

出國報告（出國類別：其他—出席國際會議）

出席世界關務組織原產地規則技術委員會
(WCO/TCRO)
2011 年 1 月例會及相關會議報告

服務機關：財政部關稅總局

姓名職稱：曾清文 編審

派赴國家：比利時·布魯塞爾

報告日期：100 年 3 月 21 日

出國期間：100 年 1 月 22 日至 1 月 27 日

行政院及所屬各機關出國報告摘要

頁數： 含附件：是 否

出國報告名稱：出席世界關務組織原產地規則技術委員會(WCO/TCRO)

2011 年 1 月例會及相關會議報告

出國計畫主辦機關 / 聯絡人電話：

財政部關稅總局 徵課處 科員 林彥伸 電話：25505500 轉 2929

出國人員 / 服務機關 / 單位 / 職稱 / 姓名及電話：

財政部關稅總局 徵課處 編審 曾清文 電話：25505500 轉 2907

出國類別： 1.考察 2.進修 3.研究 4.實習 5.其他

出國期間：100 年 1 月 22 日至 1 月 27 日

出國地區：比利時·布魯塞爾

報告日期：100 年 3 月 21 日

分類號 / 目：

關鍵詞：WCO、TCRO、原產地規則、原產地規則技術委員會

內容摘要：

本次出席會議目的，除參與 TCRO 例會及原產地認證查核研討會外，並於 1 月 26 日拜會比利時經濟部主管電子產證部門，瞭解比國產證簽發查核作業，以尋求將來台比雙方電子產證相互傳輸合作之可能性。

本屆 TCRO 會議通過採行「拘束性原產地資料制度技術指南」(BOI)

文件，此為本次會議重要決議事項之一。在原產地認證及查核研討會方面，美國、日本分別簡報其原產地認證制度，對於部分適用優惠關稅待遇案件之原產地證明，美國依據北美自由貿易協定（NAFTA），採行進口人為基礎之自行認證；而日本與瑞士之經濟夥伴協定（EPA），則採行以出口商為基礎之自行認證。歐盟自 2017 年起，對於申請適用歐盟 GSP 優惠關稅案件，更將全面採行由出口商於商業發票自行認證其交易貨物符合原產資格之原產地認證制度。

建議事項：(一) TCRO 通過之「拘束性原產地資料制度技術指南」，屬於辦理原產地預先審核之文件資料，建議本總局成立專案研究小組，針對該文件進行研究、翻譯，並蒐集將來各國施行狀況，俾利我國評估採行參考。(二) 原產地證明之認證，國際上已有採出口商為基礎之自行認證趨勢。建議上開專案研究小組一併研議原產地之認證方式，俾提供我國與經貿夥伴商議洽簽自由貿易協定（FTA）或經濟夥伴協定（EPA）時參考，以節省產證簽發成本，促進貿易便捷發展。

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壹、會議資訊

一、會議時間：100年1月24日至1月25日。

二、會議地點：比利時布魯塞爾世界關務組織 (WCO)總部

三、會議主席及我國與會人員：

(一) 主席：

由世界關務組織 (World Customs Organization, WCO) 原產地規則技術委員會 (Technical Committee on Rules of Origin, TCRO) 主席中國籍劉平先生 (Mr. Liu Ping) 擔任主席。

(二) 我國出席人員：

呂執行秘書素慎 經濟部國際貿易局

曾編審清文 財政部關稅總局

施商務秘書惇怡 我駐歐盟兼駐比利時代表處經濟組

四、議程：

(一) 1月24日舉行原產地規則技術委員會會議：

討論事項：

1.本(29)屆會議議程確認案。

2.上(28)屆會議紀錄報告確認案。

3.秘書處報告：

(1) 有關原產地規則技術委員會 (TCRO) 會員及觀察員動態報告。

(2) 會期期間進展報告。

4.技術委員會固定職責報告：

(1)2010年1月1日至12月31日期間原產地規則協定狀

態及運作技術面之第 12 期年度報告。

(2)2010 年 1 月 1 日至 12 月 31 日期間原產地規則協定第二篇、第三篇施行及運作技術面之第 12 期年度回顧評論。

5.重要策略議題：

(1) 拘束性原產地資料制度技術指南

(2) 稅收套案

(3) 文件資料之提供

(4) 會議報告之採行

6.其他事項。

7.選舉主席及副主席。

8.下次會議時間及地點。

(二) 1 月 25 日原產地認證與查核研討會：

簡報事項及進行簡報人員如下：

1.電子產證 (e-Certification)

(1)優惠性原產地規則：智利海關國際事務主管 Mr. Gaston Fernandez。

(2) 非優惠性原產地規則及及電子產證安全特色：國際商會 (ICC) 世界商會基金會 (WCF) 產證專門小組亞洲區主席新加坡 Ms. Lee Ju Song (由新加坡勁升邏輯公司 Crimson Logic 電子商業部余仰明主任代理)。

(3) 產證數位化之發展：比利時經濟部 Mr. Marc Wegnez

(4) 電子產證/台韓跨境交換合作之經驗：我國經濟部國際貿易局電子商務小組呂執行秘書。

2.原產地證明之自行認證 (Self Certification)。

(1) 進口商基礎之自行認證：美國海關 Mr.David

(2) 以出口商為基礎之自行認證：日本海關 Mr. Hideki Yamakami 。

(3) 商會認證：法國巴黎工商總會 Mr. Luc Dardaud

3.產地證明之查核 (Verification of Proofs of origin)。

(1) 優惠性原產地之事後認證查核經驗與展望：歐盟。

(2) 國際商業總會 (ICC) 之原產地證明認證

A. ICC 原產地證明書指南與認證標準：英國商業總會 Mr. Steve Baker 。

B. ICC 全球企業識別標章：比利時工商總會 Mr. Christophe Coulie 。

貳、會議背景及出席會議目的

一、會議背景

原產地規則技術委員會（Technical Committee on Rules of Origin, TCRO）係依據 WTO 原產地規則協定第 4.2 條及協定附件 1 之規定設立，由關稅合作理事會（CCC）支持與協助。TCRO 依據前開規定，執行原產地規則技術性工作，主要包括二大類，一為 WTO 非優惠性原產地規則調和工作計畫（HWP）技術面議題之執行，另一為擔任與原產地規則協定相關之固定職責（Permanent Responsibilities）任務之技術執行機構。

WTO 之會員即為 TCRO 之成員，WTO 秘書處及其他國際組織為 TCRO 之觀察員。TCRO 每年至少集會一次。

二、出席會議目的

我國為 WTO 會員國，雖非世界關務組織（World Customs Organization, WCO）之會員，惟依規定 WTO 會員可同時取得 WCO 關稅估價技術委員會（TCCV）與原產地規則技術委員會（TCRO）之會員資格，是以出席 WCO 原產地規則技術委員會，為我國之義務，亦為責任。

我國既為 WTO 會員國，自有義務遵守原產地規則協定，而對於 WCO 原產地規則技術委員會 TCRO 之原產地認定之技術研討、國際規範等，甚至最新之產證貿易動態發展，均應注意。因此，本總局為免國內原產地規則發展與國際脫節，並與世界關務接軌，爰積極編列出國經費，爭取與會機會，以獲取各項最新之關務制度資訊並與其他國家海關建立良好互動關

係，爭取合作機會。

本次出席會議，除參與 TCRO 例會、產證認證查核研討會之外，更以官方身分由經濟部國際貿易局呂執行秘書素慎、財政部關稅總局曾編審清文及我駐歐盟兼駐比利時代表處經濟組施商務秘書惇宜、曾商務秘書韻霜等 4 人，一同拜會比利時經濟部主管電子產證部門，由該部經濟發展潛力總司貿易政策處顧問 Mr.Valere Vangeel 接待並與資深專員 Mr. MarcWegnez 等比利時經濟部官員 4 人及比利時工商總會經理 Mr.Wouter Van Gulck 等 3 人，互相溝通瞭解台、比雙方產證之簽證、查核及相關規定，以尋求將來電子產證相互傳輸合作之可能性。

參、會議過程

一、原產地規則技術委員會(TCRO)會議情形紀要

本（2011）年度原產地規則技術委員會（TCRO）之例會，係第 29 次會議，由中國籍主席劉平先生主持，並由 WCO 副秘書長智利籍 Mr. Sergio Mujica、關稅及貿易事務處副處長美國籍 Mr. Craig Clark 擔任共同主席。依照秘書處預先排定之議程（OC0143E1b,附件 1），經主席徵求與會代表通過後，依之進行。

茲依會議進行順序，將決議重點依次列示如下：

（一）主席報告上次會議結論重點：

主席節略報告上（第 28）次會議結論重點（OC0142E1b, 附件 2），並由與會成員通過採認。

（二）秘書處報告：

秘書處官員 Ms. Mette Azzam 等分別簡短報告：

1.TCRO 會員及觀察員動態，會員仍為 WTO 之 153 個會員體及 33 個國家觀察員、10 個組織觀察員(OC0147E1a, 附件 3)。

2.另針對 2010 年 1 月以來之 TCRO 活動，包括參與 WTO 非優惠性原產地規則調和工作計畫(HWP)概略報告(OC0144E1a, 附件 4)。

3.分別於 2010 年 2 月 23 日至 3 月 2 日在安哥拉（Angola）首都魯安達（Luanda）及 2010 年 9 月 8 日至 14 日在巴哈馬（Bahamas）首都拿索（Nassau）舉辦 2 場有關非優惠性原產地規則調和工作計畫概況與優惠性原產地規則之國際研討會技術援助活動。

4.針對 WCO 行動計畫對理事會之執行報告、稅收套案工作報告及協助完成 WCO 21 世紀海關重點工作之風險管理手冊編訂執行計畫，以利於 2011 年 6 月前提報 WCO 政策任務委員會（Policy Commission）及理事會（Council）。

（三）原產地規則技術委員會 TCRO 之固定職責報告：

1.第 12 期 2010 年度有關原產地規則協定狀態運作技術面報告（OC0145E1a, 附件 5）。秘書單位並解釋，為提升非洲地區所辦之 2 場技術性援助計畫研討會，參與成員雖有區域性特徵，惟均屬國際性研討會。

2.有關原產地規則協定第 2 篇及第 3 篇執行運作狀態之第 12 次年度回顧（OC0146E1a, 附件 6）

（四）重要策略議題：

1.文件資料之提供（OC0150E1a, 附件 7）：

為使政策透明化及達到誠信原則，WCO 秘書處研議將技術委員會相關之工作文件及報告資料上傳 WCO 網站供查詢。歐盟代表主張，如限制文件資料之提供，將降低其實用性，應儘可能開放提供，以達政策透明化效果。惟中國代表發言，提醒秘書處宜依 GATT 相關之文件揭露規定原則辦理。主席裁示仍以會員為提供對象，如非正式會員仍須經核准（Approved）才能取得。

2. TCRO 報告之採行（OC0151E1a, 附件 8）：

西班牙質疑 TCRO 一年召開一次會議，TCRO 依職責向理事會提出之報告，於年度期間秘書單位即已依之執行，直至次

年會議才提報 TCRO 追認，不容更改，運作上不太合理。雖有其他會員表示，基於制度及其他 WCO 委員會之實際運作狀態亦同，實難避免此種現象。主席裁示，未來可由秘書處完成報告草案 (Draft) 後，電郵各會員表示評論意見後彙整定案。

3. 拘束性原產地資料制度技術指南 (OC0149E1b, 附件 9) :

討論多年之「拘束性原產地資料制度技術指南」(Technical Guidelines on the Binding Origin Information, BOI)，為原產地預先審核制度之重要文件。歐盟建議略作文字修正 (附件 9 第 3 頁第 14 段及第 5 頁第 31 段)，中國代表提醒將來採行時應注意與 WTO 貿易便捷化預先審核 (Advance Ruling) 之原則一致；美國及日本亦以其本國已實施產地預先審核經驗，贊成採行。全案經主席徵詢與會者無異議下，裁示 TCRO 通過採行修正後之 BOI 技術指南版本。此為本次會議重要決議事項之一。

4. 稅收套案：

由於全球性金融危機及各國關稅稅率普遍下降，使得各國稅收逐漸減少，政府部門財政短絀，歲入難以支應公共支出。世界關務組織亦積極協助各國，研議採行各項措施，透過各項關務改革方案，促進經濟、財政穩定發展。例如積極規劃風險管理操作手冊，使關稅估價、原產地查核及防止商業詐欺等，得以從稽徵技術面，克服不法障礙，以增進稅收。

(五) 選舉下屆主席及下次會期：

經推舉結果，與會成員一致鼓掌通過仍由現任主席中國代表團劉平先生繼續連任 TCRO 主席。主席並宣布下 (第 30) 次

會議將於明（2012）年 1 月仍於布魯塞爾 WCO 總部舉行。

二、原產地認證及查核研討會

2011 年 1 月 25 日由 TCRO 舉行原產地認證及查核工作研討會(informal workshop)，由 Morocco 籍前 TCRO 主席 Ms. Latifa Ghrairi 主持。

研討會分電子產證（e-Certification）、原產地證明之自行認證(Self Certification)及產地證明之查核(Verification of Proofs of origin) 等 3 部分，相關簡報與討論重點，依序摘要如下：

（一）：電子產證（e-Certification）部分：

1.由新加坡勁升邏輯公司 Crimson Logic 電子商業部余仰明主任簡報產證之安全特色。

（1）新加坡電子產證自 2004 年 4 月發展，逐步建立科技數位化之安全防偽機制。

（2）依目前科技發展，於產證紙本或電子文件，約有下列數種防偽設計：利用隱藏式識別防偽系統、二維條碼讀取出口商或生產商資料方式、可目視或隱匿式之浮水印、以生物資訊隱匿載入某些區域及遠端控制列印方式限制副本之列印份數等多種措施。

