

Outline of Rules of Origin for GSP Scheme in Japan

Origin Administration and Investigation Center, Japan Customs

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Contents of this materials



Generalized System of Preferences or "GSP" is a scheme to reduce tariffs to designated import products from developing countries/territories, aiming to help them financially and economically. Preferential tariff rate on GSP is only applied to the goods from designated beneficiary countries/territories.

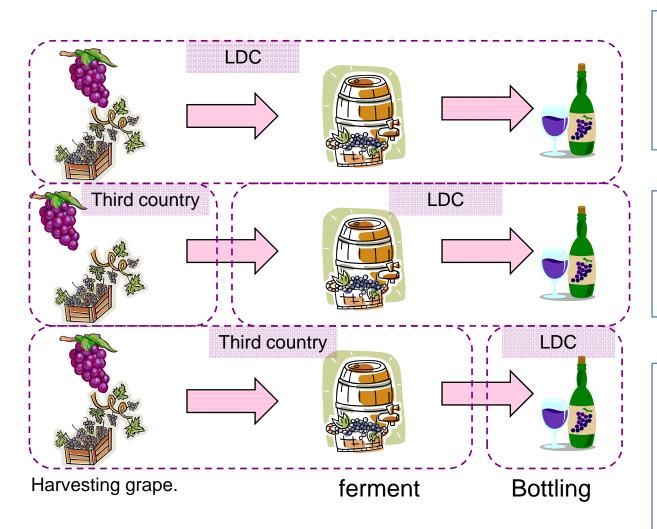
In this materials, we collect information which you should know at least. Information on "Origin Criteria" is on the page3-28, and "Procedural Provision" for customs matters is on the page29-54. Though it's a long materials you may think, it's worth to read for helping your understanding. Please read it through all materials we provide.

What is rules of origin? Why rules of origin need?

> Rules of origin is to determine the "NATIONALITY" of goods.

> Preferential rate of EPA is applied to origination goods of exporting Party.

What is goods which applied to preferential rate of EPA rate.



In the view of manufacturing process, there are variety of wines which is imported form exporting country.



We need to determine the wine which applied to preferential rate.



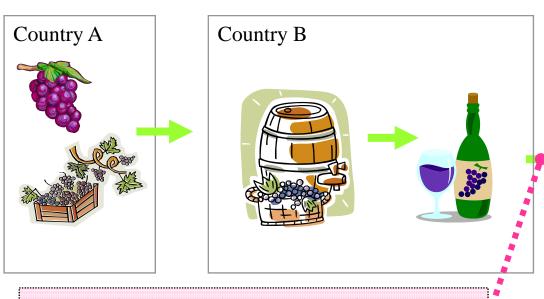
We need to determine rules of origin, and originating goods satisfied with rules of origin are applied to preferential rate.

Topics

- I. General Structure of Rules of Origin
- II. Origin Criteria and Consignment Criteria
- **III. Procedural Provisions**

I. General Structure of Rules of Origin

General Structure of Rules of Origin



(1) Rules for determining the origin of the good at the time of exportation

> (1) Origin Criteria

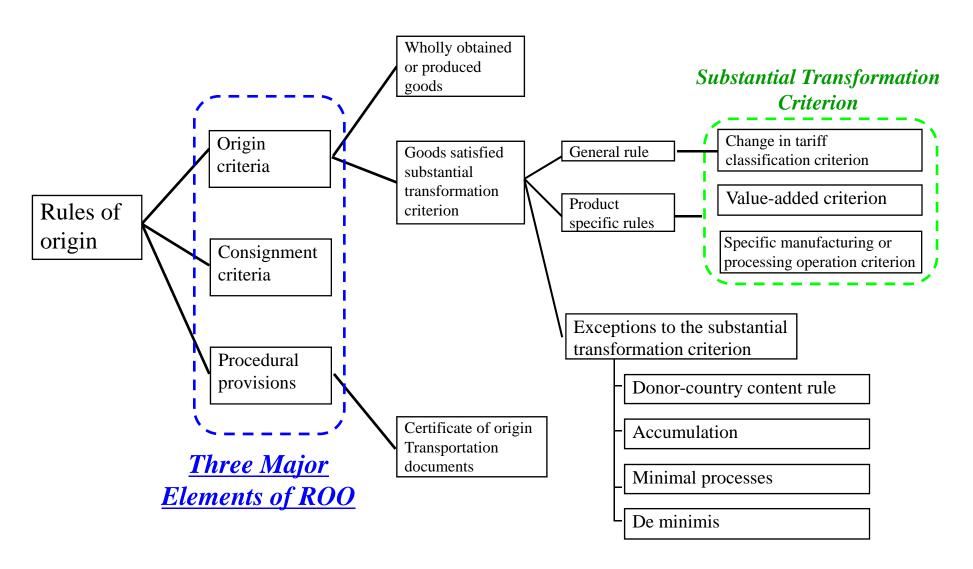
(2) Consignment Criteria

(2) Rules for determining whether or not the good in question maintains the acquired origin status during its transportation

