The European Community's

RULES OF ORIGIN

for the Generalised System of Preferences

A GUIDE FOR USERS

Notice to readers

This guide aims to assist readers in their understanding of the rules, but it is not itself the law. The sole legal provisions are those contained in the regulations duly adopted by the Community.

December 2008

European Commission

CONTENTS

EUROPEAN COMMUNITY GSP RULES OF ORIGIN – SUMMARY IN A NUTSHELL[1]

What is European Community (EC) GSP?

This is a system of tariff preferences granted unilaterally by the Community to products originating in developing countries. Duty is reduced or even zero. The least developed countries enjoy duty-free access for virtually all their exports.

What are rules of origin?

These are the means by which we determine where goods originate, i.e. not where they have been shipped from, but where they are deemed to have been produced or manufactured.

Why are they necessary for EC GSP?

In order to ensure that the preference goes only to those whom the GSP is intended to benefit.

How do they work?

Some products clearly originate in a given country, e.g. because they are grown there from local seed. These are called "wholly obtained" goods. But increasingly in today's world, others are not produced in a single country. There is a list containing details of operations that must be carried out in the beneficiary country on given imported goods in order to confer originating status on the obtained products for GSP purposes. Broadly, there are three types of criterion – change of HS tariff heading; value percentage; and specific process. But some minor operations can never confer origin.

Are there any relaxations?

Yes:

- Where goods originating in the Community (or Norway or Switzerland) are used in the manufacture, the products can be considered as originating in the beneficiary country, provided more than a minimum amount of processing is done there – this is known as "bilateral cumulation".
- The rules recognise a number of regional groups where goods originating in one member of the group and further processed in another may be considered as originating in the latter – this is known as "regional cumulation".
- The least developed countries may apply for a temporary derogation from the EC GSP rules of origin in order to allow their industry to develop.

What proof is required?

Usually a certificate of origin Form A stamped by the competent authorities in the beneficiary country is required. In certain cases a so-called "invoice declaration" may be used. Movement certificates EUR.1 are used for supplied goods originating in the Community (or Norway or Switzerland) with a view to "bilateral cumulation".

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[1] **NOTE: This summary is intended only as a brief introduction. Readers should consult the relevant part(s) of the text for a fuller explanation.**

How is fraud prevented?

The tariff preferences cannot be granted until a proper system of administrative co-operation from the beneficiary country is in place, which in particular allows the Community authorities to request post-exportation checks.

Where can I find the rules of origin?

These are contained in Articles 66-97 and Annexes 14-18 and 21 of Commission Regulation No. 2454/93 (the implementing provisions of the Community Customs Code), as amended by Regulations (EC) Nos. 12/97, 1602/2000 and 881/2003. You may find a consolidated text of Articles 66-97 and Annex 16 in Appendix II to this guide; the list of operations with its introductory notes (Annexes 14 and 15) is in Appendix III; and Appendix IV contains proofs of origin (Annexes 17, 18 and 21). A consolidated (NB as at 1 September 2003) version of the whole of Regulation No. 2454/93 is also available on the internet (http://europa.eu.int/eur-lex/en/consleg/pdf/1993/en_1993R2454_do_001.pdf).

PART I

SECTION 1 - GENERAL

1.1 TERMS USED IN THIS GUIDE

Article(s) …	Reference to Articles of Regulation (EEC) No 2454/93, as amended (see Appendix II)
Annex ..	Annex to Regulation (EEC) No 2454/93, as amended (see Appendix II, Appendix III and Appendix IV)
Beneficiary countries:	Countries eligible for preferential treatment under the EC GSP scheme (as listed in the GSP Regulation - see Appendix I)
Competent authorities:	In the beneficiary countries, the Governmental authorities competent for the issue and verification of proof of origin under the EC GSP; in the EC, the national customs administrations of the Member States
EC:	European Community, consisting of the following 27 Member States: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Latvia, Lithuania, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom
EC GSP:	The European Community's Generalised System of Preferences or Scheme of Generalised Tariff Preferences laid down in the GSP regulation[2]
EC GSP RoO:	The regulations relating to the rules of origin of the EC GSP scheme. These are Commission Regulation (EEC) No 2454/93, as amended by Commission Regulations (EC) Nos. 12/97, 1602/2000 and 881/2003.
Form A:	Certificate of origin Form A
GSP:	Generalised System of Preferences
HS or Harmonised System:	Harmonised Commodity Description and Coding System
Materials	The input materials used to manufacture a "product".
Product	The final product made from "materials".
Proof of origin:	Certificates of origin Form A, invoice declarations, movement certificates EUR 1

2 Until 31.12.2008, Council Regulation (EC) No. 980/2005. See the GSP pages of DG Trade for links to all legal texts.

1.2 WHAT THIS GUIDE IS ABOUT

The aim of this Guide is to provide assistance in understanding and applying the rules of origin currently in force in the framework of the EC GSP[3]. Although this Guide is written primarily for exporters in beneficiary countries and importers in the EC, it should also be useful for the officials in beneficiary countries involved in the issuing and/or verification of origin evidence as well as, hopefully, anyone else looking for information on the subject.

The list of beneficiary countries of the EC GSP is in Annex I of the GSP Regulation (see APPENDIX I) and the legal text of the rules of origin is in Articles 66 to 97 (see Appendix II) and Annexes 14-18 and 21 (see Appendix II, Appendix III and Appendix IV) of Commission Regulation (EEC) No 2454/93, as amended.

Warning: the list of beneficiary countries is however rather a list of **potential** beneficiaries, since some countries may not meet the conditions to actually benefit from EC GSP. Myanmar for example is temporarily suspended from it. Other countries may not yet have complied with the administrative cooperation requirements laid down in Article 93 (see Section 8 below), which are a pre-condition for goods to be granted the benefit of tariff preferences. If in doubt, your competent authorities will advise you.

1.3 THE EC GSP AND ITS AIMS

The GSP provides for preferential duty treatment (a reduced rate of import duty or, even, duty-free) of imported goods originating in beneficiary countries. The principle was agreed at the United Nations Conference on Trade and Development (UNCTAD), and is a facility granted to developing countries ("beneficiary countries") by certain developed countries ("donor countries"). Following the so-called “Everything But Arms” initiative introduced in 2001, the EC GSP grants the least developed countries (see Appendix I) duty-and quota-free access for almost all their exports. The system is **granted** to the beneficiary countries and not negotiated with them; the preferential treatment is non-reciprocal.

For fuller details, see the GSP pages of DG Trade, which include all legal texts and a User's Guide to the European Union's Scheme of Generalised Tariff Preferences.

This Guide **only** deals with the rules of origin of the **EC GSP**. The GSP schemes offered by the various donor countries differ fundamentally both in respect of the goods covered and the origin criteria used. Therefore, it should be borne in mind that goods complying with the conditions of the GSP of the USA, will not necessarily comply with the EC GSP.

1.4 ARE ALL GOODS COVERED BY THE EC GSP?

The EC GSP does not cover each and every product. Basically, all products of Chapters 25 - 97 of the HS that are subject to duty upon entry into the EC (raw materials are, generally, duty-free) are covered, but coverage of agricultural products (Chapters 1 - 24) is restricted. It should be noted that list of eligible products is not the same for all beneficiary countries.

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3 On 16 March 2005, the Commission adopted a Communication entitled "The rules of origin in preferential trade arrangements: Orientations for the future". This sets out the guidelines the Commission intends to follow in reforming preferential rules of origin; GSP will be the first concrete application. However, there will be no change until a specific regulation is adopted. For information on developments, see the following page of the web-site of DG Taxation and Customs Union: http://europa.eu.int/comm/taxation_customs/customs/customs_duties/rules_origin/preferential/article_777_en.htm. In the meantime, the present rules described in this guide continue to apply **in their entirety**.

Annex I of the EC GSP Regulation lists the beneficiary countries (see Appendix I) as well as giving other information including any product sectors excluded for particular countries, while Annex II[4] thereof contains the list of products involved. Information about specific products (both coverage and duty rates) is also available from EC delegations which are situated in most of the beneficiary countries and/or from the competent authorities. It may also be obtained from the Commission's customs data-base at the following address:

http://europa.eu.int/comm/taxation_customs/dds/en/home.htm

1.5 WHAT ARE THE CONDITIONS TO BENEFIT FROM THE GSP?

In order to benefit from the EC GSP upon importation into the EC, three conditions must be fulfilled:

- the goods must **originate** in a beneficiary country in accordance with the EC GSP RoO (see Section 2);
- the goods must be transported **directly** from the beneficiary country to the EC (see Section 3); and
- **valid proof of origin** must be submitted (certificate of origin Form A, issued by the competent authorities in the beneficiary country, or invoice declaration) (see Section 4).

It is pointed out that proof of origin cannot be issued unless there is a legal basis to do so (i.e. a preference exists) at the time of export. In addition, preference must also exist at the time of declaration for release for free circulation in the Community: if between the time of export and the time of declaration for release for free circulation the products concerned cease to be eligible for preference (e.g. because they have been graduated), then preference cannot be granted, even though a proof of origin validly issued at export exists.

As the EC is a Customs Union, there are no duties or customs formalities in trade between EC Member States, and a common Customs tariff is applied on importation into the EC. Therefore, the EC is considered a single territory. So, once formalities have been completed and duty has been paid - or preference has been granted - in one of the Member States, then goods are considered to be in 'free circulation' in the Community and can move from one Member State to another.

4 See the GSP pages of DG Trade for links to all legal texts

SECTION 2 - ORIGIN

2.1 ORIGIN: WHY AND HOW?

The implementation of trade policy measures often requires differentiation in the treatment of goods coming from different countries. Examples of such trade policy measures are the application of preferential rates of duty, anti-dumping duty, import licensing requirements, quotas, embargoes, and so on.