（3）產地證明文件，除了影響優惠關稅之適用，對於管制高科技輸出之貨物移動安全作業，亦有深切影響。文件之防偽及安全功能不容忽視。

2.比利時經濟部 Mr. Marc Wegnez 簡報產證數位化之發展。

（1）比利時政府與工商總會合作，自 2001 年開始著手建

置產證相關資料庫，至 2009 年 1 月成立 DigiChambers 產證線上申請系統，並開始運作、受理產證之線上申請。

(2) 該系統調和各商會之產證格式，透過網路平台，業者可以自行申請。申請時公司負責人須註冊並建立公司之電子簽章。正常狀況下，eCO 從申請到核發，一日內即可完成。

(3) 至 2010 年 12 月止，企業使用此系統約佔 25%，已比 2009 年開辦當初之 3%，成長甚多。

(4) 未來將將與該國經濟部外事部門共同整合資料，並與盧森堡洽商電子產證跨境合作連結事宜，並繼續擴充發展工商企業及生產者資料庫，期能協助業者降低行政成本，以作為歐盟先導示範國家。

3.我國經濟部國際貿易局電子商務小組呂執行秘書素慎簡報台韓跨境交換電子產證之合作經驗：

(1) 經濟部國際貿易局自 2005 年 8 月啟動原產地證明書申辦電子化作業，自 2008 年 1 月起，該系統之功能擴增線上付費、自行列印產證、浮水印及驗證碼等防偽功能，提升產證簽發作業之便捷性及安全性。

(2) 我國自 2004 年起在 APEC 架構下，與韓國共同推動 eCO Pathfinder，並分別於 2005 年、2006 年舉辦第 1 屆、第 2 屆台韓貿易無紙化公私部門聯合會議，決定合作模式。經過雙方多次協商，終於 2008 年簽訂 MOU。

(3) 依據台韓 MOU，雙方同意跨境交換電子產證，其效力等同紙本。2010 年 5 月我國與韓國順利完成第一張產證交換

作業，至 2010 年 12 月底止，已傳輸 70 筆電子產證。電子產證之相互跨境傳輸，能防止產證偽變造，對於加速貨物通關、提升行政效能及邁向無紙化貿易甚有幫助。

(二) 原產地證明之自行認證 (Self Certification) 部分：

1. 美國海關 Mr. David Dolan 簡報進口商基礎之自行認證：

(1) 美國係基於北美自由貿易協定 (NAFTA) 的安排及依據現代化關稅法 (The Customs Modernization Act, Mod Act) (或稱海關現代化法案) 等規定，建立以進口人為基礎之產地認證制度。縱使原產地證明係由出口商或生產商所填製，仍賦以進口人對其所提出之產地證明文件必須負責之義務。

(2) NAFTA 自 1994 年實施以來，進口人主張適用 NAFTA 優惠關稅案件，仍須取得由出口商或生產商填發之產證。即使進口人已有第一手完整的貨物生產資料，進口人仍須取得原產地證明。即便是貨物具有原產資格，而產證未依規定適當製作，海關仍得拒絕給予優惠關稅；倘貨物已經通關放行亦須追繳補稅。

(3) 美國現代化關稅法自 1993 年 12 月生效，引進 2 點重要觀念，對於納稅義務人或相關利害關係者均須遵循。其一為知法守法，另一為責任分擔。法案的實施結果，使進口人更易遵守相關進口法令規定。

(4) 以進口人為基礎之產地認證，係基於進口人主張適用優惠關稅待遇時，必須對其進口貨物之原產國別，須有清楚完整之概念，俾對進口地海關負責。因此，美國海關甚至要求進

口人對於 NAFTA 優惠關稅貨物之製造程序，應有充分之瞭解。在對於貨物製程之瞭解下取得之產證，更能與海關建立信賴關係，而形成進口人為基礎之產地證明機制。進口人自行認證時，必須申報出口商、生產者、貨物品名、稅則號列、發票號碼及進口人等資料。

(5) 除了產地證明外，海關如有必要得要求進口人提供其他佐證產地之文件，包括：如為完全取得，可以是生產者之切結或保證等說明文件；完全生產或特定原產地規則 (PSR) 生產商或製造商取得原產或非原產原料、物料等發票；生產商或製造商對於生產材料符合原產資格之切結聲明書等。

(6) 配合美國二段式報關作業及風險管理篩選機制，由進口專家小組 (Import Specialist Team Review) 抽選複核或事後稽核 (Post-Release Audit)，執行貨物放行後之優惠關稅查證 (Verification of Trade Preference Claims)，以防止不法或虛報等申報不實案件發生。

(7) 歐盟詢問，以現代日益複雜多樣之貿易型態，及生產者使用多種跨國原物料貨品製造生產，再加上複雜的原產地規則等，進口人如何清楚自己進口貨物之原產國屬於何方？歐盟言外之意，顯然認為現今全球化發展結果，不利進口基礎之認證制度。美國海關則未予正面回應。

2. 日本海關 Mr. Hideki Yamakami 簡報出口商基礎之自行認證：

(1) 以日本與瑞士簽訂之經濟夥伴協定 (EPA) 為例，說

明經核可的出口商得以自主認證原產地之運作方式。

(2) 有權核定自主認證出口商資格之機關，在瑞士是聯邦海關總署 (Federal Customs Administration)，在日本是經濟產業省 (The Ministry of Economy, Trade and Industry, METI)。符合資格經核可之出口商，得就其符合原產資格之貨物，於 2 種認證方式擇一採行。一為傳統之經由簽發機構 (日本商工總會) 簽證之原產地證明書，另一為採行自行認證方式，在商業交易文件，例如發票上，自行載明其貨物之原產資格。該發票即可交由進口人申請適用優惠關稅待遇。

(3) 由於出口商對其出口貨物之生產來源，充分掌握資訊，得以正確且負責地自主聲明、認證其出口貨物原產資格。採行出口商自主認證制度，使出口貿易流程更順暢，亦降低貿易時間與成本。惟執行出口商自主認證，海關必須具備完整之查證能力，包括人力及程序。目前日本係以優惠關稅案件為主要實施範圍，故簽訂協定之雙方，合作查證機制極為重要。

(4) 由於日本優惠性關稅有 11 個經濟夥伴協定 (EPA) 及 1 個普遍化優惠關稅制度 (GSP)，使原產地規則益形複雜，亟須統籌規範，確保各地區海關統一適用及執行一致。爰於 2005 年 7 月 1 日成立原產地行政及調查中心 (Origin Administration and Investigation Center, OAI Center)，處理原產地規則之統一適用、研究、調查、教育訓練及宣導等業務，同時建立查證機制，必要時執行查核程序。

(5) 日本海關重視教育、宣導，不論對關員或外界相關業

者，OAI 均扮演原產地規則倡導與說明者角色，積極辦理各項原產地規則之說明宣導會。對於解決各地區海關之原產規則疑義，亦不遺餘力。

3. 法國巴黎工商總會 Mr. Luc Dardaude 簡報商會之認證：

(1) 以商會立場觀察原產地證明書，Dardaude 氏認為對於產證之法定形式及內容均應注意，例如申請產證之公司是否合法存在、簽署人有無合法資格，發證機構均有義務查明清楚。

(2) 進行產證電子化過程，不能因一切講求迅速、便捷，對於所發文件疏於查證，而忽略誠信、信賴原則。產證之簽發，在提高速度效率及降低成本目標下，商會仍有義務確認所簽發之文件內容符合規則條件及其整體完整性。為達到簡化及安全目的，原產地證明之驗證程序，可以透過優質出口人、生產商等業者資訊之建立，結合安全簽章系統以方便管理並節省作業。

(三) 產地證明之查核 (Verification of Proofs of origin) 部分

1. 歐盟執委會稅務及海關總署簡報優惠性原產地查核經驗與展望：

(1) 歐盟產地認證分由授權簽證機構（商業總會）簽證核發及出口商自行認證等 2 種制度。原產地證明書係由商會簽證核發，而出口商自行認證，則係於商業發票上聲明該筆交易之出口貨物具備原產資格。採發票自行認證之出口商，如屬一般出口商，該發票金額限歐元 6 千元以下，如為經核定之出口商（列明核定登記編號）則可不受金額限制自行認證。

(2) 自 2017 年 1 月 1 日起，歐盟之普遍化優惠關稅制度

(GSP) 下之優惠關稅案件，均將採出口商基礎之自行認證制度。經核可 (Approved) 之出口商，可不限金額於交易文件 (例如發票) 上自行聲明認證；如為一般出口商自行認證之發票金額仍限歐元 6 千元以下。

(3) 出口商向歐盟 GSP 受惠國家主管機關申請核可登錄後，歐盟於接受該機關核定之出口商資料時，會將資料集中建置於歐盟執委會中央資料系統，供歐盟會員體查核使用。該出口商資訊除機密性資料外，亦公佈於專屬網站。

(4) 此一中央資料系統詳細出口商資訊之公布及上網透明化，提供歐盟會員體便捷蒐尋功能，亦使歐盟內之進口商得以充分瞭解其出口商是否屬於核定登錄之出口商，交易發票金額得以免受產地認證金額之限制。

(5) 如歐盟之 GSP 受惠國家無法在 2017 年建置完成相關有權核定機構之出口商核定登錄系統，將有 3 年緩衝期(至 2020 年) 須建置完成配合辦理。此緩衝期間之作業亦有相關之細部規定必須遵循，如此一期間仍可核發原產地證明 (Form A)。

2. 英國商業總會 Mr. Steve Baker 簡報國際商業總會 (ICC) 之原產地證明認證中 ICC 原產地證明書指南與認證標準：

(1) 商會簽發作業應訂定作業指南，對於產地證明申請者提供之文件應有能力審核，包括是否符合相關之原產地規則。故對於認證人員之專業訓練，應有計畫地時常辦理。

(2) 如果對於所提供資料不足以核認產地，應再要求申請者提出其他具體佐證資料。

(3) 對於受理之商業資料及生產資訊，應嚴守保密規定。

3. 比利時工商總會 Mr. Christophe Coulie 針對 ICC 全球認證品質標章簡報：

(1) 各國原產地規則愈趨多樣及複雜，產證數位化之發展亦因貿易便捷化之要求，成為主要趨勢。電子產證隨即面臨雙邊或多邊相互承認問題。

(2) 國際商業總會 (ICC) 世界商會基金會 (WCF) 對於產證之認證管理，提供國際化認證作業指南及標準作業程序須知，供各地商會使用，亦提供認證人員專業訓練，及點對點之事後稽核審查作業，以確保產證核發之正確性，建立貿易信賴基礎。推行國際商會作業準則，建立認證品質標章，將有助原產地證明認證品質之提升。

肆、拜會比利時聯邦經濟部洽談電子產證雙邊合作情形

承蒙我駐歐盟兼駐比利時代表處經濟組之努力、聯繫與安排，經濟部國際貿易局呂執行秘書素慎與本總局曾編審清文得於本（100）年1月26日順利拜會比利時聯邦經濟部經濟發展潛力總司貿易政策處，就台、比雙邊電子產證相互合作事宜，與該處及比利時工商總會負責主管會商晤談。

茲就拜會事宜報告如次：

一、本次拜會活動我方參與人員：經濟部國際貿易局呂執行秘書素慎、財政部關稅總局曾編審清文、我駐歐盟兼駐比利時代表處經濟組施商務秘書惇怡及曾商務秘書韻霜等，共4人。

二、比國經濟部貿易政策處與會人員：貿易政策處顧問（Adviser）Mr. Valere Vangeel、資深專員（Attache）Mr. Marc Wegnez、Ms. Gilberte De Wever 及 Mr. Eli Vanslembrouck 等官員4人。比國工商總會經理 Mr. Wouter Van Gulck 及法務經理 Mr. Christophe Coulie 等2人。比利時方面另邀請韓國出席 TCRO 海關官員 FTA 執行小組原產地驗證組副組長 Mr. Kim Don Geun，於會談結束前到場，Mr. Kim 表示，台比、台韓、甚至台韓比三方加強合作訊息，將攜回轉知韓國負責 eCO 電子產證部門。

三、比利時方面由 Mr. Marc 說明 Digi Chambers 電子產證系統使用情形，目前比利時業界使用該系統之百分比約為25%。Mr. Woute 補充說明目前係透過說明會、研討會等活動加強宣傳推廣該系統，並利用商會自行製作之 DVD 短片廣為宣導、解答廠商問題。期望至本年底使用率可達到40%之目標。

四、我方首先由國貿局呂執秘簡報說明我國產證電子化行

政及線上作業系統，對於產證防偽功能、浮水印、驗證碼等均予詳細說明。另針對我國與韓國電子產證相互承認及跨境交換作業、經驗，扼要向比國與會人員說明，並表示如果台比合作電子產證（eCO），將有助查核產證真偽功能方面之效益。由於比國海關人員並未到場，我方要求比利時應請其海關釐清是否可以接受我方電子產證，在雙方互相承認原則下，才有合作基礎。