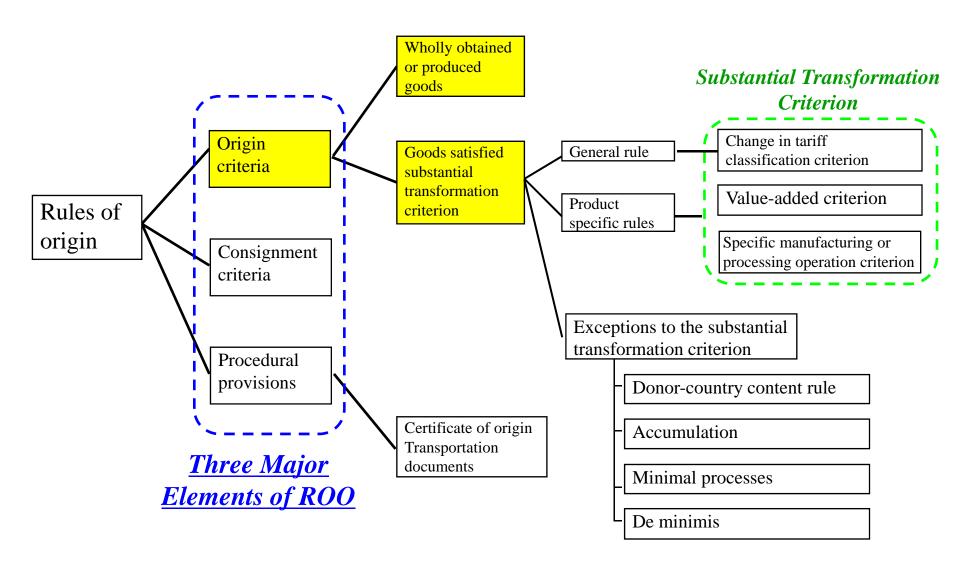
(3) Rules for origin certification or for verification of declared origin of the good

(3) Procedural Provisions

Japan



II. Origin Criteria and Consignment Criteria



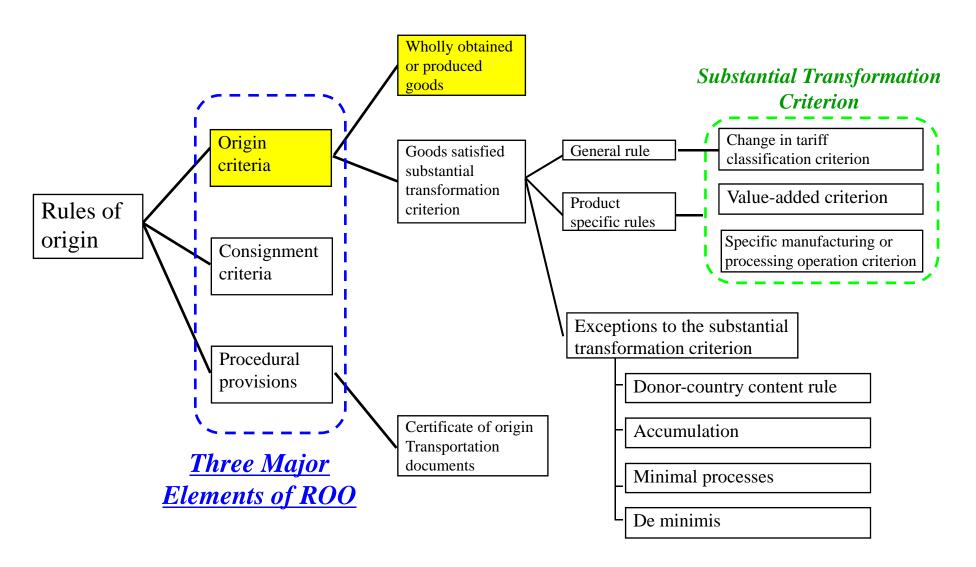
Origin Criteria

1. Wholly obtained or produced goods

- the good is wholly obtained or produced entirely in a beneficially country or area(hereinafter referred to as country).