If such treatment only depended on the country where the goods were sent from, it would soon be found that products from all over the world were travelling via the country that enjoys the most favourable (or the least restrictive) treatment. Therefore, something more is necessary in order to make these trade policy measures work: namely to link these measures to the economic nationality of a product.

In order to establish the economic nationality, - the country of origin - certain criteria - rules of origin - are applied. A complication is that there is no such thing as a general set of rules of origin that can be applied world-wide in every possible situation. Countries have their own rules of origin, which more often that not vary in substance depending on their purpose. Even for the purposes of the GSP, the various donor countries apply different rules of origin. Therefore if a product satisfies the rules of origin in the framework of, for example, the USA GSP scheme, it cannot be taken for granted that it also fulfils the rules of origin laid down for the EC GSP scheme and *vice versa*. Origin criteria used in the GSP schemes offered by the donor countries often differ fundamentally. Therefore, if goods are to be exported to/imported into the EC under the EC GSP scheme, the only origin criteria to be taken into consideration are those laid down by the EC in the appropriate legislation (see Appendix II and Appendix III). However, the EC, Norway (NO) and Switzerland (CH) have the same GSP RoO, which has allowed a connection between the different schemes on certain aspects, as explained below, which is implemented through an exchange of letters.

Application of the rules of origin provides the answer to the following question: does the product originate in the beneficiary country in question? A positive answer means the product is eligible for preferential tariff treatment upon importation into the EC.

For the purpose of the application of the EC GSP RoO, the beneficiary countries are normally each regarded as an individual territory but in some cases they can work together using 'regional cumulation' (see paragraph 2.7). They may also work together with the Member States of the EC (which constitute a single territory) or Norway or Switzerland in the framework of bilateral cumulation.

2.2 THE BASIC STRUCTURE OF THE EC GSP RULES OF ORIGIN

Products originate in a particular beneficiary country if they are:

- wholly obtained in that country, or

- sufficiently worked or processed there.

As explained later in paragraph 2.7, the same rules of origin are applied to establish whether a product has EC (or NO or CH) origin in cases where bilateral cumulation is being used.

2.3 WHAT ARE 'WHOLLY OBTAINED PRODUCTS'? (ARTICLE 68)

In general terms, products are wholly obtained in a particular beneficiary country (or in the EC, in the case of bilateral cumulation) if only that country has been involved in their production. Even the smallest addition or input from any other country disqualifies a product from being "wholly obtained".

Therefore, it applies mainly to things occurring naturally and to goods made entirely from them. What can be considered as "wholly obtained" in a beneficiary country, or in the Community, is laid down in an exhaustive list in Article 68.

a. mineral products extracted from its soil or from its seabed;

b. vegetable products harvested there;

c. live animals born and raised there ;

d. products from live animals raised there;

e. products obtained by hunting or fishing conducted there;

f. products of sea fishing and other products taken from the sea outside the territorial waters by its vessels;

g. products made aboard its factory ships exclusively from the products referred to in (f);

h. used articles collected there fit only for the recovery of raw materials;

i. waste and scrap resulting from manufacturing operations conducted there;

j. products extracted from the seabed or below the seabed which is situated outside its territorial waters but where it has exclusive exploitation rights;

k. goods produced there exclusively from the products specified in (a) to (j).

Most of the list is self-explanatory; with the exception of the fishing products mentioned in (f) and (g), which deserve some further explanation.

Products of sea fishing and other products taken from the sea

"Territorial waters" within the context of these rules of origin is strictly limited to the 12-mile zone, as laid down in the UN International Law of the Seas (1982 Montego Bay Convention). The existence of an Exclusive Economic Zone with more extensive coverage (up to a 200-mile limit) is not relevant for this purpose.

Fish caught outside the 12-mile zone ("on the high seas") can only be considered to be wholly obtained if caught by a vessel that satisfies the definition of "its vessels". Fish caught inland or within the territorial waters is always considered to be wholly obtained.

The definition of its "vessels" (laid down in Article 68(2)) consists of a number of cumulative criteria - so *all* criteria listed must be fulfilled.

Fish caught on the high seas can be considered to originate in the beneficiary country in question (or in the EC) if:

- the vessel used is registered/ recorded in the beneficiary country and is sailing under its flag (or an EC Member State) and
- the captain and officers are all nationals of that country (or an EC Member State), and
- at least 75% of the crew are nationals of that country (or an EC Member State), and

- a number of specific requirements concerning ownership of the vessels have been fulfilled.

2.4 WHAT ARE 'SUFFICIENTLY WORKED OR PROCESSED' PRODUCTS? (ARTICLE 69)

In practice, except for naturally-occurring and related products, situations where only a single country is involved in the manufacture of a product are relatively rare. Globalisation of manufacturing processes has resulted in many products being made from parts, materials etc. coming from all over the world.

Such products are not of, course, wholly obtained (as explained in 2.3), but they can nevertheless obtain originating status. The condition is that the non-originating materials used (in practice: the materials imported into the beneficiary country) have undergone "sufficient working or processing". It must be stressed that **only** the **non**-originating materials need to be worked or processed sufficiently. If the other materials used are by themselves already originating (either by virtue of being wholly obtained, or by having been worked or processed sufficiently), they do not have to satisfy the conditions set out.

What can be considered as sufficient working or processing, depends on the product in question. Annex 15 contains a list of products in which the conditions to be fulfilled are set out, product-by-product. Annex 14 explains how to use the list.

2.5 THE 'LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER THAT THE PRODUCT MANUFACTURED CAN OBTAIN ORIGINATING STATUS' (ANNEX 15). (SEE APPENDIX III)

The structure of this list has to be understood in order to be able to apply the origin criteria. The list consists of 4 columns,

- column 1 states the HS heading,
- column 2 contains the description of the goods which come under the HS heading in question and
- columns 3 and 4 contain the applicable criteria.

If, for a given product, both columns 3 and 4 contain criteria, it is up to the exporter to choose between the application of these columns - he can use either. Remember the criteria in columns 3 and 4 apply only to non-originating materials!

In order to be able to use this list, the classification of the product in question has to be established in the Harmonised System Nomenclature (on a 4-digit level). It is also necessary to know the HS-classification of the non-originating materials used in the manufacture of the product. As criteria differ between products, using the correct HS classification is important. Where necessary, national Customs administrations will be able to assist you in establishing the HS classification.

Basically, the list uses one of three methods, or combinations of these methods, to lay down what amount of working or processing can be considered as "sufficient" in each case:

a) The **change of heading criterion** (also known as the change of tariff heading or tariff jump criterion). This means that a product is considered to be sufficiently worked or processed when the product obtained is classified in a 4-digit heading of the Harmonised System Nomenclature which is different from those in which all the non-originating materials used in its manufacture are classified.

- *An example is the manufacture of a straw basket, classified under heading 4602 of the HS. The list shows for the whole of Chapter 46 the criterion "manufacture in which all the materials used are classified within a heading other than that of the product". As the basket is classified under 4602, while the straw material was imported under 1401, the origin criterion is clearly satisfied.*

b) The **value or ad valorem criterion,** where the value of non-originating materials used may not exceed a given percentage of the ex-works price of a product. (The notions "ex-works price" and "value" are two of the definitions in Article 66.)

- *An example is the manufacture of umbrellas of HS heading 6601, where column 3 in the list reads "manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product". Here a comparison has to be made between the ex-works price of the product and the value of all non-originating materials..*

c) The **specific process criterion,** when certain operations or stages in a manufacturing process have to be carried out on any non-originating materials are used.

- *Many examples of this kind of origin criterion can be found in the textile sector, e.g. woven garments of Chapter 62 of the HS, for which column 3 in the list reads "manufacture from yarn". For example the manufacture of a garment starting from non-originating yarn confers origin. This means that weaving and all subsequent manufacturing stages must be carried out in the beneficiary country. A process criterion of this kind implies that starting from an earlier manufacturing stage (e.g. chemical material or natural fibres) also confers originating status, while starting from a later stage (e.g. weaving) does not.*

N.B: As explained in paragraph 2.6 below, certain types of working and processing are always considered to be insufficient, even if the criteria of the list are satisfied.

Also there is a 'tolerance rule' allowed in some cases where not all the non-originating materials have to comply with the basic conditions in the list - see paragraph 2.9 below.

2.6 WHY IS THERE "INSUFFICIENT WORKING OR PROCESSING" AND WHAT DOES IT MEAN? (ARTICLE 70)

Article 70 contains a list of operations which are considered, on their own or in combination with each other (except for combinations in which the slaughter of animals is included), never to be sufficient to confer origin. This list applies **only to situations where no other operations have been carried out.** It serves a double function, firstly within the framework of the “normal” list rules of origin (i.e. those set out in Annex 15) and secondly in the framework of cumulation (see 2.7 below). However, the purpose is the same – in cases where the amount of actual processing done is minimal, it should not confer origin.

As regards the list rules, it should be noted that there can be cases where, even if the criteria for sufficient working or processing set out in the list have been satisfied, the amount of the actual processing done might still be minimal. In such cases the product does not obtain origin. In fact the list of insufficient working or processing should actually be consulted before the list of sufficient working or processing!

Conversely, it must also be understood that if an operation is not listed as "insufficient", it does not automatically mean that it is "sufficient" to confer origin on the product. There is a “grey” area where operations are more than insufficient but at the same time not actually sufficient under the terms of the specific list rule which applies. The list of sufficient working and processing with specific criteria for the product in question must be consulted to see what conditions do have to be met.

As regards cumulation (whether bilateral or regional), where the list rules do not apply, the working or processing carried out (together with the added value criterion, in the case of regional cumulation) must simply be more than insufficient. This means that an operation which fell into the “grey” area in the framework of the list rules could be acceptable in a cumulation context.

