organization  
Least Developed Countries Group**



**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?*

Country / group of countries	Administrative requirements	CO	Comments/ additional requirements
European Community (EBA)	<ul style="list-style-type: none"> <li>• Certifying Governmental authorities to be notified to the Commission</li> <li>• Notification of Stamp used</li> </ul>	<ul style="list-style-type: none"> <li>• Form A to be stamped by certifying authorities</li> <li>• Form A- Special quality paper</li> <li>• Origin criteria to be indicated in form A</li> </ul>	<ul style="list-style-type: none"> <li>• System of registered exporters who issue statements of origin in 2017.</li> <li>• Cumulation uses GSP form A</li> </ul>
Japan	<ul style="list-style-type: none"> <li>• Certifying authorities to be notified to Japan</li> <li>• Notification of stamp used</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to EU above, but Form A is not requested for some products.</li> </ul>	<ul style="list-style-type: none"> <li>• Cumulation and donor country content require additional forms</li> </ul>
Canada	<ul style="list-style-type: none"> <li>• Self certification admitted with use of Form A or Canada CO</li> <li>• Special certificate for Textile and clothing products</li> </ul>	<ul style="list-style-type: none"> <li>• Form A- Special entries on criteria and percentage requirement, no need for official stamp</li> <li>• Self declaration-Entry with percentage required</li> </ul>	<ul style="list-style-type: none"> <li>• For textile and clothing                             <ul style="list-style-type: none"> <li>- Special certification B255</li> <li>- Entry the specific RoO criteria</li> </ul> </li> </ul>
United States	<ul style="list-style-type: none"> <li>• No certificate of origin required</li> </ul>	<ul style="list-style-type: none"> <li>• No CO-importer based declaration</li> </ul>	
AGOA	<ul style="list-style-type: none"> <li>• Same as above</li> </ul>	<ul style="list-style-type: none"> <li>• Same as above</li> </ul>	<ul style="list-style-type: none"> <li>• Special visa requirements apply for textiles and clothing</li> </ul>

# QUAD proof of Non-manipulation

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

Country / group of countries	Administrative Requirements	Other requirements	Compliance
European Community (EBA)	No proof of manipulation required	In case of doubt EC customs authorities may request evidence	<b>YES</b> , most liberal since reform of EBA RoO in 2011
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.		• <b>NO</b> , unchanged since inception
Canada	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	Special rules exists for Haiti and China	<b>NO</b> , Most stringent
United States	<ol style="list-style-type: none"> <li>Remained under customs control in the country of transit</li> <li>the US Port director is satisfied that the importation results from the original commercial transaction and</li> <li>Were not subjected to operations other than loading and unloading (Source: 19 CFR 10.175)</li> </ol>	Unless shipping documents show US as final destination	<b>NO</b> , evidence is required
AGOA	Same as above	Same as above	<b>NO</b> , 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?*

Country / group of countries	Administrative Requirements	Compliance / comments
Eurasian Custom Union	<ul style="list-style-type: none"> <li>• Goods must be directly purchased by the importer</li> <li>• Goods must be delivered directly</li> <li>• Not clear if documentary evidence of direct delivery is required</li> </ul>	<b>No</b> , English text not available. Only original in Russia
China	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<b>No</b> , evidence is required
India	<ul style="list-style-type: none"> <li>• Requirement of direct shipment</li> <li>• The following shall be produced to the customs authority of India at the time of importation:               <ol style="list-style-type: none"> <li>a) a through Bill of Lading issued in the exporting country;</li> <li>b) a certificate of origin issued by the Issuing Authority of the exporting beneficiary country;</li> <li>c) a copy of the original commercial invoice in respect of the product; and</li> <li>d) supporting documents in evidence that other requirements of rule 7 (direct shipment) have been complied with</li> </ol> </li> </ul>	<b>No</b> , 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?*

Country / group of countries	Administrative Requirements	Compliance
European Community (EBA)	<ul style="list-style-type: none"> <li>• Form A required</li> <li>• Self certification allowed up to shipment of 6000 euros</li> <li>• Self certification allowed in FTAs</li> </ul>	<b>NO</b> , Introduction of a new system in 2017
Japan	<ul style="list-style-type: none"> <li>• Form A required.</li> <li>• No documentary evidence for a number of products</li> <li>• Self declaration up to 200.000 JPY (~1'600 USD)</li> </ul>	<b>Partially</b>
Canada	<ul style="list-style-type: none"> <li>• Self certification allowed with specifications of the rules of origin criteria used</li> </ul>	<b>Yes</b>
United States	<ul style="list-style-type: none"> <li>• Not applicable since the declaration is made by the importer</li> </ul>	Not applicable
AGOA	<ul style="list-style-type: none"> <li>• Same as above</li> </ul>	Not applicable
China	<ul style="list-style-type: none"> <li>• Not available</li> <li>• No small consignment provision</li> </ul>	<b>No</b>
India	<ul style="list-style-type: none"> <li>• Not available</li> <li>• No small consignment provision</li> </ul>	<b>No</b>

# 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

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