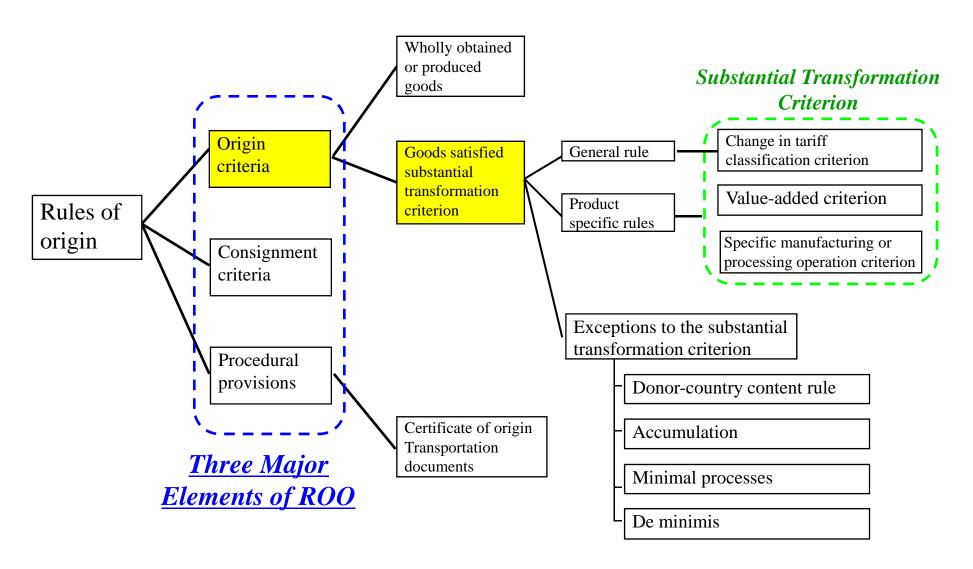
2. Substantial transformation criterion

- the good is produced through specified manufacturing or processing to non-originating materials as substantial transformation in a beneficially country.
 - > Change in tariff classification criterion
 - > Value-added criterion
 - > Specific manufacturing or processing operation criterion



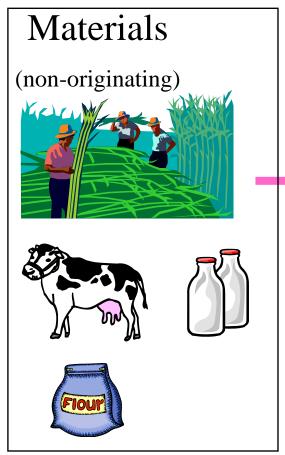
Wholly Obtained or Produced Goods

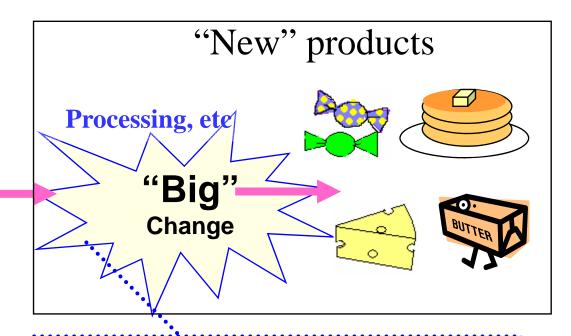
Types of goods	Example
(1) mineral goods extracted in the country	crude oil
(2) vegetable goods harvested in the country	cut flowers
(3) live animals born and raised in the country	livestock
(4) goods obtained from live animals in the country	milk, egg
(5) goods obtained from hunting or fishing in the country	captured wild animals
(6) marine products taken from the high seas and the economic exclusive zones of Japan or foreign countries by vessels of the country	fish captured from the high sea
(7) goods produced from the goods referred to (6) on board ships	dried fish produced on a board ship
(8) articles collected in the country which are fit only for the recovery of parts or raw materials	used car impossible to be driven
(9) scrap and waste derived from manufacturing or processing operations in the country	wood waste
(10) goods obtained or produced in the country exclusively from the goods referred to in subparagraphs (1) through (9).	meat produced from slaughtered cattle



Goods Satisfied Substantial Transformation Criterion

Other Country





This "Big change" is named as "substantial transformation" and a country in which such big change happened is considered as a country of origin. Goods underwent big change are named as "Goods satisfied substantial transformation criterion".

Types of Substantial Transformation

3 types of Substantial Transformation (Big Change)

(1) Change-in-tariff-classification Criterion (CTC rule)

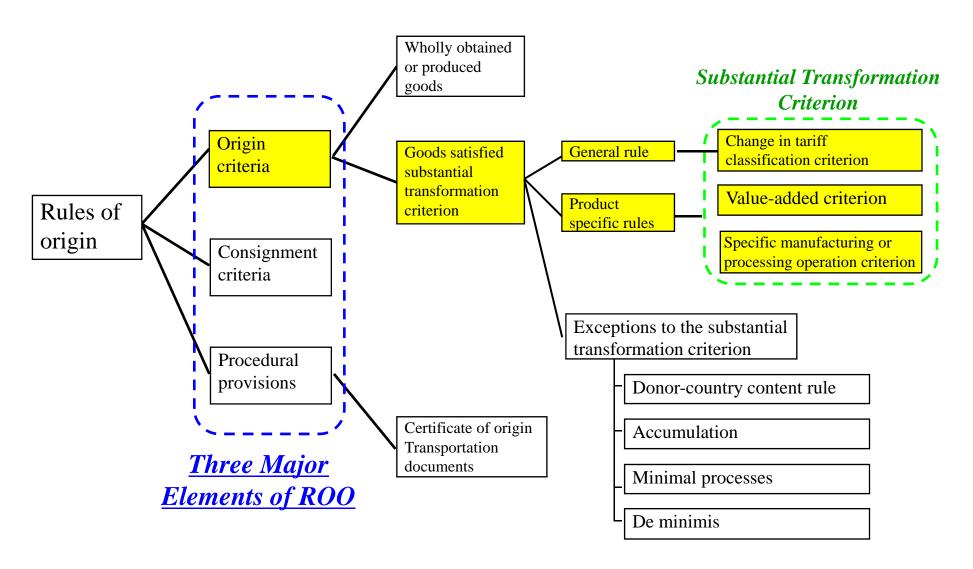
When the HS code of a good differs from all HS codes of nonoriginating materials, the good is qualified as an originating good.