The list of insufficient (or minimal) operations reads as follows:

(a) preserving operations to ensure that the products remain in good condition during transport and storage;

(b) breaking-up and assembly of packages;

(c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;

(d) ironing or pressing of textiles;

(e) simple painting and polishing operations;

(f) husking, partial or total milling, polishing and glazing of cereals and rice;

(g) operations to colour sugar or form sugar lumps; partial or total milling of sugar;

(h) peeling, stoning and shelling, of fruits, nuts and vegetables;

(i) sharpening, simple grinding or simple cutting;

(j) sifting, screening, sorting, classifying, grading, matching; (including the making-up of sets of articles);

(k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;

(l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;

(m) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this section to enable them to be considered as originating in a beneficiary country or in the Community;

(n) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;

(o) a combination of two or more of the operations specified in points (a) to (n);

(p) slaughter of animals.”

Examples:

- *A product is made by simple assembly using only originating parts*: the end product is originating as the list of "minimal" working or processing does **not** apply to originating materials, whether they be wholly obtained, or already sufficiently worked or processed.
- A product is manufactured solely by assembling non-originating parts. The product does **not** obtain origin as (f) applies.
- *A product is manufactured by assembling non-originating parts and subsequently by a sufficient operation* The assembly is irrelevant since there is subsequently a sufficient operation, and origin is therefore obtained.

- *A product is obtained using a combination of both originating and non-originating material, when the last operation carried out is on the list of "insufficient working or processing".* However, by definition, more than this has been carried out, as the originating materials used have obtained originating status before this last operation is carried out. Therefore the minimal processing rule does not apply. We have to see if the working or processing set out in the main list of sufficient working or processing is carried out on the non-originating materials used. For example, if a manufacturer of fruit juice in a beneficiary country uses fruit and sugar, wholly obtained in his country, to produce fruit juice and he subsequently bottles the juice in imported non-originating bottles. He does not have to be afraid that bottling would remove the originating status from the juice just because bottling is listed as an insufficient operation. But he does need to see if he is allowed to use imported bottles. The origin criterion in column 3 of the list for HS 2009, bottled fruit juice, reads: "Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 (sugar etc.) used does not exceed 30% of the ex-works price of the product". Thus he can use imported bottles as they are classified under HS 7010.

- *A product is obtained by the simple assembly of non-originating materials which are subsequently painted, packed and labelled.* These are all insufficient operations and even when taken together they are still considered to be insufficient to confer origin on the product.

- *A product is obtained by slaughtering a non-originating animal, the meat obtained is subsequently packed, labelled and chilled.* Although this is also a combination of insufficient operations, it includes the slaughter of animals and so it is not necessarily insufficient. However, this does not automatically mean that "sufficient" working and processing to confer origin on the product has taken place. The specific criteria for the product in question in the main list must still be consulted to see if the conditions set out there are satisfied. In this particular case, the meat will **not** obtain origin, because the specific criterion in the list requires the animal slaughtered to be originating.

2.7 WHAT IS MEANT BY "CUMULATION OF ORIGIN"?

Generally, all working and processing for origin purposes must have been carried out in the individual beneficiary country of export. However, there are two exceptions to this principle:

Bilateral Cumulation (Article 67(2)-(4))

Under bilateral cumulation, materials *originating in the EC*, within the meaning of the EC GSP RoO, and further worked or processed in a beneficiary country, are considered to originate in the beneficiary country. However the working or processing carried out there has to be more than the "insufficient working or processing" explained in 2.6.

This concept is also known as "donor country content".

- Example: for shirts (classified HS 6205) to obtain GSP origin in a beneficiary country, the criterion to be applied is "manufacture from yarn"; meaning that non-originating yarn may be used but that all further manufacturing steps (weaving, making-up etc.) must take place. However, if the fabric used originates in the EC, then the cumulation provisions allow it to be considered to be originating in the beneficiary country as the further manufacturing process goes beyond "insufficient" within the meaning of Article 68. See paragraph 4.2 below for evidence of the EC origin for materials to be used for bilateral cumulation.

The same concept applies to materials (other than agricultural products or products covered by a derogation) which originate in Norway or Switzerland. When such materials more than

minimal working or processing in a beneficiary country, they are considered to originate in that beneficiary country, and may be exported to the EC, to Norway or to Switzerland (see Article 67(4)). Note that the arrangements are reciprocal, so also apply to materials of Community origin which undergo more than minimal working or processing in a beneficiary country and are then exported to Norway or to Switzerland.

Regional Cumulation (Articles 72, 72a and 72b)

This operates between the countries of one of the regional groups recognised by the EC GSP[5]. Materials originating in one country of the group which are further worked or processed in another beneficiary country of the same group are considered to originate in the latter country, provided that:

- the value added there is greater than the highest customs value of the materials used originating in any one of the other countries of the regional group; and
- the working or processing carried out there is more than "insufficient working or processing" (see paragraph 2.6 above, but note that in the case of textiles, account must also be taken of the list operations which are also excluded from regional cumulation which is laid down in Annex 16 (see Appendix II).

Where these two conditions are not both fulfilled, the goods are considered to originate in the country of the regional group which accounts for the highest customs value of the originating products coming from other countries of the regional group.

Thus goods will not necessarily have the origin of the country in the group which exports them to the EC. Where this is so, care should be taken to find out if that other member country of the regional group is subject to restrictions for these goods under the EC GSP, since preferences may be removed for countries - which is referred to as "exclusion" - or for specific sectors - which is called "graduation" - when they reach a certain state of development (for fuller details, see the User's Guide to the European Union's Scheme of Generalised Tariff Preferences on the web-site of DG Trade).

However, even where exclusion or graduation occurs for one country of the group, Article 5(3) of EC GSP provides that regional cumulation continues to apply for the benefit of other countries of the group, even though the products incorporate goods originating in the country concerned. **Example**: Singapore for Group I - Singapore-originating products do not enjoy preference, but products of Indonesian origin incorporating Singapore-originating goods would get preference, even if exported from Singapore.

The situation of Myanmar (formerly Burma) is quite different. Benefit of EC GSP was temporarily withdrawn by Council Regulation (EC) No 552/97, and it is not allowed to participate in Group I regional cumulation at all.

Example : a shirt (classified HS 6205) made in country B from fabric originating in country A (which is a member of the same regional group) will originate in country B, if the value of the fabric amounts to less than 50 % of the shirt's value, otherwise it will originate in A. It should be noted that, in the second case, the issuing authority of country B will have to issue a Form A certificate of origin, stating that the shirt originates in country A.

Example: products originating in country A are exported to country B (value: €900), where they are used to manufacture a product with country B origin (value: €2,000) which is

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[5] The regional groups (listed in Article 72) are:

- Group I: Brunei-Darussalam, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam;
- Group II: Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Peru, Venezuela;
- Group III: Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka.

exported to country C In country C these are incorporated with components of country D (value: €3,000). The value added in country C is €5,000. The final product is exported from there to the Community with the origin of country C.

See paragraph 4.2 below for the evidence of the regional origin for the materials used in regional cumulation.

Both cumulation provisions may be used together in combination.

- Example: a motor-car (of HS heading 8703) is manufactured from imported materials (raw materials, spare parts, etc.) originating in the EC and materials originating in another member-country of the same regional group The list of insufficient working or processing says that a motor car originates in a beneficiary country if the value of all the imported materials used (raw materials, spare parts, etc.) does not exceed 40 % of the ex-works price of the car. In other words, the value-added in the beneficiary country must amount to at least 60 %: If those materials (or some of them) are processed **sufficiently** (to acquire the origin of the beneficiary country concerned), then it may be possible for other materials to be imported from a third country. Thanks to both donor-country content and regional cumulation, it is possible to meet the required criterion, since the first materials are counted as if they originated in the beneficiary country of final assembly.

2.8 WHAT MORE DO I NEED TO KNOW ABOUT THE EC GSP ORIGIN RULES?

- **Unit of qualification (Article 70a)**: i.e. the unit for the purposes of determining origin. This is the same as the basic unit used when determining classification using the HS nomenclature. Therefore where a product composed of a group or assembly of articles is classified in a single heading, the whole constitutes the unit of qualification, while where a consignment consists of a number of identical products classified under the same heading, each product must be considered individually. Where packaging is included with the product for classification purposes, it is included for origin purposes too.

- **Accessories, spare parts and tools (Article 73):** where dispatched with a piece of equipment, machine, apparatus or vehicle and part of the normal equipment and included in the price thereof or not separately invoiced, these are regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

- **Sets of goods (Article 74)** are normally originating products when all the component items making up the set are originating. Nevertheless, when a set is composed of originating and non-originating items, the set as a whole may be regarded as originating if the value of all the non-originating items taken together does not exceed 15 % of the ex-works price of the set.

  Example: a women's blouse (value €30) and a skirt (value €30) originating in a beneficiary country are put into a set together with a scarf imported from a third country (value €2). The value of the three piece set is €62, which means that it originates in the beneficiary country, as the value of the scarf at €2 represents less than 4 % (€2.48) of the value of the set.

- **Neutral elements (Article 75):** In order to determine whether a product is an originating product, it is not necessary to consider the origin of the energy, equipment or tools used processing the goods (though the cost of any fuel used will contribute to the ex-works price of the goods).

2.9 ARE THERE ANY RELAXATIONS TO THE ORIGIN RULES?

The tolerance rule (Article 71)

Non-originating materials may be used in the manufacture of a given product even if the rule in the sufficient working or processing list is not fulfilled, provided that their total value does not exceed 10 % of the ex-works price of the product (this provision does **not** apply to textile and clothing products, for which, however, specific tolerance rules are laid down in Annex 14).