五、本總局曾編審針對國內現行優惠性及一般性原產地證明書相關規定，及海關執行進口貨物通關對於產證之查核立場等，向比方提出說明，增進比利時對我國相關產證規定之瞭解。

六、比利時貿易政策處 Vangeel 顧問表示，應先瞭解目前我方對歐盟，包括比利時在內各會員國之出口數據及簽發產證之數量，才能進一步評估合作事宜。渠亦表示，比利時政府目前積極推動產證數位化以促進貿易便捷化發展，除可節省業者貨物進出口、轉運或復出口等時間、成本外，亦可在歐盟體系居於領先地位，作為其他會員國之標竿模範。比國貿易政策處 Wegnez 資深官員則表示，比國政府與工商總會自 2009 年合作建立 DigiChambers 系統，eCO 之核發作業，程序更安全、便捷，頗獲業者好評。比利時雖盼優先與法國、盧森堡等國合作 eCO，惟如與台灣方面具有共同利益，亦可先進行資料交換或分析等合作事宜，以確立更進一步之合作基礎。

七、我方於會中邀請比國相關人員訪台，以瞭解我國相關制度與作業環境，俾增進彼此瞭解。比國人員回應表示，對雙方進一步合作甚有興趣，將進一步研議續行發展之可能性，惟

限於經費問題，能否訪台尚無把握。

八、綜觀本次拜會活動，確能增進台比雙方核發電子產證之瞭解，對日後台比合作建立互信基礎，亦對於我國積極尋求電子產證跨境合作國際夥伴，累積難得經驗。

伍、與會心得及建議

一、出席會議心得

(一) 原產地證明之認證，除了由傳統之簽證機構簽發產證外，主要國家如歐盟、日本、瑞士、新加坡等，均已採行以出口商為基礎之自行認證產地制度。亦即針對適用優惠關稅案件，進口人得以經核定之出口商自行證明其貨物原產資格之交易文件（如商業發票），辦理申請適用優惠關稅待遇。此對於出口商資格之訂定、有權核定機關（構）之安排如有妥善規劃，採行自主認證確能節省貿易成本與時間。

(二) 面對國際上越來越多之自由貿易協定，或其他形式之優惠關稅協議安排，適用不同協定之個別產品原產地規則，亦隨之增加。此一現象對於產證簽證機構、出口商、進口商及海關作業關員等四方面，均有加強教育之必要。

(三) 本次會議及研討會分別於 1 月 24 日及 25 日舉行，26 日則有 WCO 慶祝「國際海關日」活動。出國人員雖已排定 26 日拜會比利時經濟部，然對該海關日活動不免好奇。經向 TCRO 官員打聽結果，我國因非屬 WCO 成員，爰未獲邀參與該日活動。今年國際海關日之主題為「知識，卓越海關之催化劑」(Knowledge, a catalyst for Customs excellence)，鼓勵海關人應

強化專業知識，建構進步的海關組織，以因應世界環境的快速變化。

二、建議事項

(一) TCRO 通過之「拘束性原產地資料制度技術指南」，屬於辦理原產地預先審核之文件資料，建議本總局成立專案研究小組，針對該文件進行研究、翻譯，並蒐集將來各國施行狀況，俾利我國評估採行參考。

(二) 原產地證明之認證，國際上已有採行出口商為基礎之自行認證趨勢。建議上開專案研究小組一併研議原產地之認證方式，俾提供我國與經貿夥伴商議洽簽自由貿易協定 (FTA) 或經濟夥伴協定 (EPA) 時參考，以節省產證簽發成本，促進貿易便捷發展。

後記

此次出國會議期間，承蒙我駐歐盟兼駐比利時代表處林大使永樂先生撥冗接見，及經濟組張組長光裕、施商務秘書惇怡、曾商務秘書韻霜等長官，熱誠殷切之招待與照應，並事先規劃聯絡與比利時聯邦經濟部貿易政策處之會晤拜會事宜等，著力甚多，使得參與會議及拜會活動均能順利完成，謹此對於代表處長官同仁等之努力與協助，致上由衷之敬意與謝忱。

陸、附件

附件 1：第 29 屆 TCRO 會議議程 (OC0143E1b)

附件 2：第 28 屆 TCRO 會議結論重點報告 (OC0142E1b)

附件 3：TCRO 會員及觀察員動態報告 (OC0147E1a)

附件 4：上次大會以來進展及政策委員會報告 (OC0144E1a)

附件 5：自 2010 年 1 月至 12 月期間協定狀態運作技術面第 12 次報告 (OC0145E1a)

附件 6：自 2010 年 1 月至 12 月期間協定第 2 篇、第 3 篇執行運作狀態技術面之第 12 次年度回顧 (OC0146E1a)

附件 7：文件資料提供案議題 (OC0150E1a)

附件 8：TCRO 報告之採行案議題 (OC0151E1a)

附件 9：拘束性原產地資料制度技術指南 (BOI) (OC0149E1b)



TECHNICAL COMMITTEE
 ON RULES OF ORIGIN

OC0143E1b

-
 29th Session
 -

O. Eng.

Brussels, 16 December 2010.

DRAFT AGENDA FOR THE 29TH SESSION
OF THE TECHNICAL COMMITTEE ON RULES OF ORIGIN

(Monday 24 January 2011 at 10 a.m.)

<u>Agenda Item</u>	<u>Subject</u>	<u>Documents</u>
I.	<u>ADOPTION OF THE AGENDA</u>	
	Draft Agenda	OC0143E1b
II.	<u>ADOPTION OF THE REPORT OF THE 28th SESSION</u>	OC0142E1b
III.	<u>REPORT BY THE SECRETARIAT</u>	
	1. Position regarding Members and Observers of the Technical Committee on Rules of Origin	OC0147E1a
	2. Intersessional developments	
	(a) Director's report	OC0144E1a
	(b) Oral report on the work of the CRO	
IV.	<u>PERMANENT RESPONSIBILITIES OF THE TECHNICAL COMMITTEE</u>	
	(a) Twelfth Periodic Report on technical aspects of the operation and status of the Agreement for the period from 1 January to 31 December 2010	OC0145E1a
	(b) Twelfth Annual Review on technical aspects of the implementation and operation of Parts II and III of the Agreement for the period from 1 January to 31 December 2010	OC0146E1a

<u>Agenda Item</u>	<u>Subject</u>	<u>Documents</u>
V.	<u>STRATEGIC TOPICS</u>	
	(a) Technical guidelines on the Binding Origin Information	OC0149E1b
	(b) Revenue Package (oral report)	
	(c) Availability of documents	OC0150E1a
	(d) Adoption of reports	OC0151E1a
VI.	<u>OTHER BUSINESS</u>	
VII.	<u>ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSONS</u>	
VIII.	<u>DATE AND PLACE OF NEXT SESSION</u>	



TECHNICAL COMMITTEE
 ON RULES OF ORIGIN

OC0142E1b

-
 28th Session
 -

O. Eng.

Brussels, 26 January 2010.

DRAFT REPORT OF THE 28TH SESSION
OF THE TECHNICAL COMMITTEE ON RULES OF ORIGIN

1. The Technical Committee on Rules of Origin (TCRO) held its 28th Session on 25 January 2010 at the Headquarters of the World Customs Organization in Brussels. The meeting was chaired by Mr. P. LIU (People's Republic of China).
2. The Chairperson and the Director welcomed the new Deputy Secretary General, Mr. S. MUJICA. The Deputy Secretary General expressed his support for the TCRO's work in the area of non-preferential and preferential rules of origin. He also highlighted the importance of the various initiatives taken by the Secretariat under the Action Plan approved by the Council to provide Customs Administrations and the private sector with the tools and instruments for a better understanding and management of preferential rules of origin.
3. The following 53 Member and Observer Administrations were represented :

ALBANIA	INDIA	SOUTH AFRICA
ANGOLA	INDONESIA	SPAIN
BAHRAIN	ISRAEL	SWITZERLAND
BANGLADESH	JAPAN	SYRIAN ARAB REPUBLIC
BELGIUM	KUWAIT	CHINESE TAIPEI
BURKINA FASO	LIBYAN ARAB JAMAHIRIYA	THAILAND
CHINA (People's Rep. of)	MACAU, CHINA	TOGO
CÔTE D'IVOIRE	MALAYSIA	TUNISIA
CROATIA	MEXICO	TURKEY
DEMOCRATIC REPUBLIC OF THE CONGO	MONTENEGRO	UKRAINE
CZECH REPUBLIC	NETHERLANDS	UNITED ARAB EMIRATES
DENMARK	NIGERIA	VIETNAM
DOMINICAN REPUBLIC	NORWAY	
EGYPT	PAKISTAN	
ETHIOPIA	PANAMA	
EUROPEAN UNION (EU)	PERU	
FRANCE	ROMANIA	
	SERBIA	

For reasons of economy, documents are printed in limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

4. The Organization of Eastern Caribbean States (OECS), the European Free Trade Association (EFTA), the International Federation of Freight Forwarders Association (FIATA), the International Federation of Customs Brokers Associations (IFCBA), the International Chamber of Commerce (ICC) and the Secretariat of the World Trade Organization (WTO) were also represented at the meeting with observer status.
5. The list of participants is set out at Annex A to this Report.
6. Referring to the list of origin contact points for the exchange of information, the Chairperson underscored the importance that such a list should always contain updated information. He invited the delegations to check the accuracy of the list and to inform the Secretariat of any changes or updates.

I. ADOPTION OF THE AGENDA

(Doc. OC0131E1b)

7. The Chairperson informed the Committee that two additional items (d) and (e) had been added under Agenda Item V. "Other Business" on the request of the International Chamber of Commerce and Belgium in order to inform the Committee of the work of the International Chamber of Commerce (ICC) with regard to rules of origin and to present "DigiChambers", an electronic system used for the issuance of non-preferential certificates of origin by Belgium. The Technical Committee endorsed the amended Agenda which is reproduced in Annex B to this Report.

II. ADOPTION OF THE REPORT OF THE 27th SESSION

8. The draft Report of the 27th Session was adopted (Doc. OC0130E1b). Bearing in mind that the report which is presented to the WCO Council in June will in fact be adopted in January the following year by the Technical Committee on Rules of Origin, the Delegate of Spain requested that the existing adoption procedures for the report be examined. He suggested that perhaps there could be a written adoption of the report in the intersession prior to the Council meeting in June in order to present a final adopted report to the Council. The Secretariat was requested to study the current adoption procedures for the TCRO report in light of the current adoption procedures in other WCO bodies.

III. REPORT BY THE SECRETARIAT

(1) Position regarding Members and Observers of the Technical Committee on Rules of Origin

(Doc. OC0132E1a)

9. The Chairperson introduced the document, which had been updated periodically to reflect new accessions to the WTO. He indicated that there had been no new accessions to the WTO since the last session (there are still 153 WTO Members). He informed the Committee that São Tomé and Príncipe and Vanuatu had been added to the list of observers (new WCO Members, but not WTO Members). Furthermore, he informed the Committee that the Association of European Chambers of Commerce and Industry in Brussels had been added to the list of other observers.
10. The Technical Committee took note of the working document.

(2) Intersessional developments

(a) Director's report

(Doc.OC0133E1a)

11. The Chairperson briefly introduced Doc.OC0133E1a, concerning intersessional developments, and invited the Director to present it in detail.
12. The Director updated the Committee on the activities relating to rules of origin which had taken place since the Technical Committee's 27th Session, including in particular the WCO Council's 113th/114th Sessions.

113th and 114th WCO Council Sessions

13. The WCO Council held its 113th/114th Sessions from 25 to 27 June 2009. The Director briefly summarized the work accomplished with regard to the harmonization of non-preferential rules of origin which had been reported to the Council by the WTO representative and the activities related to the implementation of the WCO Action Plan in the preferential area carried out by the WCO Secretariat.
14. The Director concluded his report on the Council Sessions by explaining that the Chairperson of the TCRO had presented the report of the Technical Committee to the Council. This report was appended to Doc. OC0133E1a.

Technical assistance / capacity building activities

15. The Director informed the Committee that since the 27th Session of the TCRO, the Secretariat had carried out, at the request of Members, two technical assistance programmes relating to the harmonization of non-preferential rules of origin, as well as preferential rules of origin :
- a Regional Seminar in Burkina Faso (30 March to 3 April 2009);
 - a Regional Seminar in Kashiwa, Japan, (15 to 19 June 2009).
16. He continued by saying that one expert of the WCO Secretariat had also participated at a Seminar on rules of origin for Member States of the Organization of the Islamic Conference (OIC) in Cairo, Egypt (22 to 24 February 2009) and that the Secretariat was invited to give a presentation on the developments in the field of non-preferential origin for the International Training Programme on Rules of Origin for policy-makers and trade and customs advisers from developing countries, organized by the Swedish National Board of Trade in Stockholm (13 October 2009).
17. He concluded his summary on the technical assistance activities of the Secretariat by mentioning that the Origin Sub-Directorate continued its programmes in the framework of the WCO Fellowship Programmes and the Master Courses at the University of Münster in Germany.
18. The Technical Committee took note of the working document.

(b) Oral Report of the work of the WTO Committee on Rules of Origin (CRO)

19. The representative of the WTO Secretariat in Geneva reported on the work of the Committee on Rules of Origin (CRO) for the harmonization of non-preferential rules of origin. Since the 27th Session of the TCRO, the CRO had held two formal meetings in the WTO Headquarters in Geneva, in June and October 2009. The CRO had re-elected Ms. Vera Thorstensen (Brazil) as its Chairperson. He underlined that the CRO continued discussions on technical issues, and he informed the Committee that the outcome of the discussions in Geneva are reflected in the revised Draft Consolidated Text (doc. G/RO/W/111/Rev. 4). He pointed out that the work of the CRO particularly focused on the revision of Rule 1 (the procedural rules for origin determination) stipulated under Appendix 2. The report of the WTO Secretariat representative is reproduced at Annex C to this Report.