(2) Specific manufacturing or processing operation criterion (Process rule)

When specific manufacturing or processing operation is applied to non-originating materials, the good is qualified as an originating good.

(3) Value-added criterion (VA rule)

When the value added to a good through its production in a country satisfies some value content, the good can be qualified as an originating good.



Stipulation of Substantial Transformation in ROO of GSP

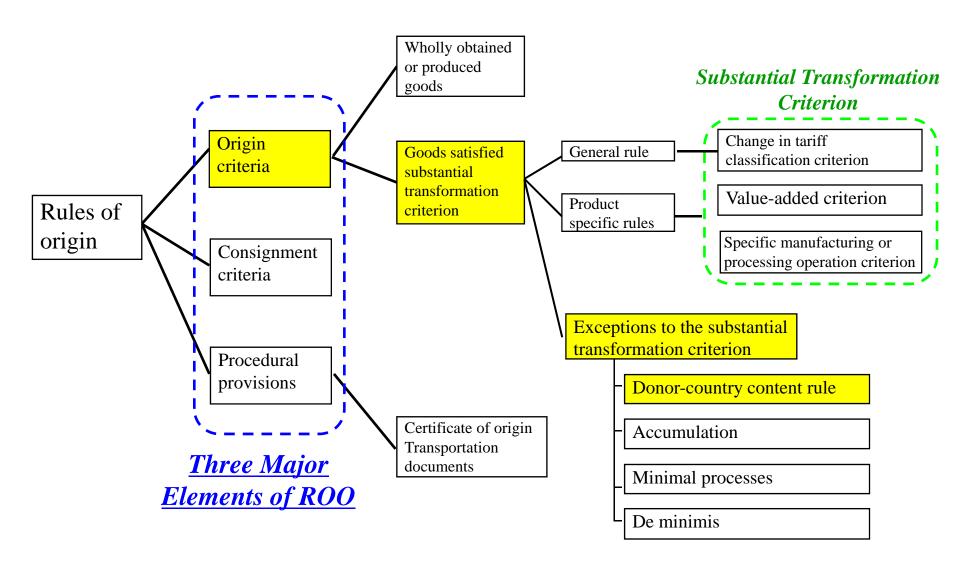
> General rule

✓ "Change of heading (CTH)" is stipulated as "general rule" *.

* This means that all non-originating materials used in the production of the good have undergone a change in tariff classification at the 4-digit level of HS.

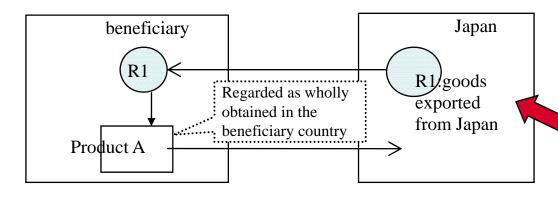
> PSR (Product specific rules)

- ✓ PSR is stipulated for the goods which are not applicable to the above mentioned general rule.
- ✓ PSR is stipulated for each applicable good.



Exceptions to substantial transformation criteria Donor-country Content Rule

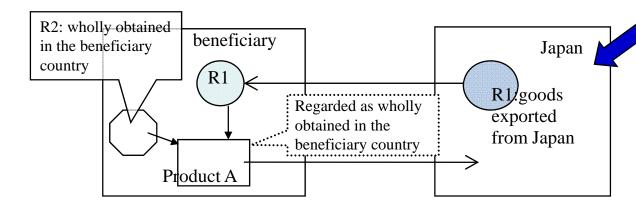
In application of the origin criteria, the following special treatment will be given to the materials imported from Japan into a beneficiary country and used there in the production of goods to be exported to Japan later: ("Donor-country content rule")