- Example: a doll (classified HS 9502) will qualify if it is manufactured from any imported materials which are classified in different heading. This means a manufacturer in a beneficiary country is allowed to import raw materials such as plastics, fabrics etc. which are classified in other chapters of the HS. But the use of doll's parts (e.g. Doll's eyes) is not normally possible as these are classified in the same heading (HS 9502). However, the tolerance rule allows the use of these parts if they amount to not more than 10 % of the doll's value.

Derogations (Article 76).

Derogations may be granted to least developed beneficiary countries listed in the EC GSP regulation (see Appendix I) to take account of the difficulties faced by them in complying with the normal criteria, where the development of existing industries or the creation of new ones justifies it.

The beneficiary country must submit a detailed request which must highlight inter alia the product and process involved, the value added, the anticipated volume of exports, the number of employees and other possible sources of supply. In its examination, the Community will take into account in particular the effect on the beneficiary country's industry and on investment of continuing to apply the normal rules, and the effect on employment both in the beneficiary country and in the country.

The derogation, if granted, will be subject to conditions and for a limited period (though this may be extended if still justified). To ensure that imports are easily identified, the phrase **"Derogation-Regulation (EC) No …./…."** must ***always*** appear in box 4 of the Form A. **Failure to do this means that goods will not be treated in accordance with the derogation**.

In addition, since derogations are subject to quantitative limits, they should be used only where the goods cannot acquire origin under any other provisions. If for example goods to be exported comply with the conditions for regional cumulation of origin, then there is no need to use the derogation-regulation.

Example: Laos, Cambodia and Nepal each submitted a request for a derogation for certain textile products because their industries were insufficiently developed to allow them to meet the normal criteria (manufacture from yarn, i.e. the products must be obtained after two stages of processing), nor even to meet the regional cumulation criteria, because of the low added value in the country. After examination, the Community decided to grant the request (in fact, a renewal), subject to quantitative limits which had been calculated to take account of trade flows and the capacity of the Community market. A manufacturing operation must take place in the country concerned, but without the added value condition of regional cumulation. Materials may be sourced in both ASEAN and SAARC (regional cumulation Groups I and III) countries as well as in ACP countries. However, in order to allow the operation of the derogation to be monitored more effectively, the Commission must be sent every month details of Form As issued under the derogation. It will apply until the date of application of the reform of GSP rules of origin, but in any event it shall cease to apply on 31 December 2010. See Regulations 1613/2000, 1614/2000 and 1615/2000 (EC Official Journal L 185, 25/7/2000, pp. 38, 46 and 54), as last amended by Regulations 1236/2008 (EU Official Journal L 334, 12/12/2008, p. 53), 1245/2008 and 1246/2008 (EU Official Journal L 335, 13/12/2008, pp. 28 and 30) respectively.

2.10 WHAT IF I'M NOT SURE? BINDING ORIGIN INFORMATION (BOI)

If, having considered the legal text and available guidance (this guide or material issued by the national customs authorities), you are still in doubt about the origin of your products, or if you simply want legal certainty, you may apply for a Binding Origin Information decision (BOI).

BOIs may be issued for both export and import. They are binding on all customs administrations in the Community for a period of 3 years from their date of issue where the goods being imported or exported and the circumstances governing the acquisition of origin correspond in every respect with what is described in the BOI.

They may be annulled if it transpires that they were issued on the basis of incorrect or incomplete information, or revoked or amended if for example there is a subsequent change in the law.

Application should be made in writing to the competent customs authorities in the Member State or Member State or Member States in which the information is to be used, or to the competent customs authorities in the Member State in which the applicant is established. A list of the authorities responsible for issuing BOIs is published in the EU Official Journal (OJ C 274, 9.11.2004, p. 10).

Note that the existence of a BOI does not exempt you from the requirement to provide proof of origin, as described in Section 4 below.

SECTION 3 – TERRITORIAL REQUIREMENTS AND TRANSPORT

3.1 WHY IS IT NECESSARY TO HAVE TERRITORIAL AND TRANSPORT RULES?

The territorial and direct transport rules aim to ensure that originating goods exported from a GSP beneficiary do genuinely originate there and that they arrive at their destination in the EC without having been substituted, altered or manipulated in any way. Compliance with these rules is therefore a condition for obtaining preferential tariff treatment.

3.2 WHAT ARE THE TERRITORIALITY REQUIREMENTS? (ARTICLE 77)

The principle of territoriality means that working and processing has to take place, uninterrupted, in the territory of the beneficiary country in question, unless regional cumulation (see 2.7 above) is used - where the same principle is applied to the regional group as whole.

Originating products exported from a beneficiary country or the Community to another country and subsequently returned may nevertheless be considered as originating in the beneficiary country, on condition that unless it can be demonstrated to the satisfaction of the competent authorities that:

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

Free zones are part of the territory of a country for origin purposes. This means that goods produced in a free zone in a beneficiary country may benefit from EC GSP but must comply with the origin criteria to do so.

3.3 WHAT IS REQUIRED UNDER THE DIRECT TRANSPORT RULE? (ARTICLE 78)

Goods from landlocked beneficiary countries will of necessity be transported via another country. It may also be necessary to transport goods via another country when direct shipping links are not available between the beneficiary country and the Community, or on grounds of cost.

To ensure that the objectives set out in paragraph 3.1 are achieved, the rules require that the goods are either:-

- transported from the exporting EC GSP beneficiary country to the EC (or vice versa) without passing through the territory of any other country; or
- if they are transported as a single consignment via another country (with, if necessary, transhipment or temporary warehousing or storage in that country), they remain under the supervision of the customs authority of that country. They must not undergo operations there, other than unloading, reloading or any operation designed to keep them in good condition.

- if they are transported through Norway or Switzerland (with, if necessary, transhipment or temporary warehousing or storage in that country) and are subsequently re-exported in full or in part to the EC, they remain under the supervision of the customs authority of Norway or Switzerland. They must not undergo operations there, other than unloading, reloading or any operation designed to keep them in good condition.

Note that countries in a regional group (see paragraph 2.7 above) are regarded as one country for the purpose of the direct transportation rules.

3.4 HOW ARE PRODUCTS CARRIED BY PIPELINE ACROSS OTHER COUNTRIES TREATED?

Provided there is no interruption in the passage of the product across the territory of the third country, there will be no breach of the direct transportation rule.

3.5 WHAT EVIDENCE IS REQUIRED TO SHOW THAT THE RULES HAVE BEEN MET?

Normally when the goods are *transported directly* from the exporting beneficiary country to the EC, no specific evidence is required other than the normal bill of lading or airway bill, unless the EC customs authorities have reason to suspect that they were not transported directly.

Where the goods are *transported via another country,* except where it is one of the countries of the same regional group referred to in paragraph 2.7, the EC importer will be required to present evidence that the conditions set out in the second and third bullet points of paragraph 3.3 have been met.

This evidence may be:

- a single transport document covering the carriage of the goods from the exporting beneficiary country to the EC through the country of transit (e.g. a through bill of lading/airway bill),

  or

- a certificate (sometime known as a 'non-manipulation certificate') issued by the customs authorities of the country of transit:

  - giving an exact description of the goods,
  - stating the dates of unloading and reloading or arrival and departure, identifying the ships or other means of transport used, and
  - certifying that they remained under customs supervision and underwent no operations other than those necessary to keep them in good condition,

  or

- any other documents that confirm that the conditions set out in paragraph 3.3 have been met. *Example:* For goods of Chinese origin sent via Hong Kong, there is an agreement with the Chinese authorities, whereby the Hong Kong-based "China Inspection Co. Ltd."(CICL) puts a stamp in Box 4 of the Form A issued by the Chinese authorities stating "This is to certify that the goods stated in this certificate have not been subjected to any processing during their stay/transhipment in Hong Kong". In this case it is clear that the Form A must travel with the goods.

3.6 WHAT ABOUT GOODS SOLD AFTER EXHIBITIONS? (ARTICLE 79)

Originating products sent from a beneficiary country for exhibition in another country and sold after the exhibition for importation into the Community may benefit from EC GSP, subject to certain conditions. The exhibition may be any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organised for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

The products must meet the requirements entitling them to be recognised as originating in the beneficiary country and it must be shown to the satisfaction of the competent Community customs authorities that:

(a) an exporter has consigned these products from the beneficiary country directly to the country in which the exhibition is held and has exhibited them there;

(b) the products have been sold or otherwise disposed of by that exporter to a person in the Community;

(c) the products have been consigned during the exhibition or immediately thereafter to the Community in the state in which they were sent for exhibition;

(d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

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

SECTION 4 - PROOF OF ORIGIN (DOCUMENTARY REQUIREMENTS)

4.1 WHAT IS A 'PROOF OF ORIGIN'?

In the same way that a passport is evidence of the nationality of a person, an origin certificate is evidence that the goods have satisfied the rules of origin and is evidence of the economic nationality of a product.

4.2 WHAT IS THE EC GSP PROOF OF ORIGIN?

There are three principal forms of proof used in the context of the EC GSP:

- The certificate of origin Form A, used as proof of origin at import into the EC and in regional cumulation, see paragraph 2.7 above (Article 81 and Annex 17)[6].
- The Invoice Declaration, and which can be used for low value GSP exports (Article 89 and Annex 18).
- The Movement Certificate EUR1, which may be used as may an invoice declaration, when goods are exported to beneficiary countries from the EC in the context of bilateral cumulation, see 2.7 above (Article 90a and Annex 21).

These are contained in Appendix IV. For information about how they are to be completed and issued see Sections 5 and 6 below.

4.3 HOW ARE THESE DOCUMENTS USED?

The ***Form A and invoice declaration*** are used by importers in the EC for GSP imports as evidence in support of their request that the goods be imported at preferential rates of customs duty (often nil). They are therefore important documents and have a value equal to the amount of customs duty that is waived by the EC. In this sense they serve a similar function to a cheque, a banknote or banker's draft and must be treated with similar respect.