20. The Delegate of China voiced concern about the long process taken by the work of the harmonization of non-preferential rules of origin in the WTO in Geneva. China expressed its willingness to continue to work together with other WTO Members aiming at successfully concluding the negotiations. The EU Delegate expressed support for this intervention and underscored its commitment to continue the harmonization work with a view to finalizing the negotiations.
21. The Committee took note of the information contained in the working document (Doc. OC0133E1a) and the comments made.

(c) Developments resulting from last Policy Commission and Council Session

(Doc. OC0134E1a)

22. The Director introduced Doc. OC0134E1a, outlining the progress achieved with regard to the implementation of the WCO Action Plan, which focused mainly on the capacity building activities carried out by the Secretariat since the last Policy Commission and Council Sessions under the commitment to enhance training and seminars for all rules-of-origin-related matters (i.e., preferential and non-preferential rules of origin).
23. Turning to the two major areas of responsibility under the four key issues of the Action Plan, namely the establishment of the Database and the Comparative Study, the Director informed the Committee that an in-depth briefing of the achievements on these topics would be given under Agenda Item III.3, "Implementation of the WCO Action Plan on Origin".
24. With regard to the launch of the Database of Preferential Agreements and its related Rules of Origin, he concluded by urging delegations to check the database and to provide feedback on its accuracy and completeness.
25. The Technical Committee took note of the report made by the Director.

(3) Implementation of the WCO Action Plan on Origin

(Doc. OC0135E1a)

26. The Director introduced Doc. OC0135E1a, outlining the progress achieved with regard to the implementation of the WCO Action Plan, which focused on the two key issues (i.e., the establishment of a Database of Preferential Agreements and its related Rules of Origin, and the launch of the Comparative Study of Rules of Origin under Existing Preferential Agreements).

27. The Committee welcomed the launch of the database and the work on the Comparative Study as useful tools for a better understanding of preferential rules of origin. Several delegates pointed out that there was a need of further activities in the field of capacity building in the origin area.
28. The International Chamber of Commerce supported the initiatives of these projects and offered to strengthen collaboration between the public and the private sector.
29. Generally recognizing the utility of such tools, the EU Delegate recalled that preferential rules of origin were the result of trade negotiations between specific countries, and she reminded the Committee that a Comparative Study should not result in an evaluation of preferential rules of origin. Thus, she concluded that the Secretariat should abstain from a quality assessment of preferential rules of origin.
30. The representative of the WTO informed the Committee that the WTO had also established a Database on Preferential Trade Arrangements. He stressed the similarities of the WTO and the WCO databases, but noted that the WTO database focused more on the agreement texts than on rules of origin legislation. He also noted that the WCO database did not include the origin rules of the various systems under the General System of Preferences and suggested adding these rules to the WCO database.
31. Emphasizing the importance of the Spanish language for Latin American countries, the Delegate of Spain highlighted the importance of Spanish versions of the instruments and hoped that the Database and the Comparative Study would also be available in Spanish.
32. The Director and the Deputy Secretary General both reiterated that the Comparative Study's objective was purely educational and would contain no value judgments on particular agreements or specific rules from those agreements. They pointed out that prior to the final publication of the Comparative Study, an opportunity would be given to interested Members to express their views on the findings of the survey.
33. The Technical Committee took note of the report on the state of play with regard to the launch of the Database and the work currently undertaken for the establishment of the Comparative Study.

IV. PERMANENT RESPONSIBILITIES OF THE TECHNICAL COMMITTEE

(a) Eleventh Periodic Report on technical aspects of the operation and status of the Agreement

for the period from 1 January to 31 December 2009

(Doc. OC0136E1a)

34. The TCRO adopted the eleventh Periodic Report of the Technical Committee for the period from 1 January to 31 December 2009. This document is reproduced at Annex D to this Report.

(b) Eleventh Annual Review on technical aspects of the implementation and operation of Parts II and III of the Agreement for the period from 1 January to 31 December 2009

(Doc. OC0137E1a)

35. The Technical Committee adopted the report on the eleventh Annual Review on technical aspects of the implementation and operation of Parts II and III of the Agreement for the period from 1 January to 31 December 2009. This document is reproduced at Annex E to this Report.

V. OTHER BUSINESS

(a) Technical Guidelines on the Binding Origin Information

(Doc. OC0138E1a)

36. The Deputy Director presented Doc. OC0138E1a on Technical Guidelines on Binding Origin Information (BOI) concerning advanced rulings in the area of rules of origin. He stated that this item first came up at 26th session of the TCRO in 2008, and was discussed by the Technical Committee which instructed the WCO Secretariat to draft a proposal for Technical Guidelines on Binding Origin Information (BOI) for the Committee's examination at its 27th Session in 2009. He added that the Technical Committee carried out a preliminary examination of the draft text for Technical Guidelines on Binding Origin Information at its 27th Session, stressing the importance of such guidelines which provided predictability and certainty to traders as well as Customs administrations.

37. Emphasizing the non-binding character of the guidelines, the EU Delegate welcomed the drafting of a new paragraph 3, stipulating the non-binding nature of the guidelines. She informed the Technical Committee that this paragraph would have to be examined by legal experts in the Commission in order to analyse whether the wording "*without challenging*

procedures already established by some Members” would be sufficient to guarantee the non-binding character of the guidelines. The Delegate of China agreed that such guidelines should not challenge Members’ current practises in their existing BOI programmes, but reminded the Technical Committee that such an instrument should reflect the common views and practices of as many Members as possible.

38. There was agreement amongst the delegations that the Technical Guidelines for BOI constitute a useful tool for Member administrations. The Delegate of Norway informed the Technical Committee that his administration had just recently put in place a system for BOI.

39. The following specific suggestions for improvement of the draft Technical Guidelines were given by delegations under the following chapters of the draft:

- Declining and Postponing of Issuance of BOI
 - o The Delegate of China suggested expanding this topic with the addition of a possibility of suspending the issuance of BOIs.
- Effect of BOI
 - o The Delegate of China sought clarification whether BOI was binding for the applicant on a particular shipment or on other goods traded under the same situation.
- Modification and Revocation of BOI
 - o The Delegate of Japan sought clarification on the use of “modification / revocation” of BOI according to errors of law;
 - o The Delegate of China informed the Technical Committee that domestic legislation in her country did not permit the modification of BOI for maintaining the authority of the rulings;
 - o The Secretariat was requested to study the question of “modification and revocation” in light of the other questions raised by the Technical Committee (see para. 41).
- Retroactive or Postponed Application of Modification and Revocation
 - o The Delegate of Japan asked for some examples of retroactive applications. He also suggested replacing in para. 27 “shall be” with “may be”.

- Review and Appeal
 - o According to the Delegate of Japan, the meaning of “*modification or reversal*” in para. 31 was the same and he suggested to replace it with “*modification and revocation*”.
- Publication and Confidentiality
 - o The Delegate of Belgium raised the question of the language of publicly available data, reminding that BOI would mainly affect economic operators of importing countries which in many cases did not speak the same language as in the exporting country. He also stressed that publicly available BOI is not useful in an economic environment where non-preferential rules of origin are not harmonized;
 - o The Delegate of Albania suggested establishing a centralized database of BOI issued by Member administrations for preferential and non-preferential rules of origin despite the fact that the latter were not harmonized.

40. Several delegations raised questions on the scope and definitions of the guidelines. Delegations were not sure whether this draft text was addressing the competent authorities of importing or exporting countries. The EU Delegate pointed out that the existing draft made reference to imports in paragraphs 4, 16(b), 17, 26 and 27 and wanted to know whether BOI was limited to imports or exports. The discussion that followed showed that there was no unanimity in the interpretation with regard to the definition of BOI, the scope for the application of BOI and the definition of the competent authorities which issue such rulings (Customs administrations or other bodies or ministries). Moreover, it was suggested that the use of BOI had to be distinguished according to the application of preferential and non-preferential origin legislation. Major differences were also identified with regard to verification / post clearance models in different preferential trade contexts. The only unanimity in the Technical Committee’s view was that the WCO would not be expected to issue BOI since such rulings were issued on the basis of national procedures.

41. The Technical Committee instructed the Secretariat to carry out research on the various questions raised by the delegations which took the floor and to produce a revised draft. The following 6 questions should be clarified :
- What is BOI (definition of BOI) ?
 - In which trade contexts is BOI issued (for the purposes of importation or exportation or even none) ?
 - When is BOI issued (prior to exportation / importation) ?
 - Is there a distinction for the use of BOI in the area of preferential as opposed to non-preferential origin ?
 - Who is the issuing body for BOI (Customs administrations, other competent authorities) ?
 - Who is bound by BOI (problematic situation in the field of non-preferential rules of origin where the rules are not harmonised) ?
42. The Delegate of Saudi Arabia suggested that the Secretariat clarify all these questions during the intersession through a questionnaire to be sent to Member administrations.
43. The Chairperson instructed the Secretariat to conduct research on the issues identified by the Technical Committee and to prepare a new draft which would take into account all the questions raised. He invited delegations to submit comments in writing during the intersession.

(b) Revenue Package
(Doc. OC0139E1a)

44. A representative of the Secretariat informed the Technical Committee that in light of the possible impact of the global financial crisis on government revenues, the WCO had recently launched an initiative for the development of a revenue package. At the 2009 Council Sessions, a resolution was passed inviting the Secretariat and the WCO Members to further enhance the delivery of effective capacity building in order to improve revenue collection and to address possible obstacles to trade facilitation caused by the economic downturn. He stressed that the high level aim of the initiative was to help Members to improve the efficiency and effectiveness of revenue collection in compliance with the rules and standards in relevant international agreements / conventions or other supporting tools and instruments.

45. The representative of the Secretariat pointed out that the Revenue Package aimed to provide the necessary technical tools for efficient and effective revenue collection and to identify possible gaps. He explained that in the first phase, all available material relevant to revenue collection in the three technical areas falling under the Tariff and Trade Affairs Directorate, i.e., classification, valuation and origin was collated by the Secretariat. He went on by saying that the Secretariat felt it useful to work across the WCO Directorates, involving other areas, such as facilitation procedures, control and enforcement, where there are many supporting instruments that underpin the effective control and implementation of each of the three technical areas. In a second phase, the Secretariat is conducting a series of Regional Workshops in each of the six WCO regions in order to present the available tools and instruments (material available on a CD-ROM, via online bookshop or other WCO publications). The Technical Committee was informed that three of these Regional Workshops had already been held (in South-Korea for ASIA-PACIFIC, in Morocco for Middle East and North Africa and in Uganda for Eastern and Southern Africa). Further workshops are planned in the Dominican Republic for the Americas and the Caribbean Region and in the Former Yugoslav Republic of Macedonia for Europe. In a third phase, further tools and guidelines may be developed. As an example, he mentioned that participants of the Workshop in Morocco considered that further assistance was needed to address capacity building needs in the field of origin verification due to the negotiations of preferential trade agreements with countries which had not yet been involved in reciprocal dismantling of tariffs.
46. The representative of the Secretariat invited the Technical Committee to consider whether the areas for further research in the field of origin identified by the Secretariat under item V. of the working document properly reflect the needs of the WCO Member administrations. Referring to tools and instruments listed in the Revenue Package Schedule of Existing Texts, Tools and Instruments annexed to the working document, he invited the Technical Committee to provide comments and suggestions as appropriate and to identify possible areas for further actions.
47. The Technical Committee welcomed the initiatives taken by the Secretariat under the Revenue Package and encouraged Members to make full use of the existing tools and instruments. The Delegate of China suggested further exploring the following tools and instruments in the field of origin management by :
- selecting and compiling origin fraud cases by the Secretariat which would be disseminated with a view of improving Members' awareness on origin fraud and

OC0142E1b

providing practical guidelines for Members' operations in the prevention and detection of origin fraud;

- o encouraging the exchange of information regarding Members' experiences in transshipment control as far as origin is concerned, in order to provide Member administrations with operational assistance and practical guidelines on origin enforcement;
- o establishing a database for samples of certificates of origin, both in the preferential and non-preferential areas.

c) Customs in the 21st Century

(Doc. OC0140E1a)

48. The Deputy Director invited the Technical Committee to identify possible areas of development for origin in the ten building blocks presented in the Council Resolution on "Customs in the 21st Century".
49. The ICC representative welcomed this initiative, expressed support for the building blocks, and encouraged the WCO to foster close working relations with the private sector.
50. The Delegate of China noted certain similarities between the Revenue Package and Customs in the 21st Century. For example, there were linkages with the building blocks of C21 and the objectives of the Revenue Package, and both contained gap analysis for existing tools. She thought it would be useful to examine how C21 and the Revenue Package related from the origin perspective. The Chairperson agreed that this matter could be looked at further in the future.
51. The Technical Committee took note of the working document and the comments made by delegations.

d) Presentation of ICC's work with regard to origin

52. Given the shared commitments by WCO and the International Chamber of Commerce (ICC) of bringing greater trade facilitation to the expanding international business community, the representative of the ICC called for a strengthened WCO-ICC partnership. She recalled that this relationship had been underpinned with a Memorandum of Understanding which ICC signed with the WCO on 19 June 1996 in Hong Kong to set up and promote

consultations between the two organisations, to develop guidelines for customs and business best practices and to co-operate in capacity building and modernisation activities of Customs administrations. The representative of the ICC identified the following areas for possible collaboration :

- WCO's support for ICC's International Certificates of Origin Guidelines;
- Development of an international set of Guidelines for Certificates of Origin;
- Establishment of a joint Certificate of Origin Training Programme.