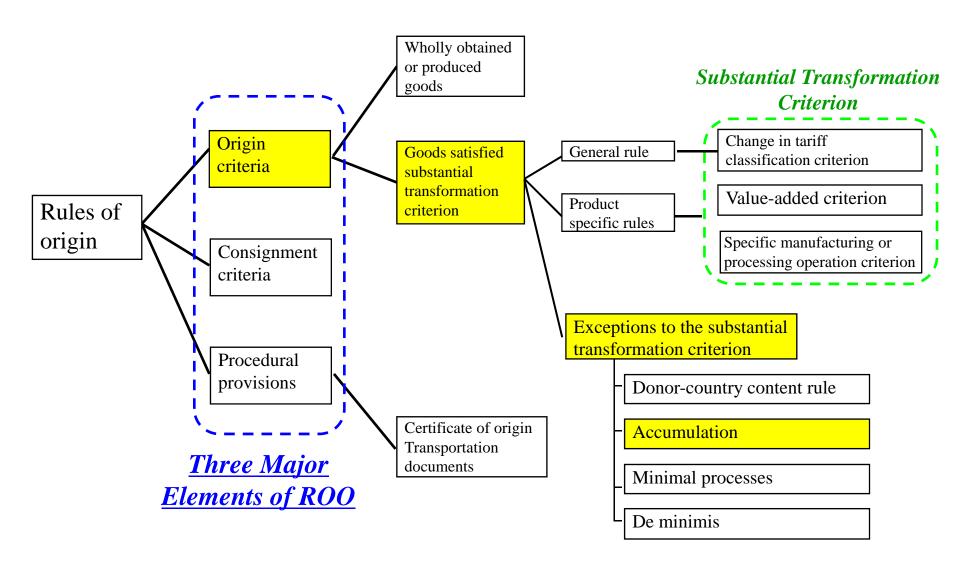
In the case of the goods
produced in a beneficiary
country only from the
materials imported from Japan,

or those produced in a beneficiary country from the materials wholly obtained in the beneficiary country and the materials imported from Japan,

such goods will be regarded as being wholly obtained or produced in that country.

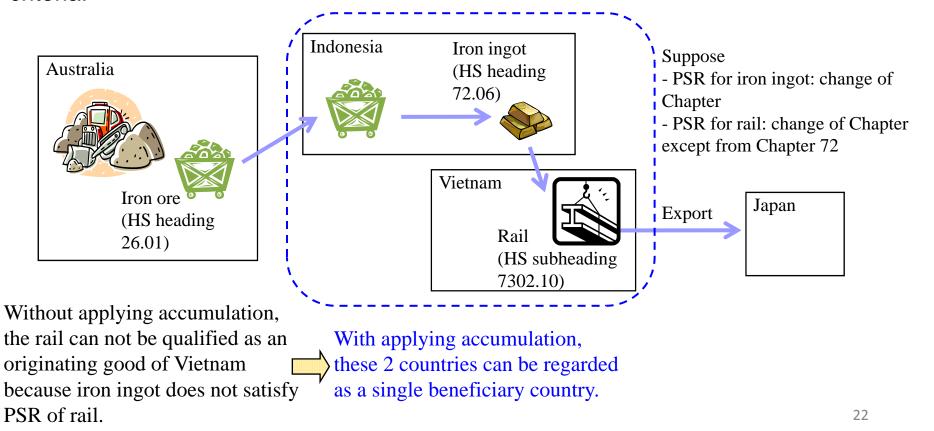


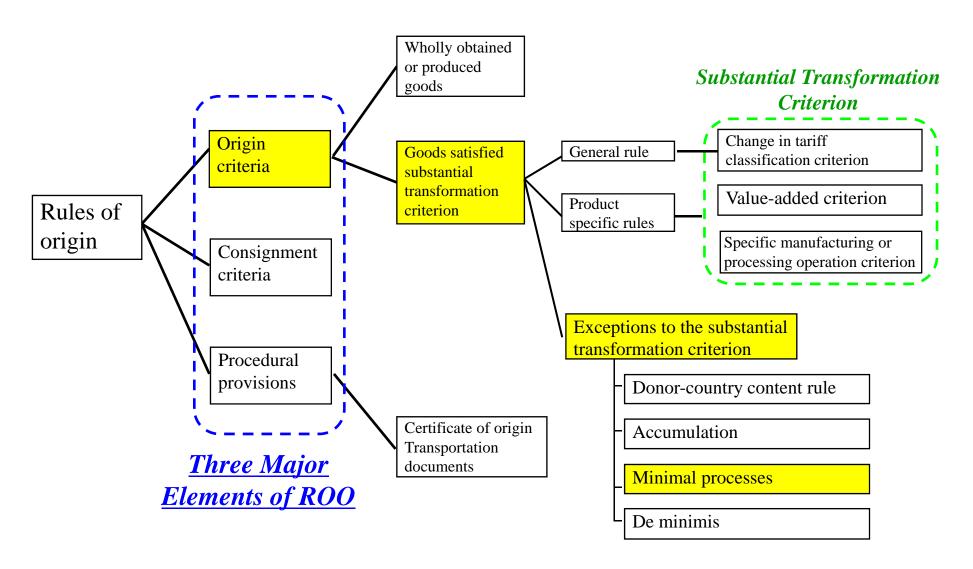
Note: This rule is not applicable to some products.