Like a banknote, the ***Form A*** must be printed to a very precise specification in terms of colour and background pattern (see Annex 17) and, like a cheque or banker's draft, it must be carefully completed. Guidance on the completion of the Form A is given in paragraph 5.6 below.

The Form A is also used as evidence of origin for the purpose of applying the regional cumulation of origin provisions (see paragraph 2.7). In a regional group, goods originating in country A should be accompanied by a certificate of origin Form A if they are exported to country B (of the same regional group) for further processing before being exported to the EC (Article 72a(4)).

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6 The model in Annex 17 contains the 1996 notes on the back, but since then, UNCTAD (which is responsible for Form A) has amended them three times (in 2004 and again in 2007 to take account of EU enlargement, in 2005 to take account of Turkey). Although Annex 17 has not been updated to reflect these changes, **EC Member States will nevertheless accept the latest (2007) version as well as continuing to accept earlier ones. It is stressed that *all* versions of the notes are acceptable in *all 27* Member States.**

The ***invoice declaration*** must also conform to a very precise formulation (see Annex 18 and below) and may be used by exporters in beneficiary countries when exporting goods of a low value (see paragraph 5.12 below for further information)

The ***movement certificate EUR.1*** is used by exporters in the EC, as well as in Norway or Switzerland, when they send originating goods to beneficiary countries.

EC exporters who are "approved exporters" may use an invoice declaration (instead of a movement certificate EUR.1), when exporting materials or parts of EC origin to a GSP beneficiary country for incorporation into a product there for export to the EC as an originating product under the EC GSP.

EC exporters who are not "approved exporters" may use an invoice declaration for low-value consignments only (paragraph 5.12). Otherwise, they must use a movement certificate EUR.1.

The invoice declaration reads:

French version

L'exportateur des produits couverts par le présent document (authorisation (SIC! autorisation) douanière n° . . . (1)) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle . . . (2) au sens des règles d'origine du Système des préférences tarifaires généralisées de la Communauté européenne.

English version

The exporter of the products covered by this document (customs authorization No . . . (1)) declares that, except where otherwise clearly indicated, these products are of . . . preferential origin (2) according to rules of origin of the Generalized System of Preferences of the European Community.

. . . . . .

(place and date) (3)

. . . . . .

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

(1) When the invoice declaration is made out by an approved exporter within the meaning of Article 90a, the authorization number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.
(2) Origin of products to be indicated. When the invoice declaration relates, in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 96, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".
(3) These indications may be omitted if the information is contained on the document itself.
(4) See Article 90 (5). In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

4.4 FOR HOW LONG IS PROOF OF ORIGIN VALID?

Under the EC GSP, the certificate of origin Form A, the invoice declaration and the movement certificate EUR.1 are all valid for 10 months only from the date of issue in the exporting country (Article 90b). They must be presented within this period to the customs authorities of the importing country.

However, proofs of origin presented to the customs authorities of the importing country after the expiry of the period of validity may be accepted for the purpose of applying tariff preferences where the failure to submit them in time was due to exceptional circumstances. In other cases of belated presentation, they may be accepted where the goods were presented before the final date.

In certain circumstances, in the case of certain dismantled or non-assembled products (Article 82) or where goods are imported within the framework of frequent and continuous trade flows of a significant commercial value (Article 90b), the importer may request that a single proof of origin be submitted at the importation of the first consignment. The customs authorities will lay down conditions. In the latter case, the period allowed may not exceed three months and the goods must be the subject of the same contract of sale (the parties being established in the exporting country or in the Community), be classified in the same 8-digit CN code, come exclusively from the same exporter, be destined for the same importer, and be declared at the same customs office in the Community.

SECTION 5 - RESPONSIBILITIES OF EXPORTERS IN BENEFICIARY COUNTRIES

5.1 AS AN EXPORTER, IN A BENEFICIARY COUNTRY, WHY IS IT IMPORTANT THAT I UNDERSTAND THE ORIGIN RULES AND THE DOCUMENTARY PROCEDURES?

Before a Form A is issued the authorities in your country should verify that everything is in order and that the goods concerned are originating ones. But there are also regulations governing the operation of the EC GSP which require the Customs Authorities in the importing Member State of the Community to ask the authorities in the exporting country to carry out further checks from time to time on goods which have already been exported to the Community under the GSP. If these post-exportation, or subsequent (*a posteriori* in French), verification checks show that your goods did not satisfy the rules of origin, then your customer in the Community will have to pay customs duty at the full (non-preferential) rate. If this happens you could be faced with claims for compensation or even with non-payment for the goods supplied. You may even lose future business, as customers will not want to run the risk of receiving further unexpected duty demands for goods they have purchased from you.

It is therefore in your **own interest** to MAKE SURE THAT YOU UNDERSTAND THE ORIGIN RULES, AND APPLY THEM CORRECTLY.

Do not tell your customers that they can claim preferential tariff treatment or provide them with evidence of origin unless you are certain that the goods you are exporting satisfy the rules of origin.

5.2 HOW DO I WORK OUT IF MY GOODS SATISFY THE RULES OF ORIGIN?

Section 2 of this guide gives a detailed explanation of the different types of origin rule. In short, an **originating product** (i.e. a product which has satisfied the origin rules) is either:

- a product which has been 'wholly obtained'; this term applies only to products listed in paragraph 2.3 above; or
- a product incorporating materials or parts which have not been wholly obtained but which have undergone 'sufficient working or processing'.

You should take the following steps to find out if your goods are 'originating products':

Step 1

Find out whether your products are 'wholly obtained' (see paragraph 2.3). If they are, they originate. If they do not, move to step 2.

Step 2

Find out which four-figure HS heading covers the product you are exporting. If in doubt, ask your customs authority or your competent national authority which is responsible for issuing certificates of origin Forms A.

It is most important that you establish the correct HS heading for your goods, otherwise you could apply the wrong rule. If it is later found that the product did not have origin then the import duties in EC need to be paid. Your customer will not be pleased.

Step 3

Establish whether the working or processing which has been carried out in your country is among the minimal processes listed in Article 70 (see paragraph 2.5). If it is, then the resulting goods cannot be regarded as originating goods. Go to step 4 if the working or processing undertaken is *more* than minima

Step 4

Turn to Annex 15 and identify the rule for your product. Read the accompanying notes carefully, and make sure you understand them.

Step 5

Establish whether your product has met the relevant rule contained in the list in Annex 15 (see APPENDIX III). The guidance and examples in paragraph 2.4 will help you do this.

Do not forget to include both material and non-material costs in the calculation of your ex-works price where the products are covered by a percentage rule which limits the value of non-originating materials which can be used in the manufacture of the finished product.

Remember to take into account any special provisions which may apply, for example;

- the general tolerance for non-originating materials or parts (paragraph 2.8 and Article 71).
- bilateral cumulation using European Community (or NO or CH) content (paragraph 2.6 and Article 67(2)),
- regional cumulation (paragraph 2.6 and Articles 72 and following) and
- derogations granted to your country/products (paragraph 2.9 and Article 76).

Do not hesitate to contact your national authority competent for the issue of Forms A if, having read this guide, you do not understand any aspect of these rules or are uncertain as to whether your goods satisfy them.

5.3 WHAT EVIDENCE WILL YOU NEED TO SHOW YOUR AUTHORITIES THAT YOUR GOODS HAVE SATISFIED THE RULES OF ORIGIN?

To help you decide whether your product satisfies the rules of origin you may need information about the materials or parts you buy-in.

It is not enough to show that the materials or parts were purchased locally. You must get from your local supplier a statement about the *origin* of the goods he has supplied. Your supplier will therefore need to understand the rules of origin as well and it is your responsibility as the exporter to help him in this respect.

In some cases it may be sufficient to find out how the goods were made. For example, if you are making woven garments and the origin rule requires *'manufacture from yarn'*, it will be sufficient for you to obtain evidence from your local fabric supplier that the fabric was woven locally. A fabric woven from imported (non-originating) yarn will not satisfy the rules of origin for export as an originating fabric, but, when made-up into garments in the same country, the 'yarn to fabric' stage may be added to the 'fabric to garment' stage and the finished product will have met the *'manufacture from yarn'* rule.

If you acquire any materials or parts from a supplier in the EC (or Norway or Switzerland) and you wish to apply the cumulation of origin provisions (see paragraph 2.7) you will need to obtain evidence of the Community (or Norwegian or Swiss) origin of those goods from your supplier. This will either be a movement certificate EUR1 or an invoice declaration.

If you acquire any materials or parts from a supplier in one of the countries of a regional group and you wish to apply the regional cumulation provisions (see paragraph 2.7) then evidence of the origin of these materials or parts in the other member country will need to be obtained from the supplier and you should ask him for a Form A.

Where the origin rules require a calculation of the value of any non-originating materials or parts used as a percentage of the ex-works price of the finished product, you will need to maintain sufficient records to enable the appropriate calculations to be made for each exportation.

You must keep these records and all other records of origin evidence for at least three years to enable checks to be carried out to verify that for any given consignment the origin rules were satisfied.

5.4 WHERE CAN YOU OBTAIN A FORM A?

The competent national authority for the issue of forms A, often customs, will be able tell you how to obtain a Form A for completion.

5.5 WHO CAN FILL IN A FORM A?

As the exporter *you* know whether the goods satisfy the rules of origin so you should normally complete the Form A yourself. However, you can authorise a representative to complete the Form on your behalf. If you do this you must provide your representative with written authorisation for each consignment showing clearly which goods are to be included on the Form A as goods satisfying the rules of origin. You remain responsible for the accuracy of the information given by your representative.

5.6 HOW SHOULD THE FORM A BE COMPLETED?

The Form A must be made out in either English or French. If you are completing the form by hand you must use ink and capital letters throughout.