53. Bearing in mind that certificates of origin played an important role in origin fraud, she informed the Technical Committee of ICC's intention to set up international standards for the implementation and acceptance of electronic certificates of origin. Besides these initiatives in the area of origin certification, the representative of the ICC suggested exploring the possibility of building a joint ICC/WCO Register, i.e., a database generating a unique ID number per Certificate of Origin with a compiled list of accredited Chambers and their authorised signatories.

- e) Presentation of "DigiChambers" (electronic system used for the issuance of non-preferential certificates of origin) by Belgium

54. A representative of the Belgian delegation presented "DigiChambers", an electronic system used for the issuance of non preferential certificates of origin. The system had been developed by the Federal Public Service for Economy of Belgium (SPF Economie) and the Federation of the Chambers of Commerce and Industry of Belgium (FCCIB) and represented an important simplification tool based on new information technologies to utilize electronic certificates of origin, by offering the possibility to apply on-line for Certificates of Origin and, after approval by the Chamber of Commerce, to print them on the premises of the applicants.

VI. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSONS

55. The Technical Committee re-elected Mr. P. LIU as Chairperson and Ms. K.J.B. KAWANDA as Vice-Chairperson for a one-year period, by acclamation.

56. The Deputy Director informed the Committee on the departure of Mr. P.-P. DE VAUCHER, Technical Attaché, who returned to his home administration at the end of December 2009 and expressed his thanks for Mr. DE VAUCHER's contribution to the work of the Technical Committee.

VII. DATE AND PLACE OF NEXT SESSION

57. It was proposed, on a provisional basis, that the TCRO's next session be held in January 2011. The duration of the session would depend on the progress made by the CRO by the end of 2010. In accordance with the Technical Committee's Rules of Procedure, the date and place of the next session would be fixed by the Secretary General in consultation with the Chairperson.

Ping LIU,
Chairperson.

* * *

PROVISIONAL LIST OF DELEGATES
LISTE PROVISOIRE DES DELEGUES
LISTA PROVISIONAL DE DELEGADOS

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Annex to
Annexe A au Doc. OC0142
Anexo al
(OC/26/Jan./jan./ene. 2010)

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Annex to
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Anexo al
(OC/26/Jan./jan./ene 2010)

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Anexo al
(OC/26/Jan./jan./ene 2010)

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Annex to
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Anexo al
(OC/26/Jan./jan./ene. 2010)

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Anexo al
(OC/26/Jan./jan./ene. 2010)

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M. S. BENBRAHAM
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* * *

AGENDA FOR THE 28TH SESSION
OF THE TECHNICAL COMMITTEE ON RULES OF ORIGIN

(Monday 25 January 2010)
Doc. OC0131E1b

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* * *

REPORT BY WTO SECRETARIAT REPRESENTATIVE

January 2010

Thank you Chairman,

1. Last year the Committee on Rules of Origin (CRO) held two meetings in June and in October. The Committee re-elected Ms. Vera THORSTENSEN (Brazil) as Chairperson. The Committee also heard the report of the work of the TCRO, and carried out the Annual Review of the Implementation and Operation of the Agreement on Rules of Origin, and Annual Report to the Council of Trade in Goods.
2. As concerns the Harmonization Work Programme, the CRO continued its discussion on technical issues, and the outcome of the discussions are reflected in the revised draft consolidated text (document G/RO/W/111/Rev.4), which has been continuously improved.
3. The work of the CRO last year had particularly focused on drafting Appendix 2 – Rule 1 (Determination of origin). Members fully agreed on the basic concepts and approaches. They differ only in wording of some provisions and in a subtly different understanding of a certain concept. It is foreseen that the full agreement will be achieved in the near future.
4. The next meeting of the CRO will be held on 25 March 2010, preceded by informal consultations on 23-24 March.
5. This brings me to the end of my report.

* * *



TECHNICAL COMMITTEE
ON RULES OF ORIGIN

-
28th Session
-

OC0136E1a

O. Eng.

Brussels, 15 December 2009.

ELEVENTH PERIODIC REPORT ON TECHNICAL ASPECTS
OF THE OPERATION AND STATUS OF THE ORIGIN AGREEMENT
FOR THE PERIOD FROM 1 JANUARY TO 31 DECEMBER 2009

(Item IV (a) on the Agenda)

Reference documents :

OC0089E1 (TCRO/22)
OC0091E1 (TCRO/22)
OC0096E1a (TCRO/23)
OC0102E1a (TCRO/24)

OC0109E1a (TCRO/25)
OC0118E1a (TCRO/26)
OC0127E1a (TCRO/27)

I. DRAFT ELEVENTH PERIODIC REPORT

Technical aspects of the operation and status of the Agreement

1. There has been no change in the texts of the Agreement.

Parts I, II and III and Annexes I and II to the Agreement

Notifications by Members

2. Seventy-seven Members have notified their non-preferential rules of origin to the WTO. Eighty-four Members have notified preferential rules of origin (see Doc. G/RO/M/52 of WTO).

Technical assistance activities

3. During 2009, the following technical assistance activities relating to the harmonization of non-preferential rules of origin and preferential rules of origin were conducted at the request of Members:

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Type of Activity	Date	Venue	Participants
Regional Seminar for Members of the West and Central Africa	30 March - 3 April 2009	Ouagadougou, Burkina Faso	29 participants
Regional Seminar for WCO-Members of the Asia/Pacific Region	15 – 19 June 2009	Kashiwa, Japan	24 participants

Part IV of the Agreement – Harmonization of Rules of Origin – (Article 9)

Status of the Harmonization Work Programme

4. With regard to the Harmonization Work Programme carried out by the Committee on Rules of Origin, the number of outstanding issues, namely 137, has remained unchanged.

Meetings of the Technical Committee

5. During the period under review, one formal session of the Technical Committee on Rules of Origin (TCRO) (27th Session) was held on 26 January 2009. The questions to be examined are contained in the Report (Doc. OC0130E1b).

Election of Chairperson and Vice-Chairperson

6. The Technical Committee re-elected Mr. Ping Liu, Director of Origin Division of the General Administration of China Customs, as Chairperson and Mrs. K.J.B. KAWANDA, Customs Attaché of the Democratic Republic of the Congo as Vice-Chairperson for the year 2009 (including the 28th session of the TCRO in 2010).

II. CONCLUSION

7. The Technical Committee is requested to approve the Eleventh Periodic Report as set out above.
-



TECHNICAL COMMITTEE
ON RULES OF ORIGIN

OC0137E1a

-
28th Session
-

O. Eng.

Brussels, 16 December 2009.

ELEVENTH ANNUAL REVIEW ON TECHNICAL ASPECTS OF THE
IMPLEMENTATION AND OPERATION OF PARTS II AND III OF THE
ORIGIN AGREEMENT FOR THE PERIOD FROM 1 JANUARY TO 31 DECEMBER 2009

(Item IV (b) on the Agenda)

Reference documents :

OC0103E1a (TCRO/24)
OC0110E1a (TCRO/25)

OC0119E1a (TCRO/26)
OC0128E1a (TCRO/27)

I. DRAFT ELEVENTH ANNUAL REVIEW

Technical aspects of the implementation and operation of Parts II and III of the Agreement

1. There has been no change in the texts of the Agreement.

Technical review of Part II – Disciplines to govern the application of Rules of Origin –
(Articles 2 and 3)

Article 2 (Disciplines during the transition period)

2. No difficulties with regard to specific issues were reported to the Technical Committee on Rules of Origin (TCRO) relating to the disciplines during the transition period.

Article 3 (Disciplines after the transition period)

3. Article 3 was not applicable during the period under review.

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Technical review of Part III – Procedural arrangements on notification, review, consultation and dispute settlement – (Articles 4, 5, 6, 7 and 8)

Article 4 (Institutions)

4. At its 27th Session, the Technical Committee re-elected Mr. Ping LIU, Director of Origin Division of the General Administration of China Customs, as Chairperson and Ms. K.J.B. KAWANDA, Customs Attaché of the Democratic Republic of the Congo as Vice-Chairperson for the year 2009 (including the 28th session of the TCRO in 2010).
5. The following items were discussed and conducted at the 27th Session of the TCRO:
 - An account of the work done by the WTO Committee on Rules of Origin;
 - Technical assistance activities.

Article 5 (Information and procedures for modification and introduction of new Rules of Origin)

6. According to the World Trade Organization, 77 Members have notified their non-preferential rules of origin. 84 Members have notified preferential rules of origin (G/RO/M/52).

Article 6 (Review)

7. No specific issues were raised during the period under review.

Article 7 (Consultation)

8. No specific issues were reported to the Technical Committee during the period under review.

Article 8 (Dispute settlement)

9. No issues related to dispute settlement were reported to the TCRO during the period under review.

II. CONCLUSION

10. The Technical Committee is requested to approve the Eleventh Annual Review as set forth above.
-



TECHNICAL COMMITTEE
ON RULES OF ORIGIN

OC0147E1a

-
29th Session
-

O. Eng.

Brussels, 15 December 2010.

POSITION REGARDING MEMBERS AND OBSERVERS OF THE TECHNICAL
COMMITTEE ON RULES OF ORIGIN

(Item III. 1 on the agenda)

1. In accordance with the provisions of the Agreement on Rules of Origin (the Agreement), Annex I, paragraph 4, Members of the World Trade Organization (WTO) are “members” of the Technical Committee on Rules of Origin (Technical Committee) (Annex I hereto).
2. Meetings of the Technical Committee are also attended by Observers from the World Customs Organization (WCO) who are not Members of the WTO and the WTO Secretariat. At the invitation of the Secretary General of the WCO and with the prior approval of the Chairperson of the Technical Committee, representatives of governments who are neither Members of the WTO nor Members of the WCO and representatives of international governmental and trade organisations (Agreement, Annex I, paragraphs 4, 5 and 6) (Annex II hereto) can also participate.
3. Regarding the last-mentioned category of Observers, the Chairperson has approved the invitation of the international governmental and trade organisations listed in Annex II to this document.

For reasons of economy, documents are printed in limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

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Antigua and Barbuda	Hong Kong, China	Senegal
Argentina	Hungary	Sierra Leone
Armenia	Iceland	Singapore
Australia	India	Slovakia
Austria	Indonesia	Slovenia
Bahrain	Ireland	Solomon Islands
Bangladesh	Israel	South Africa
Barbados	Italy	Spain
Belgium	Jamaica	Sri Lanka
Belize	Japan	Suriname
Benin	Jordan	Swaziland
Bolivia	Kenya	Sweden
Botswana	Korea (Rep. of)	Switzerland
Brazil	Kuwait	Chinese Taipei
Brunei Darussalam	Kyrgyzstan	Tanzania
Bulgaria	Latvia	The Former Yugoslav
Burkina Faso	Lesotho	Republic of Macedonia
Burundi	Liechtenstein	Thailand
Cambodia	Lithuania	Togo
Cameroon	Luxembourg	Tonga
Canada	Macau, China	Trinidad and Tobago
Cape Verde	Madagascar	Tunisia
Central African Republic	Malawi	Turkey
Chad	Malaysia	Uganda
Chile	Maldives	Ukraine
China	Mali	United Arab Emirates
Colombia	Malta	United Kingdom
Congo (Rep. of the)	Mauritania	United States
Costa Rica	Mauritius	Uruguay
Côte d'Ivoire	Mexico	Venezuela
Croatia	Moldova	Vietnam
Cuba	Mongolia	Zambia
Cyprus	Morocco	Zimbabwe
Czech Republic	Mozambique	
Democratic Republic of the	Myanmar	
Congo	Namibia	
Denmark	Nepal	
Djibouti	Netherlands (+ Antilles)	
Dominica	New Zealand	
Dominican Republic	Nicaragua	
Ecuador	Niger	
Egypt	Nigeria	
El Salvador	Norway	
Estonia	Oman	
European Communities	Pakistan	
Fiji	Panama	
Finland	Papua New Guinea	
France	Paraguay	
Gabon	Peru	
Gambia	Philippines	
Georgia	Poland	
Germany	Portugal	
Ghana	Qatar	
Greece	Romania	
Grenada	Rwanda	
Guatemala	Saint Kitts and Nevis	
Guinea-Bissau	Saint Lucia	
Guinea	Saint Vincent and the	
Guyana		

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TECHNICAL COMMITTEE
 ON RULES OF ORIGIN

OC0144E1a

-
 29th Session
 -

O. Eng.

Brussels, 15 December 2010.

INTERSESSIONAL DEVELOPMENTS

DIRECTOR'S REPORT

(Item III. 2 (a) on the agenda)

1. Several activities relating to rules of origin have taken place since the 28th Session of the Technical Committee on Rules of Origin (TCRO) in January 2010. The WCO Council held its 115th /116th Sessions, the WTO Committee on Rules of Origin (CRO) held two formal meetings, and the WCO Directorate continued its technical assistance activities.

I. 115th /116th WCO COUNCIL SESSIONS

Report of the Chairperson of the TCRO

2. The Chairperson of the Technical Committee on Rules of Origin (TCRO), Mr. Ping LIU (People's Republic of China), presented the TCRO Report to the Council (see item 5 (a), paragraphs 88 to 97 of Doc. SC0105E1a). The written report by the Chairperson had been issued on advance of the sessions (see the Annex to this document).
3. The Chairperson of the Technical Committee gave a brief report to the Council on the work accomplished at the TCRO's 28th Session (January 2010) with a summary of the intersessional developments and technical assistance activities.
4. Turning to the work of the Secretariat related to the implementation of the Action Plan and Package of Measures adopted by the Council in 2007, the Chairperson of the TCRO informed the Council that the Secretariat was finalizing the uploading of origin legislation into the Database of Preferential Agreements and that the publication of the Database on the WCO Members' Web site was imminent. He explained that the Secretariat was seeking a way to establish an institutional framework for decentralized information gathering to ensure continuous updating of the Database. Furthermore, the work on the establishment of the Comparative Study on Preferential Rules of Origin has been finalized with a prototype comparing NAFTA and EUR-MED rules of origin.