Accumulation

In case the good produced in <u>Indonesia</u>, <u>Malaysia</u>, <u>the Philippines</u>, <u>Thailand or Vietnam</u> (hereinafter "the 5 Countries"), manufacturing or processing operation conducted in the rest of 4 countries can be considered as the operation conducted in the country production of the good takes place. As a result, <u>the 5 countries are regarded as a single beneficiary country</u> for the purpose of applying the origin criteria.





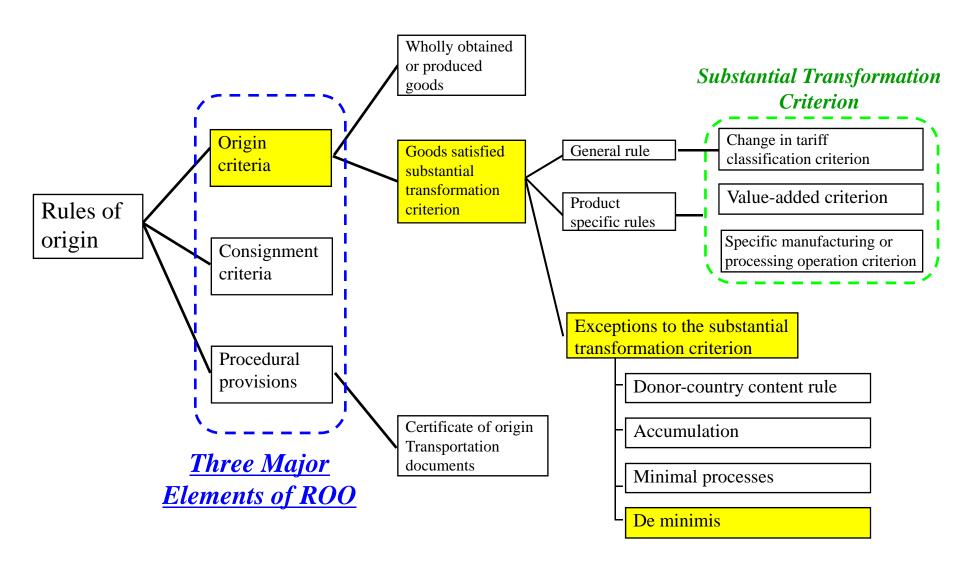
Minimal processes

(referred to as "Non-qualifying Operations" in EPAs)

The originating status shall not be conferred merely by reason of;

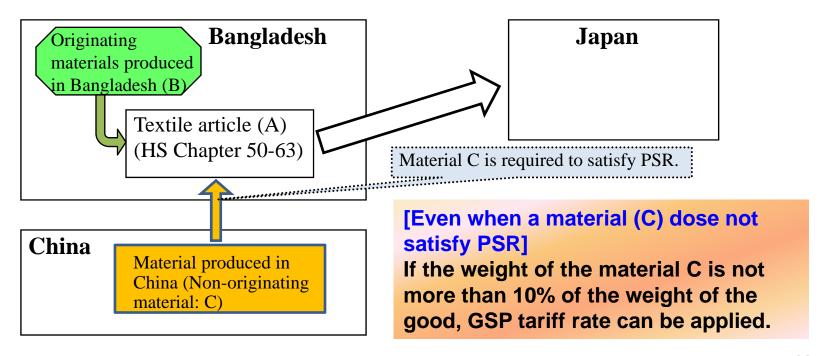
- Operations to ensure the preservation of products in good condition during transport and storage (drying, freezing, placing in salt water and other similar operations);
- 2. Simple cutting or screening;
- 3. Simple placing in bottles, boxes and other similar packing cases;
- 4. Repacking, sorting or classifying;
- 5. Marking or affixing of marks, labels or other distinguishing signs on products or their packaging;
- 6. Simple mixing of non-originating products;
- 7. Simple assembly of parts of non-originating products;
- 8. Simple making-up of sets of articles of non-originating products; or
- 9. A combination of two or more operations specified in 1-8