Box 1

Insert the full name and business address of the exporter.

Box 2 - *Consignee*

The completion of this box is optional, but you are recommended to insert the name and address of the consignee where this is known. For exports to exhibitions which are later sent on to the EC insert also the name and address of the exhibition.

Box 3 - *Transport details*

You should complete this box, if you can, on the basis of available information. If you do not have details of the transport arrangements, then leave this box blank.

Box 4 - *For official use.*

This box is reserved for the use of the certifying authority.

Box 5 - *Item number*

If different types of goods are shown separately on the invoice(s), show each type separately on the Form A and itemise them (1, 2, 3 etc), so they can be crossed checked to the invoice if necessary.

Box 6 - *Marks and numbers*

Insert the identifying marks and numbers that appear on the packages. If the packages are marked with the address of the consignee, state the address. If they are not marked in any way, put 'No marks and numbers'. If both originating and non-originating goods are packed together, add 'Part contents only' at the end of each entry.

Box 7 - *Number and kind of packages, description of goods*

Bulk Goods

Identify the goods by giving a reasonably full commercial description e.g. *'photocopiers'* or *'typewriters'* rather than *'office machinery'*. However if the invoices give full identifying details (which need not necessarily include details of the marks and numbers of the packages) only a general description is needed.

For goods in bulk which are not individually packed, insert *'In bulk'*. The quantity shown must be the same as, or relatable to, the quantity shown on the invoice for the goods (e.g. if the invoice shows 100 cartons and these are loaded on to 10 pallets, specify *'***100 cartons' NOT '10 pallets')**.

Mixed consignments

For consignments containing both originating and non-originating goods, describe only the originating goods on the Form A. You may be unable to avoid showing originating and non-originating goods on the same invoice. In this case, mark the invoice (for example, with an asterisk) to show which goods are non-originating and put an appropriate statement in Box 7 immediately below the description of the goods, e.g. *'Goods marked * on the invoice are non-originating and are not covered by this certificate of origin Form A'.*

The same considerations will apply if you have a mixed consignment of goods qualifying by virtue of a derogation and others which are not covered by that derogation (see point 2.9 above).

Unused space

Draw a horizontal line under the final item in this box and rule through the unused space with a 'Z-shaped' line.

Box 8 - *Origin criterion*

This box signifies to the customs authorities in the EC which origin rule has been applied to the goods. As described in the note about it on the reverse of the Form A, enter the code P for wholly-obtained goods and the code W, followed by the HS heading, where the goods have been sufficiently-worked or -processed goods (thus for wholly-obtained goods of, say, HS heading 96.18, the indication should read: "P" 96.18; for sufficiently-worked or -processed goods of the same HS heading, it should read: "W" 96.18.) **Failure to complete this box correctly (e.g. by inserting the wrong tariff heading) could lead to the rejection of the Form A.**

Special note for exporters to the Czech Republic, Hungary, Poland and Slovakia using Form As bearing the 1996 notes on the back, and for exporters to Bulgaria using the 1996, 2004 or 2005 version: please disregard note III(b)(4). The indication to be made since their accession to the EC is that specified by note III(b)(3) for the European Union. *(See also the footnote to point 4.2).*

Box 9 - *Gross weight or other quantity*

You should give quantities in metric units (e.g. kilograms, litres etc), but imperial measures (e.g. tons, pounds (lbs.), imperial gallons) will be accepted.

Box 10 - *Number and date of invoice*

Insert details as required.

Box 11 - *Certification*

Leave this blank.

Box 12 - *Declaration by the exporter*

Complete this box by inserting the name of the country in which the goods are considered to have originated. You should take into account that, where the provisions for regional cumulation have been applied (see paragraph 2.7), that country may not be the same as the country of final processing or the country of exportation. For the importing country you must put *'European Community'*; you may put the name of the particular Member State concerned in as well. **Indicating a different donor country (e.g. *Canada*) could lead to the Form A not being accepted.**

Only the exporter, or a person duly authorised by the exporter (see paragraph 5.5), can sign this declaration. Forwarding agents acting simply in that capacity are not exporters and must not sign this box. By signing this form you declare that the goods qualify under the provisions of the EC. **If the declaration is incorrect you will have committed an offence which may incur penalties.**

5.7 WHERE AND WHEN DO I PRESENT THE COMPLETED FORM A FOR CERTIFICATION?

When the goods are exported, or shortly before, the exporter or his representative should take the completed Form A to the competent certifying authority. The Form should be accompanied by a written application for the issue of the Form A, in the format and manner prescribed by the competent authorities. The application should be supported by the appropriate documents showing that the products to be exported qualify for the issue of the Form A (see paragraph 5.3).

The certifying authority will examine the application, the supporting documents and the Form A to make sure that you have supplied all the information necessary. If they are satisfied that the goods seem to qualify for the issue of the certificate they will stamp and sign the Form A and return it to you for you to send, immediately, to your customer in the Community. Your customer will then present the Form A to the Community Customs Authorities when the goods are imported in order to claim the lower rate of duty.

If the contract for the supply of the goods requires that the Form A is sent first to a bank, you should do this and remind the bank of the need to send the original Form A on to your customer as soon as possible so that he can use it at import.

5.8 CAN THE CERTIFYING AUTHORITY REFUSE TO ISSUE THE FORM A?

Yes. If they do not think you have adequately demonstrated that the good have originating status they **will** do this. If you have just completed the form incorrectly it will be returned to you with appropriate instructions about any corrections/amendments that need to be made.

The certifying authority may also ask you to provide additional evidence to demonstrate that the goods have indeed satisfied the rules of origin. They may also decided to undertake other checks or controls, including a visit to your factory/business premises, to confirm the accuracy of the information you have provided.

5.9 CAN A FORM A BE ISSUED RETROSPECTIVELY AFTER THE GOODS HAVE BEEN EXPORTED ? (ARTICLE 85)

Yes, exceptionally, but you should make every effort to complete a Form A for issue at the time of exportation. However, a Form A may be issued after exportation of the goods, if:

- one was not issued at the time of exportation because of errors, accidental omissions or special circumstances;

or

- it is demonstrated to the satisfaction of the certifying authority that a Form A was not accepted on importation for technical reasons, rather than ones of substance.

A Form A will be rejected for 'technical reasons' by the Customs authorities of the importing EC Member State if Box 12 ("Declaration by the exporter") has not been completed for example.

Circumstances in which Forms A may be issued after exportation include, for example, those where, at the time of exportation, the necessary evidence of origin of materials or parts used was not available to the exporter.

For a Form A to be issued after your goods have been shipped, you must:

- apply in writing to the certifying authority stating that no valid Form A was issued at the time of exportation; and explaining why, or
- explain what were the technical measures for the original certificate being rejected.
- provide a correctly completed Form A;
- give details of the place and date of exportation of the goods to which the certificate refers; and
- supply a copy of the export invoice and evidence (see paragraph 5.3) which demonstrates that the goods have satisfied the provisions for the issue of the Form A.
- The competent certifying authority will only issue the form if they are satisfied that their conditions for the issue of a Form A after the exportation of the goods are met and that the information you have provided corresponds with that in their records. They will insert the words *'Issued Retrospectively'* or *'Delivré a Posteriori'* in Box 4 of the form.

It is pointed out that "exceptional circumstances" do not include cases where a preference exists at the time of declaration for release for free circulation, but where no preference existed at the time of export. Form A cannot be issued retrospectively where there would have been no legal basis to do so at the time of export.

5.10 WHAT HAPPENS IF A FORM A IS LOST, STOLEN OR DESTROYED?: DUPLICATE CERTIFICATES (ARTICLE 86)

If this happens the exporter, or his duly authorised agent, may apply to the competent authority which issued the Form A for a **duplicate** to be made out on the basis of the export documents in their possession. You should:

- state in writing why you need a duplicate;
- provide a completed Form A; and
- supply a copy of the export invoice and/or and any other supporting evidence on the basis of which the original form was issued.

After verifying that the information provided agrees with that in their files, the competent authority will issue a duplicate Form A on the basis of the export documents in their possession provided that they are satisfied that your request is genuine. They will write *'Duplicate'* or *'Duplicata*, the date of issue and serial number of the original certificate in Box 4. The period of validity (see paragraph 4.4) of the duplicate certificate will take effect from the date of the original.

5.11 WHAT ARE REPLACEMENT CERTIFICATES OF ORIGIN FORM A? (ARTICLE 87)

Replacement certificates of origin Form A should not be confused with duplicate certificates (see point 5.10). They may be issued on the basis of the original issued in the beneficiary country:

- by EC customs authorities, where originating products are placed under the control of a customs office in the Community and all or some of them are to be sent elsewhere within the Community or to Norway or Switzerland;

- by the authorities of Norway or Switzerland, where the goods are transported through Norway or Switzerland and the direct transport conditions are met (see point 3.3 above).

Where a replacement certificate is required, the re-exporter must make a written request. Replacement certificates are then treated as definitive certificates for the purposes of granting preferential tariff treatment.

5.12 ARE THERE ANY SPECIAL PROVISIONS FOR THE EXPORT OF LOW VALUE CONSIGNMENTS?

Yes, both for certain consignments of a commercial nature (Article 80(b) and Article 89(1)(b)) and for products sent as small packages from *private* persons to *private* persons, or which form part of a *traveller's personal luggage* (Article 90c).

Consignments of a *commercial* nature which contain originating products of a value not exceeding €6000 may be accompanied by an invoice declaration (the text of which appears in Annex 18 and is also reproduced at point 4.3 above) in place of the Form A. The declaration may be written on the invoice, the delivery note or any other commercial document relating to the consignment and describing the product. The exporter must:

- issue only one invoice declaration for each consignment;

- make the declaration in either French or English by writing, typing, or stamping it or by having it printed onto the relevant document. N.B. ink and block capitals must be used if you are writing the declaration by hand;
- sign the declaration in manuscript; and
- be prepared to submit at any time, all appropriate documents substantiating the originating status of the goods concerned at the request of the competent authority.