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5. With regard to the developments resulting from the 2009 Council Sessions, the Chairperson of the TCRO recalled that the TCRO welcomed the initiatives taken by the Secretariat under the Revenue Package initiative and the Council Resolution on “Customs in the 21st Century”. The TCRO had been invited to identify possible areas in the field of origin for further action under both initiatives.
6. Before concluding his report with a summary of the capacity building activities provided by the Secretariat in the intersession, the Chairperson of the TCRO informed the Council about the ongoing work regarding the drafting of non-binding Technical Guidelines on Binding Origin Information (BOI).
7. The Observer for the World Trade Organization (WTO) briefed the Council with regard to the progress of the negotiations on the harmonization of non-preferential rules of origin and highlighted the efforts made by Members to achieve the expected outcome.
8. The Council took note of the draft Report of the 28th Session of the Technical Committee on Rules of Origin and all origin-related developments in the field of rules of origin.

Other issues discussed at the last Policy Commission and Council Sessions related to the work of the TCRO

Revenue Package

9. At the Policy Commission in June 2010, The Deputy Secretary General summarized the background to the Revenue Package programme which had been developed to assist Members with fair and efficient revenue collection, in the context of the global financial crisis and falling duty rates. He noted that revenue collection continued to be a high priority in many countries where Customs duty formed a significant part of government income. The basis for addressing this issue was set out in a Council Resolution of June 2009.
10. The three pillars of the programme were explained; as pillar one, a Schedule of all tools and instruments relevant to revenue collection had been compiled by the Secretariat (published in the Annex to Doc. SP0320). A CD had been produced, containing the Schedule and all freely-available tools and instruments (French and English versions available).
11. As pillar two, a series of six Regional Workshops had been conducted, with two main objectives: (1) to promote awareness and use of existing tools and instruments, and (2) to identify and discuss Members’ further needs and concerns in this regard.
12. In terms of the key themes which had emerged during the Workshops, difficulties in tackling undervaluation had been highlighted as a significant problem in all the regions. Another issue raised by many countries was a need for assistance with the implementation of new Free Trade Agreements and the verification of preferential origin claims. There was also a need to improve knowledge and increase the availability of tools, instruments and other supporting material.
13. Finally, the third pillar was the development and delivery of an Action Plan to address these needs.
14. The Deputy Secretary General identified three proposed main areas for future work, based on the outcomes of the Regional Workshops and the Policy Commission’s comments.

The first of these areas was providing assistance to Members with the verification of Customs values.

15. The second proposed area for future work concerned assistance to Members with the verification of preferential origin under new Free Trade Agreements. For this purpose, it was proposed that a study on the typology of origin control methods be conducted as part of the Comparative Study on Origin.
16. The third proposed area of work involved helping Members to improve their knowledge of key tools and instruments via an enhanced Web site, an e-learning module and a module for delivery at national or regional seminars. Where the delivery of seminars was concerned, it was also proposed that the pool of accredited trainers be strengthened.
17. An Action Plan would be presented to the Policy Commission in December 2010.

Risk Management Compendium

18. At the Policy Commission in June 2010, the Chairperson recalled that risk management had been identified as one of the key building blocks in the Customs in the 21st Century paper, and was currently one of the priorities of the WCO.
19. The Director, Compliance and Facilitation, informed about the work to prepare the WCO Risk Management Compendium, and to outline an implementation plan for the work on risk management during the coming year.
20. The Director described the origins of the Compendium and the work done by the Secretariat to date. He also clarified the content of the Compendium, and outlined the work to be done so that the Compendium could be submitted to the Policy Commission and the Council for adoption in June 2011. He also stressed that both Volumes of the Compendium were living documents and would be updated on a continual basis. Both Volumes of the Compendium would go to the relevant technical committees before being presented to the Policy Commission and Council in June 2011.

Availability of documents

21. In the context of increased transparency and accountability, each WCO Technical Committee is to be asked to consider its position regarding the availability of its working documents to all interested parties. This issue will be discussed separately under Agenda Item V (c).
22. The Policy Commission and Council will take a final decision on the wider availability of WCO documents at their sessions in June 2011.

II. WORK OF THE WTO COMMITTEE ON RULES OF ORIGIN (CRO)

23. Since the 28th Session of the TCRO, the CRO has held two formal meetings in the WTO Headquarters in Geneva as well as a workshop on the historical development of the negotiations and on machinery. The representative of the CRO will give an oral report on the work of the CRO under Agenda Item III, 2. (b).

III. TECHNICAL ASSISTANCE ACTIVITIES OF THE SECRETARIAT

24. Since the 28th Session of the TCRO and at the request of Members, the Secretariat has conducted two technical assistance programmes relating to the harmonization of non-preferential rules of origin as well as preferential rules. One mission was organised in Angola from 23 February to 2 March 2010 as a national seminar and one mission took place in the Bahamas from 8 to 14 September 2010 as well as a national seminar.
25. One expert of the WCO Secretariat participated in an APEC/MAG meeting in May 2010.
26. On 7 December 2010 the Secretariat was invited to present non-preferential rules of origin to students participating in the International Training Programme on Rules of Origin organized by the Swedish National Board of Trade. This event was entirely financed by the Swedish International Development Cooperation Agency (SIDA) and offered as part of its bilateral development assistance a training programme for policy-makers, trade and customs advisors from developing countries involved in issues relating to rules of origin.
27. The Secretariat continued its participation at the Master's Course "Master of Customs Administration" at the University of Münster in Germany by providing assistance in the field of origin to students from African countries on 23 November 2010.
28. The Secretariat would like to thank the countries and international organizations which endeavoured to sponsor these programmes and invite them to follow suit.

IV. PROGRESS REPORT ON IMPLEMENTING THE ACTION PLAN

29. With the adoption of the WCO Action Plan to improve the understanding and application of Preferential Rules of Origin, WCO Members have increased the profile of the Organization in the field of preferential rules of origin.
30. A comprehensive report of the recent developments with regard to the launch of the Database of Preferential Agreements and its related Rules of Origin as well as the establishment of the Comparative Study on Preferential Rules of Origin is outlined in document OC0135E1a.

Database of Preferential Agreements

31. The Database will be updated to cover as well preferential rules of origin from GSP schemes.

Comparative Study on Preferential Rules of Origin

32. The Comparative Study on Preferential Rules of Origin is published on the WCO Public Website and translations of the study are planned.

Study on the Typology of Origin Control Methods

33. One of the proposed area for future work within the Revenue Package concerns assistance to Members with the verification of preferential origin under new Free Trade Agreements. For this purpose, the Secretariat is conducting a study on the typology of origin control methods as part of the Comparative Study on Origin.

34. The Secretariat sent out a questionnaire to Members in October 2010 and the responses from Members show an important interest in the subject and a need for assistance to Members.
35. An in debt analysis of the responses is currently being conducted by the Secretariat and the study will be published as a Module of the existing Comparative Study. The following steps will be establishing of guidance and good practice within the field of origin control methods.

V. CONCLUSION

36. The Committee is invited to take note of the initiatives undertaken by the Secretariat and of the report on the intersessional developments.
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TECHNICAL COMMITTEE
 ON RULES OF ORIGIN

OC0145E1a

-
 29th Session
 -

O. Eng.

Brussels, 15 December 2010.

TWELFTH PERIODIC REPORT ON TECHNICAL ASPECTS
 OF THE OPERATION AND STATUS OF THE AGREEMENT
 FOR THE PERIOD FROM 1 JANUARY TO 31 DECEMBER 2010

(Item IV (a) on the agenda)

I. DRAFT TWELFTH PERIODIC REPORT

Technical aspects of the operation and status of the Agreement

1. There has been no change in the texts of the Agreement.

Parts I, II and III and Annexes I and II of the Agreement

Notification by Members

2. Since the last session three Members have notified their non-preferential rules of origin to the WTO, bringing the total number to eighty Members. One hundred and twenty-five Members have notified preferential rules of origin, which is forty-one more since the last session (see WTO Doc. G/RO/W/135).

Technical assistance activities

3. During 2010 the following technical assistance activities relating to the harmonization of non-preferential rules of origin and preferential rules of origin were conducted at the request of Members:

Type of activity	Date	Venue	Participants
National Seminar for Customs Administration in Angola	23 February – 2 March 2010	Luanda, Angola	24 participants
National Seminar for Customs Administration of the Bahamas	8-14 September 2010	Nassau, Bahamas	20 participants

For reasons of economy, documents are printed in limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

Part IV of the Agreement – Harmonization of Rules of Origin (Article 9)

Status of the Harmonization Work Programme

4. With regard to the Harmonization Work Programme carried out by the Committee on Rules of Origin, the number of outstanding issues, namely 137, has remained unchanged.

Meetings of the Technical Committee

5. During the period under review, one formal session of the Technical Committee on Rules of Origin (TCRO) (28th Session) was held on 25 January 2010. The questions to which were examined are contained in the Report (Doc. OC0142E1b).

Election of Chairperson and vice-Chairpersons

6. The Technical Committee re-elected Mr. Ping LIU, Director of Origin Division of the General Administration of China Customs, as Chairperson and Mrs. K.J.B. KAWANDA, Customs Attaché of the Democratic Republic of the Congo as Vice-Chairperson for the year 2010 (including the 29th Session of the TCRO in 2011).

II. CONCLUSION

7. The Technical Committee is requested to approve the Twelfth Periodic Report as set out above.



TECHNICAL COMMITTEE
 ON RULES OF ORIGIN

OC0146E1a

-
 29th Session
 -

O. Eng.

Brussels, 15 December 2010.

TWELFTH ANNUAL REVIEW ON TECHNICAL ASPECTS OF THE IMPLEMENTATION
 AND OPERATION OF PARTS II AND III OF THE ORIGIN AGREEMENT
 FOR THE PERIOD FROM 1 JANUARY TO 31 DECEMBER 2010

(Item IV (b) on the agenda)

I. DRAFT TWELFTH ANNUAL REVIEW

Technical aspects of the implementation and operation of Parts II and III of the Agreement

1. There has been no change in the texts of the Agreement.

Technical review of Part II – Disciplines to govern the application of Rules of Origin
 (Articles 2 and 3)

Article 2 (Disciplines during the transition period)

2. No difficulties with regard to specific issues were reported to the Technical Committee on Rules of Origin (TCRO) relating to the disciplines during the transition period.

Article 3 (Disciplines after the transition period)

3. Article 3 was not applicable during the period under review.

Technical review of Part III – Procedural arrangements on notification, review, consultation
 and dispute settlement (Articles 4, 5, 6, 7 and 8)

Article 4 (Institutions)

4. At its 28th Session, the Technical Committee re-elected Mr. Ping LIU, Director of Origin Division of the General Administration of China Customs, as Chairperson and Mrs. K.J.B. KAWANDA, Customs Attaché of the Democratic Republic of the Congo as Vice-Chairperson for the year 2010 (including the 29th Session of the TCRO in 2011).

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5. The following items were discussed and conducted at the 28th Session of the TCRO :

- An account of the work done by the WTO Committee on Rules of Origin;
- Technical assistance activities.

Article 5 (Information and procedures for modification and introduction of new Rules of Origin)

6. According to the World Trade Organization, since the last session three Members have notified their non-preferential rules of origin to the WTO, bringing the total number to eighty Members. One hundred and twenty-five Members have notified preferential rules of origin, which is forty-one more since the last session (see WTO Doc. G/ROW/135).

Article 6 (Review)

7. No specific issues were raised during the period under review.

Article 7 (Consultation)

8. No specific issues were reported to the Technical Committee during the period under review.

Article 8 (Dispute settlement)

9. No issues related to dispute settlement were reported to the TCRO during the period under review.

II. CONCLUSION

10. The Technical Committee is requested to approve the Twelfth Annual Review as set for the above.



TECHNICAL COMMITTEE
ON RULES OF ORIGIN

OC0150E1a

-
29th Session
-

O. Eng.

Brussels, 15 December 2010.

AVAILABILITY OF TECHNICAL COMMITTEE DOCUMENTS AND REPORTS
ON THE WCO WEBSITE
(Item V (c) on the Agenda)

Reference documents :

OC0069E1 (TCRO/20)
OC0071E2 (TCRO/20)

I. BACKGROUND

1. As part of its ongoing policy of transparency and accountability, the WCO Secretariat would like to make freely available to all interested parties via its Web sites as many of the WCO technical Committees' working documents and reports as possible. This would be consistent with the practice followed by many other intergovernmental organizations and would also be fully in keeping with the principle of partnership with the private sector, that being the Organization's chosen theme for 2010.
2. Since this matter was last examined by the WCO Committees in 2001/2002, the global environment in which Customs administrations operate has changed considerably, with a marked trend towards greater transparency and openness. To that end, the WCO Committees including the Technical Committee on Rules of Origin (TCRO) are asked to consider and review its position regarding the availability of its working documents and reports via the WCO Web site.