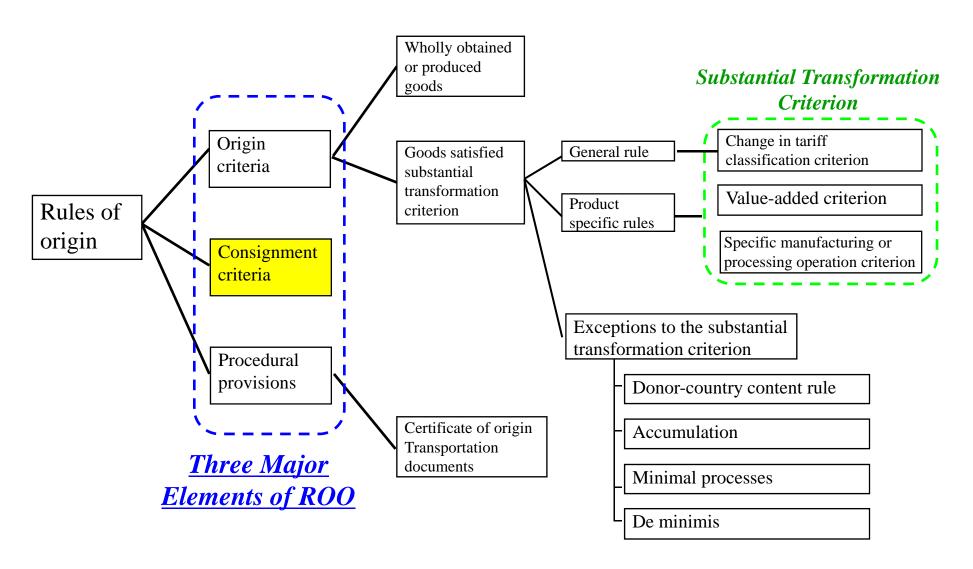
The above mentioned operations are excluded from the processing or manufacturing bringing substantial transformation.



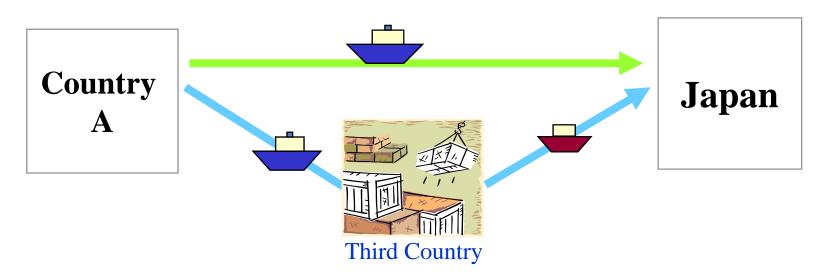
De Minimis (for textile article)

When a good classified in textile articles (HS Chapter 50-63) is produced in a beneficiary country with using non-originating material not satisfying PSR, GSP tariff rate can not be applied to the good in principal. However, if the total weight of the non-originating materials not satisfying PSR is less than 10% of the weight of the good, GSP tariff rate can be applied.





Consignment Criteria (1)



- "Consignment Criteria" is the criteria to judge whether the goods maintain originating status for preferential tariff treatment while transportation from a country to Japan
- Conditions for satisfying the criteria:
 - i. transported directly;
 - ii. if transshipped, only unloading, reloading, or any other operations necessary to preserve the goods in good condition is allowed.

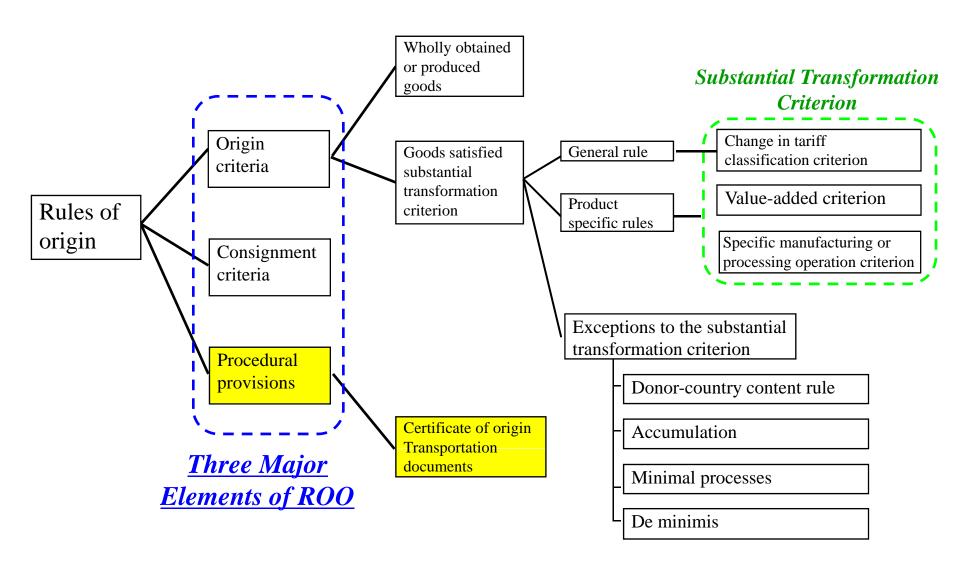
Consignment Criteria (2)

- (i) In principle, the goods must be <u>transported directly</u> to Japan without passing through any territory other than the exporting beneficiary country.
- (ii) However, with regard to goods <u>transported to Japan through the territories</u> <u>of countries other than the exporting beneficiary country</u>, they are entitled to preferential tariff treatment, if:
 - (a) they have not undergone any operations in the transit countries other than transshipment or temporary storage exclusively on account of transport requirements; and
 - (b) the transshipment or temporary storage has been carried out in a bonded area or any other similar place, under the supervision of the customs authorities of those transit countries.
- (iii) With regard to the goods <u>exported from a beneficiary country</u>, <u>for temporary storage or display at exhibitions</u>, <u>fairs and similar performances in another country</u>, which have been exported by the person who has also exported the goods from the said another country to Japan, they are entitled to preferential tariff treatment, if:
 - (a) the transportation to Japan from the country where the exhibition etc. has been held falls under (i) or (ii) above; and
 - (b) the exhibition etc. has been held in a bonded area or any other similar place, under the supervision of the customs authorities of that country.