Neither a Form A nor an invoice declaration is needed for products sent as small packages from *private* persons to *private* persons, or which form part of a *traveller's personal luggage.* These items will be admitted at the appropriate preferential tariff rate of duty by the EC Customs authorities provided the goods are not imported by way of trade (the imports are occasional and consist solely of products for the personal use of the recipients or travellers or their families and it is evident from the nature and quantity of the products that no commercial purpose is in view), and there is no reason to doubt that they satisfy the rules of origin. However the total value of the products must not exceed €500 in the case of *small packages,* or €1200 in the case of the contents of *travellers' personal luggage.* If the value is higher than this then documentation will be required or duty will have to be paid. There is no provision for getting evidence later and reclaiming duty already paid.

SECTION 6 - RESPONSIBILITIES OF EXPORTERS IN THE EC

6.1 AS AN EC EXPORTER WHY SHOULD I READ THIS SECTION?

When products of EC origin are used as materials in the manufacture of a product in a GSP beneficiary country, they count (under the cumulation of origin rules, see paragraph 2.7) as originating in that country. This can help the finished product satisfy the rules of origin for importation into the Community at a preferential rate of duty. It is important, therefore, that goods exported for this purpose are accompanied by evidence of their EC originating status. The manufacturer in the GSP country will need to present this evidence in support of his application for a Form A to accompany the goods he sends to the EC.

Bilateral cumulation (see point 2.7 above) applies only if the exported goods have EC originating status (Community customs status obtained through release for free circulation is not enough) certified by an EUR.1, and they are subject to more than a minimal operation in the country concerned (and also provided no non-originating material is added during the operation).

If you are exporting goods to a beneficiary country under the Outward Processing Relief (OPR) arrangements, you may wish to consider whether the materials or parts you are sending out for processing qualify as originating goods and whether the returning product would then be entitled to receive additional tariff advantages under the EC GSP scheme:

Under EC GSP bilateral cumulation, the re-imported product will be granted the benefit of the GSP arrangements; on the other hand, as a compensating product for OPR, Article 151 of the Community Customs Code ("the Code" - Council Regulation (EEC) No 2913/92) will apply; however, by combining both, Article 151(4) should apply. The amount of possible additional OPR duty relief will depend on the GSP duty rate to be applied to goods of the same kind as those temporarily exported. Note however that the method of taxation based on the cost of the processing operation (Article 153 second paragraph of the Code and Article 591 of Regulation No 2454/93) could not be applied in such a situation, where the temporary export good could have been subject to the preferential GSP duty, unless proof is given that it had not been released for free circulation at a duty rate of zero.

It is vitally important therefore to ensure that any declaration you make about the origin of the exported materials or parts is correct. An incorrect declaration may lead to a false claim to preferential tariff treatment in respect of the products subsequently imported into the EC which in turn may lead to penalties being imposed on the importer.

6.2 WHAT ARE THE RULES OF ORIGIN APPLYING TO GOODS EXPORTED FROM THE EC?

The rules which determine the origin of goods produced in GSP countries apply to goods exported from the EC to the GSP countries as well. The general guidance provided in paragraph 5.2 for working out how goods satisfy the rules of origin applies also when goods are exported from the EC.

6.3 WHAT EVIDENCE WILL I NEED TO SHOW THAT MY GOODS HAVE SATISFIED THE RULES OF ORIGIN?

If you are already exporting under one of the EC's preferential trading arrangements, you will be familiar with the evidence that must be obtained and the records that must be maintained. Otherwise you should seek advice from your national customs administration, but you may read the appropriate parts of this guide to get an idea of what you will have to do. In this regard, Council Regulation (EC) No 1207/2001 applies within the Community. It lays down procedures such as supplier's declarations to facilitate the issue of movement certificates EUR.1 and the making-out of invoice declarations.

6.4 WHAT EVIDENCE MUST I SEND TO THE GSP COUNTRY TO SHOW THAT MY GOODS HAVE SATISFIED THE RULES OF ORIGIN?

Normally, you must provide your customer in the GSP country with a movement certificate EUR 1 (see Annex 21). EC exporters who are not familiar with this document should seek further advice from their national customs authorities.

However, if you are a Community '*Approved Exporter*' then you may use an *invoice declaration*, stating that the products are of EC preferential origin '*according to the rules of origin of the Generalised System of Preferences of the European Community'.*

6.5 WHERE AND WHEN DO I PRESENT A COMPLETED EUR 1 FOR CERTIFICATION?

You should follow the procedures laid down by your national customs authority.

6.6 IS THERE ANYTHING ELSE I SHOULD KNOW ABOUT THE EUR 1 AND THE INVOICE DECLARATION?

The rules concerning certificates issued after the goods have been exported, lost certificates and invoice declarations for low value consignments covered in paragraphs 5.9, 5.10 and 5.12 essentially also apply to EUR 1s and invoice declarations issued for exports from the EC.

SECTION 7 - RESPONSIBILITIES OF IMPORTERS IN THE EC

7.1 AS AN EC IMPORTER WHY SHOULD I READ THIS SECTION?

IMPORTING UNDER PREFERENCE CARRIES CERTAIN RISKS. IT IS THEREFORE IMPORTANT THAT YOU SHOULD BE AWARE OF THESE RISKS AND OF HOW YOU CAN PROTECT YOUR INTERESTS.

The customs authorities in the importing Member State of the EC can ask the authorities in the exporting country to carry out further checks and controls on goods which have already arrived in the EC and which may even have been already been released for free circulation at a preferential rate of duty (see paragraph 8.5). This is often called "a subsequent verification" (see paragraph 8.5 to see what happens in the beneficiary country).

If the goods have not already been put into free circulation and the competent authorities decide to suspend the granting of tariff preferences while awaiting the results of the verification, you may be required to pay security (Article 94). Where they consider that checks which they have undertaken may result in a higher amount of import duties being due than that resulting from the particulars in the declaration, they shall always require the lodging of a security sufficient to cover the difference (Article 248 of Regulation (EEC) No 2454/93).

Where a verification check shows that the goods do not qualify for preferential tariff treatment, customs will refuse preference or you will lose the benefit of it. You should also note that Community legislation provides for the collection of duty from the importer up to 3 years after the goods have been imported.

7.2 HOW CAN I CHECK THAT THE GOODS I AM IMPORTING MEET THE REQUIRED ORIGIN RULES?

In your own interests you should check as far as you can that any proof of origin you present to customs is valid and that the goods covered by it are entitled to the reduced rate of customs duty you are claiming, to avoid unpleasant repercussions later on.

If you suspect the accuracy or validity of the preference document you hold or have reason to doubt that the goods are entitled to a reduced rate of duty, you should not claim that preferential rate of duty. If you do so, you will run the risk of having committed an offence which may incur penalties.

Before you make your claim for a reduced rate of duty (by entering the code 2 in box 36 of the customs declaration form (SAD), or even before you order the goods, you should yourself:

- find out the origin rule for the product concerned (see Annex 15);

- remind your overseas supplier of the rule and ask for written confirmation that it has been, or will be, met. You could also ask your supplier to provide some information that demonstrates compliance with the rule. For example, if you are importing garments, you might ask about the origin of the fabric used or where the yarn comes from.

You could, in addition, consider whether you would be able to include and enforce a clause in your contract allowing you to recover duty from your supplier. If not, you will be out of pocket if post import verification reveals that the certificate was invalid or that the goods had not met the rules.

If you suspect the accuracy of any of the information received you should **seek further clarification** from your supplier.

You should **consult your customs authorities** if, having received a response from your supplier, you are still unsure that your goods are entitled to a preferential rate of duty to see what they think. But their advice will not binding.

If you are already claiming a preferential rate of duty on goods which have not been subjected to the above checks, you should consider whether it would be advisable to make appropriate enquiries of your supplier. **You must STOP making claims to preference immediately if the enquiries show that your goods are not meeting the origin rules.**

If you are intending to import the same kind of goods over a long period of time, you may wish to consider making regular checks with your supplier to ensure that there been no change in the manufacturing process or in the origin of the materials or parts used. **You must STOP making claims to preference immediately if these checks show that your goods are no longer meeting the origin rules.**

You should keep a record of all action taken. Your customs authorities may wish to see what steps you have taken to ensure that your goods are entitled to the reduced customs charges that you are claiming. This might help providing you acted in "good faith" if something goes wrong or might reduce the amount of duty you will have to pay.

7.3 CAN I MAKE A BELATED CLAIM?

Yes, if your checks subsequently confirm that any goods which you have already imported, and on which you have paid the full duty, are entitled to a preferential rate of duty, a belated claim may be made up to three years from the date on which the goods were originally entered for free circulation.

SECTION 8 - RESPONSIBILITY OF THE COMPETENT AUTHORITY IN BENEFICIARY COUNTRIES

8.1 HOW DOES ADMINISTRATIVE CO-OPERATION WORK?

The governmental authorities of the beneficiary country, the European Commission and customs authorities of the EC need to jointly manage a system of co-operation in order to ensure the correct and effective application of the GSP and to ensure that it advantages are only enjoyed by those whom it is meant to aid.

It should be noted that goods cannot obtain the benefit of tariff preferences until the beneficiary country has complied with the administrative cooperation requirements.