II. CURRENT STATUS

3. As instructed by the 97/98 Sessions of the WCO Council held in June 2001, the TCRO, at its 20th Session held in February 2002, has agreed on standard procedures for the publication of its working documents and reports on the WCO Web site, which is described in Doc. OC0069E1. The basic features of the standard procedures are as follows :
 - cover all historical documents (working documents and reports);
 - do NOT include documents falling outside of formal document series, e.g., non-papers, business confidential information, nor current working documents;

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- the WCO Secretariat to circulate a notification for consideration for derestiction of all documents which have been closed, and unless a Member objects to the derestricition of any documents within a specified period, then all the documents listed would be deresticted.

4. By following the derestricition process as approved, the WCO Secretariat has made available all historical working documents and reports from the 1st to 21st Sessions of the TCRO on the WCO public Website. The documents reports and can be searched and retrieved through the document database in the WCO public website.
<http://www.wcoomd.org/indexingServer/>

III. PROPOSED ACTION

Review on the procedures for the publication of documents and reports on the WCO public Web site

5. Concerning the standard procedures as approved at the 20th Session of the TCRO, the WCO Secretariat is of the view that the procedures are appropriate and adequate, and that there is no need for renewal in any part. Thus, it is proposed to leave the procedures as have been agreed at the 20th Session of the TCRO.

6. However, taking into consideration of the fact that only up to the documents of the 21st Session that is currently available on the WCO Web site, it is perceived that the derestricition process had only been carried out at the 21st and 22nd Sessions of the TCRO. Basically, the derestricition process should be conducted periodically, and since the list of documents to be considered for derestricition depend on whether the content of such documents had been approved by the Technical Committee, the derestricition process should take place after the end of every Session of the TCRO. The WCO Secretariat will ensure to carry out the necessary procedures for derestricition after every Session of the TCRO.

Improvement of accessibility

7. In order to ensure for the interested parties an appropriate accessibility to the TCRO documents, it must be simple and easy for the users to find the documents they need on the WCO Web site. As of now, the TCRO documents and reports can only be retrieved through the "search" function, and there is no list of documents available to browse what documents exist.
8. The Secretariat would like to propose to make available on the WCO public Web site a list of documents for each Session of the TCRO which contains hyperlinks to the documents, in the same manner as available on the Members Web site. This could be done for all documents and reports from 1st to 28th Session of TCRO, subject to approval for derestricition by the Members.
9. The Secretariat would furthermore welcome all comments and suggestions from Members with a view to making the WCO Web site more complete and user friendly.

IV. CONCLUSION

10. The Technical Committee on Rules of Origin is invited to endorse the proposed actions as set forth above.



TECHNICAL COMMITTEE
 ON RULES OF ORIGIN

OC0151E1a

-
 29th Session
 -

O. Eng.

Brussels, 15 December 2010.

ADOPTION PROCEDURE OF TCRO REPORTS
 (Item V (d) on the Agenda)

Reference document :

OC0142E1b (Draft Report of the 28th session of the TCRO), para. 8.

I. BACKGROUND

1. At the 28th session of the Technical Committee on Rules of Origin (TCRO) attention was drawn to the procedure of approval of reports. According to the practice in place the report presented at the WCO Council in June is approved by the TCRO in January the following year. This means that the report presented to the Council has not yet been adopted by the TCRO. For this reason it was requested to examine the existing procedure of adoption of reports. As an option it was suggested that there could be a written adoption of the report in the intersession prior to the Council meeting in June in order to present an already adopted report to the Council. Hence, the Secretariat was requested to revise the adoption procedure for the TCRO report in line with current adoption procedures in other WCO bodies.
2. The report adoption procedures of WCO Committees and Sub-Committees closest linked to Technical Committee on Rules of Origin is examined and briefly described below.

II. ADOPTION PROCEDURES IN DIFFERENT COMMITTEES OF THE WCO

a) Technical Committee on Customs Valuation

3. Technical Committee on Customs Valuation (TCCV) in accord with the adopted Rules of Procedure meets at least two times a year. Normally those meetings take place in spring (March or April) and in autumn (October). During the spring session Committee adopts the report of the Committee session held in autumn and the report of the spring session is

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finalized during the following autumn session. Consequently, at the Council session in June the Technical Committee on Customs Valuation presents the finalized report of autumn session and the draft report of spring session which shall be adopted during the following Committee session in autumn.

b) Harmonized System Committee

4. Harmonized System Committee (HSC) meets twice per year, in March and September, for sessions of fourteen days. The HSC at the end of each of its sessions finalizes and adopts the report of the said session. Therefore at the Council meeting in June the final report of the sessions held in September and March are presented.

c) Harmonized System Review Sub-Committee

5. Harmonized System Review Sub-Committee functions in close collaboration with the Harmonized System Committee. The Sub-Committee meets twice a year - in May and in November. The reports of the HS Review Sub-Committee are finalized during the following sessions of the HSC. In fact the report of the HS Review Sub-Committee held in November is finalized at the HS Committee's following March session and the report of the Sub-Committee's May Session is finalized during the HS Committee's September session. Accordingly, at the Council meeting HS Review Sub-Committee presents a final report of the Sub-Committee's session held in November of the previous year and a draft report of the session held in May of the current year, which should be finalized in following September.

d) Scientific Sub-Committee

6. The sessions of the Scientific Sub-Committee (SSC) are held once a year in January. The reports of the SSC, like the ones of HS Review Sub-Committee, are adopted during the HSC sessions. Thus report of SSC is adopted in March during the HSC session. Therefore the SSC report presented to the Council is in its final version.

III. CONCLUSION

7. The situation with the adoption and presentation procedures of reports of Technical Committee on Rules of Origin, Technical Committee on Valuation Committee, Harmonized System Committee, Harmonized System Sub-Committee are to large extent similar. The main difference is that TCRO has only one session a year so there is comparatively longer delay in adopting the reports. All the Committees present draft reports of those sessions that had taken place right before the Council and the Committees adopt those reports after the Council meeting, during their following session. Scientific Sub-Committee presents a final report to the Council as, though it meets only once a year, its reports are adopted by the HSC in March, i.e. prior to Council meeting.
8. Underlining the fact that the actual adoption procedure of the Technical Committee on Rules of Origin reports and the way of presentation of the reports to the Council corresponds to procedures in other WCO bodies, Secretariat suggests not to alter the TCRO report adoption procedure and continue functioning in line with other Committees.



TECHNICAL COMMITTEE
 ON RULES OF ORIGIN

OC0149E1b

-
 29th Session
 -

O. Eng.

Brussels, 3 January 2011.

TECHNICAL GUIDELINES ON BINDING ORIGIN INFORMATION

(Item V (a) on the Agenda)

Reference documents:

- OC0121E1a (TCRO/26)
- OC0122E1b (TCRO/26 - Draft Report - Item V (d) - Technical guidelines on the Binding Origin Information (paras. 29 and 30))
- OC0129E1a (TCRO/27)
- OC0130E1a (TCRO/27 - Draft Report - Item V (a) - Technical guidelines on the Binding Origin Information (paras. 35 - 39))
- OC0138E1a (TCRO/28)
- OC0142E1b (TCRO/28 - Draft Report - Item V (a) - Technical guidelines on the Binding Origin Information (paras. 36 - 43))

I. BACKGROUND

1. Advance rulings have been considered to be one of the most effective trade facilitation tools to ensure proper implementation and application of administrative procedures and trade policy measures. Hence, in the Preamble of the WTO Agreement on Rules of Origin it is recognized that clear and predictable rules of origin facilitate the flow of international trade. Moreover, the requirement for Binding Origin Information (BOI) - advance rulings in the area of origin - is provided for in Articles 2 (h) and 3 (f) of Part II of the WTO Agreement on Rules of Origin for non-preferential origin. The same requirement was also set out in Annex II of the WTO Agreement on Rules of Origin relating to preferential rules of origin.
2. A number of countries have already applied BOI. However, it has been noted that many countries are still lacking a reliable system of BOI or have difficulties in the practical implementation of BOI.

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II. DISCUSSION IN TCRO

26th Session

3. In the light of this background, this issue came up at the 26th Session of the Technical Committee on Rules of Origin (TCRO) in 2008. At this Session, the Secretariat presented Doc. OC0121E1a referring to technical guidelines on BOI and suggested that the WCO would draft a Recommendation for the practical implementation and application of the principles contained in the WTO Agreement on Rules of Origin and more precisely on the ways a requester may compile records and files for the submission of origin assessments. The TCRO requested the WCO Secretariat to prepare a proposal for Technical Guidelines on Binding Origin Information, pointing out that such technical guidelines should not challenge in any way procedures which had already been established by Members.

27th Session

4. During the intersession, a draft text for Technical Guidelines on the Binding Origin Information was prepared by the WCO Secretariat referring to legal texts on BOI of countries which have already implemented BOI systems and other draft texts circulated in the WTO Negotiating Group on Trade Facilitation at the request of some countries.
5. The draft was presented and discussed during the meeting of the TCRO in January 2009 (see Doc. OC0129E1a). The reaction of the Committee was positive. Nevertheless, it was commented that certain elements needed further reflection and clarification, i.e. the legal status of the technical guidelines and the text on annulment, modification and revocation. The Secretariat was invited to prepare a new draft for the next session of the TCRO, based on the comments made by delegations.

28th Session

6. At its 28th Session in January 2010, TCRO discussed a new draft (see Doc. OC0138E1a) that the Secretariat had prepared during the intersession and included the following amendments reflecting the comments and proposals made at its last session.
7. The Secretariat was instructed to conduct research on the issues identified by the Technical Committee and to prepare a new draft which would take into account the following questions and comments raised :
- (i) the need for clarifying whether or not such BOI would be limited to imports or exports in paragraphs 4, 16(b), 17, 26 and 27 since BOI has been applicable for the purpose of exportation as well as importation for some Members;
 - (ii) the need for clarifying whether or not there is a distinction for the use of BOI in the area of preferential as opposed to non-preferential origin;
 - (iii) the need for clarifying who is the issuing body for BOI (e.g. Customs administrations, other competent authorities) in paragraph 4(b) and explaining who is bound by BOI (a problematic situation in the field of non-preferential rules of origin where the rules are not harmonized) in paragraph 15;
 - (iv) the need for explaining the use of “modification / revocation” of BOI according to errors of law and replacing in paragraph 27 “shall be” with “may be”;

- (v) the need for replacing “modification or reversal” in paragraph 31 with “modification and revocation” because the meaning is the same.

III. NEW DRAFT FOR 29TH SESSION

8. The Secretariat prepared a new draft which includes the amendments below reflecting the comments and proposals made at previous sessions. Moreover, the Secretariat improved the wording of the technical guidelines and in some cases the Secretariat deleted paragraphs or parts of paragraphs that were redundant or confusing.
- (i) Some countries are applying BOI for the purpose of exportation as well as importation while others are applying BOI only for the purpose of importation. Bearing in mind that the Technical Guidelines on Binding Origin Information should not challenge in any way procedures already established by Members and trying to minimize the dispute which may be caused by the difference between Members in the practical implementation of binding origin information, paragraphs 4(a), 16(b), 17, 26 and 27 in which imports were referred to, were changed as follows.

TCRO/28 Text	Secretariat's revision
<p>4. For the purposes of these technical guidelines :</p> <p>(a) binding origin information means a binding official <u>decision prior to an import issued</u> by a competent authority which provides the applicant with an assessment of the origin accorded to a particular good within a period;</p>	<p>4. For the purposes of these technical guidelines :</p> <p>(a) binding origin information means a binding official <u>decision issued</u> by a competent authority which provides the applicant with an assessment of the origin <u>prior to an import or export transaction, for a specified period</u>;</p>
<p>16. Binding origin information shall be effective :</p> <p>(a) on the date on which it is issued; or</p> <p>(b) <u>on such later date as may be specified in the binding origin information, which is not later than the date of importation of the goods.</u></p>	<p><u>15.</u> Binding origin information shall be effective :</p> <p>(a) <u>from</u> the date on which it is issued; and</p> <p>(b) <u>until such date as may be specified in the binding origin information.</u></p>
<p>17. Binding origin information shall be applied only with respect to goods <u>that are imported on or after</u> the effective date of the binding origin information and are the subject of the binding origin information.</p>	<p><u>16.</u> Binding origin information shall be applied only with respect to goods that are imported <u>or exported</u> on or after the effective date of the binding origin information and are the subject of the binding origin information.</p>

<p>26. Subject to paragraph 27, a modification or revocation of binding origin information shall be applied only with respect to goods <u>that are imported on or after the effective date of modification or revocation</u> and are the subject of the binding origin information.</p>	<p><u>25</u>. Subject to paragraph 27, a modification or revocation of binding origin information shall be applied only with respect to goods <u>that are imported or exported on or after the effective date of modification or revocation</u> and are the subject of the binding origin information.</p>
<p>27. A modification or revocation of binding origin information <u>shall be applied with respect to goods that are imported</u> before the effective date of modification or revocation and are the subject of the binding origin information where the modification or revocation is:</p> <p>(a) to the detriment of the person to whom the binding origin information was issued and that person has not acted in accordance with terms and conditions of the binding origin information; or</p> <p>(b) to the benefit of the person to whom the binding origin information was issued.</p>	<p><u>26</u>. A modification or revocation of binding origin information <u>may be applied with respect to goods that are imported or exported</u> before the effective date of modification or revocation and are the subject of the binding origin information where the modification or revocation is:</p> <p>(a) to the detriment of the person to whom the binding origin information was issued and that person has not acted in accordance with the terms and conditions of the binding origin information; or</p> <p>(b) to the benefit of the person to whom the binding origin information was issued.</p>

- (ii) Bearing in mind that the WTO Agreement on Rules of Origin stipulates advance rulings without any distinction between non-preferential and preferential origin legislation, the Secretariat is of the opinion that there is no need for such a distinction in the technical guidelines for the use of BOI;
- (iii) According to research conducted by the Secretariat, the issuing body for BOI is generally the Customs Administration, although there are some variations to this. Also, BOI is only binding within the Customs territory of the administration who issued the ruling. So, for example, a BOI issued by a Customs administration for goods being exported from its territory is not binding in the Customs territory of the country of importation for those goods;
- (iv) The circumstances / reasons mentioned under paragraph 22 constitute merely a non-exhaustive list of examples for modification / revocation and there may be other reasons for modification / revocation. An example given under sub-paragraph 22(a) was reworded because of its ambiguity to some Members and in consideration of the various systems implemented by each Member, while other examples under sub-paragraph 22(b) and 22(c) remained unchanged as circumstances / reasons for modification / revocation.