In accordance with Article 93, the beneficiary country informs the Commission of the names and addresses of the **governmental authorities** within the beneficiary territory which are empowered to **issue** certificates of origin Form A as well as those responsible for the **control (or verification)** of certificates of origin Form A and invoice declarations. In principle, the EC only accepts the nomination of governmental authorities, such as customs authorities or the Ministries of Trade, for the issue of Forms A as it considers that a certificate of origin is a blank cheque, which will be drawn on the EC budget and, accordingly, it should only be issued by a body which involves the government of the beneficiary country. Other bodies like chambers of commerce to whom the power has been delegated by a governmental authority could be accepted for the **issue** of certificates, insofar as this activity remains under the effective control of the government. But they **cannot** be accepted for control, as their links with private interests could prejudice the correct control of their members. This must always be exercised by a governmental authority, with no possibility of delegation. This is particularly important, since, if the EC finds it necessary to withdraw a beneficiary country from its GSP (e.g. for fraud or for lack of administrative co-operation), then it is entirely the government's responsibility.

The beneficiary country must also send to the European Commission **original, legible specimens of stamps,** representing the official signature[7], used by those authorities to issue certificates.

- Copies of the specimens of stamps are distributed to the EC customs authorities. As they are not publicly available (except for reference at the time of the importation, when the European importer is allowed to verify if the certificate of origin he received from his supplier of his goods seems to be in order), they contribute in ascertaining the authenticity of the certificate of origin.

- The bodies in charge of the issue of the certificates of origin must inform the European Commission of any changes to the stamps. If they do not, then the exported goods could be presented to a Community customs authority which is not aware the existence of such a stamp; it would therefore refuse to grant a preference. Communicating new or additional stamps promptly (together with the date of entry into use of the new stamp) is the only way to avoid this problem. The competent authority must also immediately inform the Commission of any stamps that have been stolen or mislaid.

- The beneficiary country must inform the Commission (communication of information to individual Member States is not sufficient) of any change to the names and addresses of

7 Names of individual authorised officials and specimens of the signatures are not however required.

the governmental authorities responsible for the verification of the certificates of origin Form A and the invoice declarations, so that there is no breakdown in communication. It is also recommended to have a different governmental body in charge of the subsequent verification to the one in charge of issuing certificates of origin Form A as this will guarantee a better control. The European Community relies on the beneficiary country for the proper working of the system.

For example, if the goods exported were to be further worked or processed after their exportation from the beneficiary country, then they would no longer correspond to the Form A and only the authorities of the beneficiary country would be able to state if the goods imported into the EC corresponded to the ones which were exported together with the Form A.

- It should be noted, in the case of bilateral cumulation of origin using goods originating in the EC, that the official bodies of the beneficiary country may send back the movement certificate EUR.1 to the EC issuing authorities for verification, if they wish.

8.2 WHAT IS THE FIRST RESPONSIBILITY OF THE GOVERNMENTAL AUTHORITY OF THE BENEFICIARY COUNTRY ?

The governmental authorities of a beneficiary country must provide guidance to their exporters. Such assistance could consist of offering training, explanations and of explanatory notices about the rules of origin.

8.3 WHAT MUST THE GOVERNMENTAL AUTHORITY OF THE BENEFICIARY COUNTRY DO BEFORE ISSUING FORM A?

The authority must verify that information concerning the origin of the goods, presented to it with the written application for a certificate of origin, is correct and that the goods have originating status.

For example, the origin criteria for cloth garments with manufacture yarn states that such a product qualifies under EC GSP origin rules only if all the industrial processes necessary to obtain origin to take place in the beneficiary country. Thus evidence of the importation of the yarn (if it is not already originating) and of the manufacture of the fabric must be provided.

The authority must also ensure that any endorsements required are inserted in box 4: e.g. "Issued retrospectively" or "Délivré a posteriori (see section 5.9), "Duplicate" or "Duplicata" (see section 5.10), "Derogation-Regulation (EC) No. …./…." (see section 2.9).

8.4 WHAT MUST THE GOVERNMENTAL AUTHORITY OF THE BENEFICIARY COUNTRY DO AFTER ISSUING FORM A ?

After the issue of the Form A, the authorities of the beneficiary country must keep records for at least three years, as these authorities may be asked by the EC customs authorities to verify a certificate of origin during this period.

8.5 HOW SHOULD THE AUTHORITIES OF THE BENEFICIARY COUNTRY COMPLY WITH AN EC REQUEST FOR SUBSEQUENT VERIFICATION?

The authorities in charge of subsequent verification are expected to reply to a request for verification within six months. However, if there is no reply after six months, the EC's customs authorities will send a reminder and a further period of four months will be allowed for the reply. In order to reply, the authorities must carry out any checks that may be required, such as asking for further documentary evidence of the origin of the goods, checking on exporters records and accounts, or even carrying out a factory inspection.

Note that beneficiary countries benefiting from regional cumulation as part of a regional group give an undertaking to provide administrative cooperation not only to the Community, but also to each other (see Article 72b(1)(b)). *Inter alia*, this means that where a Member State makes a request for subsequent verification, it will correspond with the authorities of the member of the group which issued the Form A, and those authorities must liaise as appropriate with the authorities of other group members involved.

The customs authorities of the EC need a complete answer; "I confirm the origin of the goods" is not enough. They require detailed explanations, such as the description of the industrial process, description of the materials used, and the cost-break down of the process.

It is stressed that if the ten-month deadline is not met, this could entail important consequences for the EC importer whose goods, especially if there are grounds for reasonable doubt concerning the true origin, will not benefit from the tariff preference.

8.6 WHAT ARE THE CONSEQUENCES OF FAILURE TO PROVIDE ADEQUATE ADMINISTRATIVE COOPERATION?

Where there are grounds for doubt concerning the proper application of the preferential arrangements in the beneficiary country, the Commission may publish a warning notice to importers in the *Official Journal of the European Communities.*

Failure to provide the administrative cooperation required may ultimately lead **to suspension or withdrawal of EC GSP tariff preferences.**

APPENDIX I - LIST OF BENEFICIARY COUNTRIES AND TERRITORIES

(Taken from Annex I of EC GSP

Disclaimer

Warning: the list of beneficiary countries is rather a list of **potential** beneficiaries, since some countries may not meet the conditions to actually benefit from EC GSP. Myanmar for example is temporarily suspended from it. Other countries may not yet have complied with the administrative cooperation requirements laid down in Article 93 (see Section 8 above), which are a pre-condition for goods to be granted the benefit of tariff preferences. If in doubt, your competent authorities will advise you.

Beneficiary countries and territories of the Community's scheme of generalised tariff preferences

Countries included in the special arrangement for least developed countries are marked *

Countries included in the special incentive arrangement for sustainable development and good governance are marked †

United Arab Emirates
*Afghanistan **
Antigua and Barbuda
Anguilla
Armenia
Netherlands Antilles
*Angola **
Antarctica
Argentina
American Samoa
Aruba
Azerbaijan
Barbados
*Bangladesh **
*Burkina Faso **
Bahrain
*Burundi **
*Benin **
Bermuda
Brunei Darussalam
Bolivia †
Brazil
Bahamas
*Bhutan **
Bouvet Island
Botswana
Belarus
Belize
Cocos Islands (or Keeling Islands)
*Democratic Republic of Congo **
*Central African Republic **
Congo
Côte d'Ivoire
Cook Islands
Cameroon
People's Republic of China
Colombia †
Costa Rica †
Cuba
*Cape Verde **
Christmas Islands
Cyprus
*Djibouti **
Dominica
Dominican Republic
Algeria
Ecuador †
Egypt
*Eritrea **
*Ethiopia **
Fiji
Falklands Islands
Federated States of Micronesia
Gabon
Grenada
Georgia †
Ghana
Gibraltar
Greenland
*Gambia **
*Guinea **
*Equatorial Guinea **
South Georgia and South Sandwich Islands
Guatemala †
Guam
*Guinea-Bissau **
Guyana
Heard Island and McDonald Islands
Honduras †
*Haiti **
Indonesia
India
British Indian Ocean Territory
Iraq
Iran (Islamic Republic of)
Jamaica
Jordan
Kenya
Kyrgyzstan
*Cambodia **
*Kiribati **
*Comoros **

St Kitts and Nevis
Kuwait
Cayman Islands
Kazakhstan
*Lao People's Democratic Republic **
Lebanon
St Lucia
Sri Lanka †
*Liberia **
*Lesotho **
Libyan Arab Jamahiriya
Morocco
Moldova (Republic of) †
*Madagascar **
Marshall Islands
*Mali **
*Myanmar **
Mongolia †
Macao
Northern Mariana Islands
*Mauritania **
Montserrat
Mauritius
*Maldives **
*Malawi **
Mexico
Malaysia
*Mozambique **
Namibia
New Caledonia
*Niger **
Norfolk Island
Nigeria
Nicaragua †
*Nepal **
Nauru
Niue Island
Oman
Panama †
Peru †
French Polynesia
Papua New Guinea
Philippines
Pakistan
St Pierre and Miquelon
Pitcairn
Palau
Paraguay
Qatar
Russian Federation
*Rwanda **
Saudi Arabia
*Solomon Islands **
Seychelles
*Sudan **
Santa Helena
*Sierra Leone **
*Senegal **
*Somalia **
Suriname
*São Tomé and Príncipe **
El Salvador †
Syrian Arab Republic
Swaziland
Turks and Caicos Islands
*Chad **
French Southern territories
*Togo **
Thailand
Tajikistan
Tokelau Islands
*Timor-Leste **
Turkmenistan
Tunisia
Tonga
Trinidad and Tobago
*Tuvalu **
*Tanzania (United Republic of) **
Ukraine
*Uganda **
United States Minor outlying islands
Uruguay
Uzbekistan
St Vincent and Northern Grenadines
Venezuela †
Virgin Islands (British)
Virgin Islands (USA)
Viet Nam
*Vanuatu **
Wallis and Futuna
*Samoa **
*Yemen **
Mayotte
South Africa
*Zambia **
Zimbabwe