TCRO/28 Text	Secretariat's revision
<p>23. Binding origin information may be modified or revoked, for example, :</p> <p>(a) <u>if the binding origin information was based on an error of fact or law;</u></p> <p>(b) if there is a change in the material facts or circumstances on which the binding origin information was based; or</p> <p>(c) if there is a change in law or judicial decision for which the binding origin information becomes incompatible with.</p>	<p><u>22.</u> Binding origin information may be modified or revoked, for example, :</p> <p>(a) <u>if the binding origin information was based on an error;</u></p> <p>(b) if there is a change in the material facts or circumstances on which the binding origin information was based; or</p> <p>(c) if there is a change in law or judicial decision for which the binding origin information becomes incompatible with.</p>

- (v) Paragraph 31 was partly quoted from the Article 2(j) and 3(h) of Part II of the WTO Agreement on Rules of Origin and Article 2(f) of Annex II. Therefore, the Secretariat is of the opinion that it is better to keep the current wording “modification or reversal” in paragraph 31 than to replace it with “modification and revocation”.

Article 2(j), 3(h) the WTO Agreement on Rules of Origin	Paragraph <u>30</u> Technical Guidelines on BOI
<p>any administrative action which they take in relation to the determination of origin is reviewable promptly by <u>judicial, arbitral or administrative tribunals or procedures, independent of the authority issuing the determination, which can effect the modification or reversal of the determination;</u></p>	<p>The right of review and appeal referred to in paragraph <u>29</u> shall include access to <u>judicial, arbitral or administrative tribunals or procedures, independent of the authority issuing the binding origin information, which can effect the modification or reversal of the binding origin information.</u></p>

IV. CONCLUSION

9. Members will find appended a proposal for a revised draft of the Technical Guidelines on Binding Origin Information. The Technical Committee on Rules of Origin is invited to examine and, if appropriate, to approve the Action Plan.

* * *

TECHNICAL GUIDELINES ON BINDING ORIGIN INFORMATION

Introduction

1. The WTO Agreement on Rules of Origin requires WTO Members to ensure that :
 - (a) upon the request of an exporter, importer or any person with a justifiable cause, assessments of the origin they would accord to a good are issued as soon as possible but no later than 150 days¹ after a request for such an assessment provided that all necessary elements have been submitted; and
 - (b) such assessments shall remain valid for three years provided that the facts and conditions, including the rules of origin, under which they have been made remain comparable.
2. Articles 2 and 3 of Part II of the WTO Agreement on Rules of Origin contain the obligation to provide origin assessments in the context of non-preferential rules of origin. The same obligation is also to be found in the context of preferential trade within the provisions of the Common Declaration with Regard to Preferential Rules of Origin in Annex II to the WTO Agreement on Rules of Origin.
3. Based on the WTO Agreement on Rules of Origin, these technical guidelines are aimed at helping the relevant bodies to enhance overall understanding of binding origin information and providing them with assistance in the practical implementation and application of binding origin information without challenging procedures already established by some Members.

Definition and Scope

4. For the purposes of these technical guidelines:
 - (a) binding origin information means a binding official decision issued by a competent authority which provides the applicant with an assessment of the origin prior to an import or export transaction, for a specified period;
 - (b) the competent authority means the customs administration that is responsible for the administration of customs laws and regulations;
 - (c) applicant means an importer, exporter, producer or any person with a justifiable cause who has applied to a competent authority for binding origin information.
5. Binding origin information may be applied for preferential or non-preferential purposes.

Application for Binding Origin Information

6. An application for binding origin information shall be made in writing to a competent authority and relate to only one type of goods and one set of circumstances conferring origin

¹ In respect of requests made during the first year from the date of entry into force of the WTO Agreement, Members shall only be required to issue these assessments as soon as possible.

and may be made by means of a form conforming to the example shown in the Appendix, if available.

7. An application for binding origin information shall contain all necessary information reasonably required to process a request for assessment of the origin including :
- (a) the name and address of the applicant;
 - (b) the applicable legal basis, i.e., stating whether the binding origin information required is for preferential or non-preferential purposes;
 - (c) a detailed description of the goods and their tariff classification;
 - (d) the composition of the goods and any methods of examination used to determine this, as necessary;
 - (e) the conditions enabling origin to be determined, the materials used and their origin, tariff classification, corresponding values and a description of the circumstances (rules on change of tariff heading, value added, description of the operation or process, or any other specific rule) enabling the conditions in question to be met; in particular the exact rule of origin applied shall be mentioned;
 - (f) the country of origin envisaged for the goods;
 - (g) any samples, photographs, plans, catalogues or other documents available on the composition of the goods and their component materials and which may assist in describing the manufacturing process or the processing undergone by the materials;
 - (h) any information to be treated as confidential, whether in relation to the public or the administrations;
 - (i) an indication by the applicant whether, to his knowledge, binding origin information for goods or materials identical or similar to those referred to under subparagraphs (c) or (e) have already been applied for or issued.
8. On receipt of the application, the competent authority shall :
- (a) notify the applicant that the request has been received; and
 - (b) ask the applicant to supply additional information where the competent authority considers that the application does not contain all the information required to give an informed opinion.
9. Any application for binding origin information may be withdrawn by the applicant submitting it at any time before the issuance of binding origin information by a competent authority.

Issuance of Binding Origin Information

10. Binding origin information shall be issued as soon as possible but no later than 150 days after receipt of an application for the binding origin information provided that all necessary elements have been submitted.
11. Binding origin information shall be issued in writing to the applicant with :

- (a) an indication of what particulars will be treated as confidential; and
- (b) a notification of the right of review and appeal of the binding origin information.

Declining and Postponing of Issuance of Binding Origin Information

- 12. The issuance of binding origin information may be declined or postponed where the applicant fails to provide additional information requested under paragraph 9 within the period specified.
- 13. The issuance of binding origin information may be declined where a good is the subject of an origin verification process or any instance of review or appeal.

Effect of Binding Origin Information

- 14. Binding origin information shall be binding, in accordance with the terms set out therein, on the authority that issued the binding origin information and not on the person to whom the binding origin information was issued.
- 15. Binding origin information shall be effective from the date on which it is issued. Binding origin information shall specify the date until which it remains valid.
- 16. Binding origin information shall be applied only with respect to goods that are imported or exported on or after the effective date of the binding origin information and are the subject of the binding origin information.
- 17. Binding origin information may be used in respect of a particular good only where it is established to the satisfaction of the authority that the good in question and the circumstances determining its origin conform in all respects to those described in the binding origin information.
- 18. Binding origin information shall remain valid for three years from the date of issuance of the binding origin information, subject to paragraph 19 or 22.

Annulment of Binding Origin Information

- 19. Binding origin information may be annulled if it was given on the basis of incorrect or incomplete information provided by the applicant.
- 20. Where, pursuant to paragraph 20, binding origin information is annulled, the person to whom the binding origin information was issued shall be notified of the annulment.
- 21. An annulment of binding origin information takes effect from the date on which the binding origin information was issued.

Modification and Revocation of Binding Origin Information

- 22. Binding origin information may be modified or revoked, for example:
 - (a) if the binding origin information was based on an error;

- (b) if there is a change in the material facts or circumstances on which the binding origin information was based; or
- (c) if there is a change in law or judicial decision for which the binding origin information becomes incompatible with.

23. Where, pursuant to paragraph 23, binding origin information is modified or revoked, the person to whom the binding origin information was issued shall be notified of:

- (a) any modification or revocation of the binding origin information;
- (b) the effective date of the modification or revocation; and
- (c) the reason for the modification or revocation.

Effect of Modification and Revocation

24. A modification or revocation of binding origin information shall be effective:

- (a) from the date on which the modification or revocation is issued; and
- (b) until such date as may be specified in the notice given.

25. Subject to paragraph 27, a modification or revocation of binding origin information shall be applied only with respect to goods that are imported or exported on or after the effective date of modification or revocation and are the subject of the binding origin information.

Retroactive or Postponed Application of Modification and Revocation

26. A modification or revocation of binding origin information may be applied with respect to goods that are imported or exported before the effective date of modification or revocation and are the subject of the binding origin information where the modification or revocation is :

- (a) to the detriment of the person to whom the binding origin information was issued and that person has not acted in accordance with the terms and conditions of the binding origin information; or
- (b) to the benefit of the person to whom the binding origin information was issued.

27. The effective date of a modification or revocation of binding origin information shall be postponed if the person to whom the binding origin information was issued demonstrates that he has relied on that binding origin information in good faith and that the modification or revocation is to his detriment.

28. Postponement made under paragraph 28 shall be notified to the person to whom the binding origin information was issued.

Review and appeal

29. Any applicant who has received binding origin information from a competent authority may request a review and lodge an appeal regarding that binding origin information, including any modification, revocation or annulment of it.
30. The right of review and appeal referred to in paragraph 30 shall include access to judicial, arbitral or administrative tribunals or procedures, independent of the authority issuing the binding origin information, which can effect the modification or reversal of the binding origin information.

Publication and Confidentiality

31. Subject to paragraph 33, binding origin information shall be made publicly available, including via the Internet.
32. All information that is by nature confidential or that is provided on a confidential basis for the purpose of the application of binding origin information shall be treated as strictly confidential by the authorities concerned, which shall not disclose it without the specific permission of the person or government providing such information, except to the extent that may be required to be disclosed in the context of judicial proceedings.

* * *

APPENDIX

APPLICATION FOR BINDING ORIGIN INFORMATION (BOI)

1. Applicant (name, address)					For Official Use Date of receipt : Date of issue :	
2. Importer, exporter, producer, and the agent (name, address) (if known)						
3. Legal framework (preferential/non preferential)						
4. Description of Goods					5. Tariff Classification of Goods	
6. Description of materials used in manufacture					7. Rule considered to be satisfied	
Materials	HS	Origin	Value	Other		
8. Country of Origin envisaged by applicant Country of Origin Country of export (where different) Country of import						
9. Enclosures being submitted to assist with BOI of the goods Samples <input type="checkbox"/> Photographs <input type="checkbox"/> Plans <input type="checkbox"/> Catalogues <input type="checkbox"/> Other <input type="checkbox"/>						
10. Commercial designation and additional information						
11. Have you previously applied for BOI for identical or similar goods ? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please give details						
12. Are you aware of existence of BOI for identical or similar goods ? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please give details						
I declare that all information and statements on this form and any attachment is true, accurate and complete to the best of my knowledge and belief.						
Applicant's Signature:						
Date:						
Telephone:		Fax:		E-Mail Address:		

* Please attach an additional sheet if you need more space

Notes on the Completion of the Application form

The following explanatory notes provide specific guidance on the completion of the Application for Binding Origin Information (BOI). Please read them carefully before completing your application.

BOX 1. Applicant (name and address)

For the purpose of binding origin information, an applicant means a person who has applied to the customs authorities for binding origin information.

BOX 2. Importer, exporter, producer, and the agent (name, address) (if known)

Name and address of importer, exporter, producer, and the agent, if applicable, should be provided.

BOX 3. Legal framework (preferential/non preferential)

Applicant should state whether the binding information required is for preferential or non-preferential purposes. If a BOI is required for preferential origin purposes, applicant should indicate which regime applies.

BOX 4. Description of Goods

A description of the goods in question should be sufficiently detailed to enable the goods to be identified (and classified in the Customs nomenclature). Also, detailed information about the composition of the goods and the methods used to determine their composition should be provided.

BOX 5. Tariff Classification of Goods

The full commodity code for the goods concerned should be provided

BOX 6. Description of Materials used in manufacture

A detailed description of the goods should be provided. Using the columns and headings provided, applicant should list all the materials/components/parts used in manufacture, together with their country of origin, tariff heading, and value.

BOX 7. Rule considered to be satisfied

The preferential or non-preferential origin rule which is considered to be appropriate to the product concerned should be explained. In addition, applicant should explain how that rule has been met in the country of manufacture/origin by providing a full and detailed description of all stages of any manufacturing process.

BOX 8. Country of Origin envisaged by applicant

The applicant is invited to express a view as to the country of origin envisaged.

BOX 9. Enclosures being submitted to assist with BOI of the goods

Any samples, photographs, plans, catalogues or other documents available relative to the composition of the goods or their constituent materials which may illustrate the working or manufacturing process which those materials have undergone should be attached as annexes, if necessary.

BOX 10. Commercial designation and additional information

Any information which applicant wishes to be treated as confidential including the trademark and model number of the goods should be indicated.

Box 11. Have you previously applied for BOI for identical or similar goods?

An indication as to whether the applicant has previously applied for BOI for identical or similar goods should be given here. Details with regard to that application should also be included.

Box 12. Are you aware of existence of BOI for identical or similar goods?

Any knowledge on the part of the applicant of the existence of earlier BOI in respect of goods of the same kind should be indicated, quoting references.