III. Procedural Provisions

III. Procedural Provisions

- 1. Customs Procedures for Preferential Tariff Treatment in Japan
- 2. Documentary Examination on a C/O
 - (1) Checking whether a C/O is issued properly or not
 - (2) Matching the imported goods with the goods certified by a C/O
 - (3) Checking whether the goods satisfy origin criteria or not
- 3. Documentary Examination on Consignment Criteria
- 4. Dealing with Incomplete C/O



1. Customs Procedures for Preferential Tariff Treatment in Japan

- ◆When to submit a C/O: at the time of import declaration
- * Deferred submission of a C/O (up to 2 months):
 - Having force majeure reasons of deferment (e.g. disaster)

<Stipulated in the internal Laws>

- ◆ Exemption from submission of a C/O
- ➤ Originating goods whose aggregate Customs value does not exceed JPY200,000 (Transportation document is also exempted from submission.)
- > Specific goods exempted from documentary requirement

<Stipulated in the internal Laws>

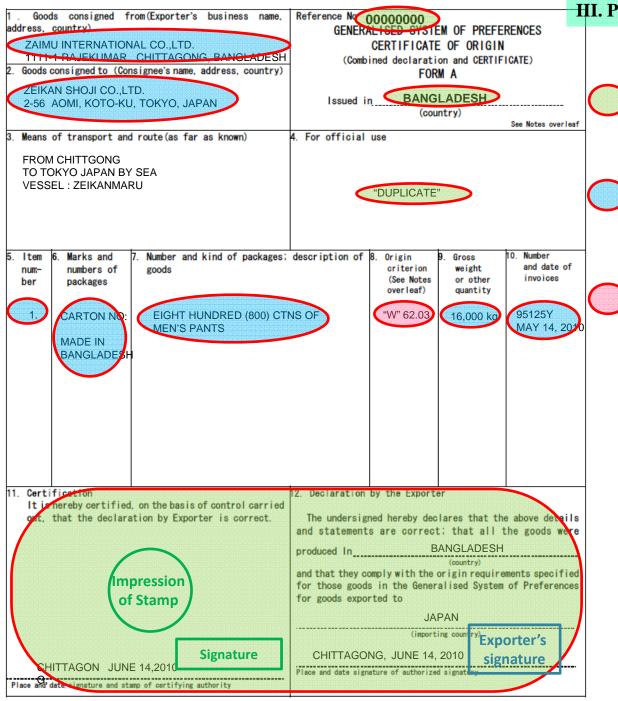
◆ Valid period of a C/O: within a year from issuance

<Stipulated in the internal Laws>

2. Documentary examination on a C/O

- (1) Checking whether a C/O is issued properly or not
- (2) Matching the imported goods with the goods certified by a C/O
- (3) Checking whether the goods satisfy origin criteria or not

Form A (Certificate of Origin for GSP)



HI. Procedural Provision 2.

·(1) Checking whether a C/O is issued properly or not

· (2) Matching the imported goods with the goods certified by a C/O

• (3) Checking whether the goods satisfy origin criteria or not

2. Documentary Examination on a C/O

- (1) Checking whether a C/O is issued properly or not
- (2) Matching the imported goods with the goods certified by a C/O
- (3) Checking whether the goods satisfy origin criteria or not

(1) Checking whether a C/O is issued properly or not

- (a) Format of a C/O
- (b) Signature and impression of stamp on a C/O
- (c) Date of issuance of a C/O
- (d) Modifications
- (e) Reissuance of a C/O

HI. Procedural Provision 2.(1) Reference No 0000000 Goods consigned from (Exporter's business name, address, country) GENERALISED SYSTEM OF PREFERENCES ZAIMU INTERNATIONAL CO.,LTD. CERTIFICATE OF ORIGIN 1111-1 RAJEKUMAR, CHITTAGONG, BANGLADESH (Combined declaration and CERTIFICATE) Goods consigned to (Consignee's name, address, country) FORM A ZEIKAN SHOJI CO.,LTD. BANGLADESH Issued in 2-56 AOMI, KOTO-KU, TOKYO, JAPAN See Notes overleaf

4. For official use

·(1) Checking whether a C/O is issued

properly or not

Means of transport and route (as far as known)

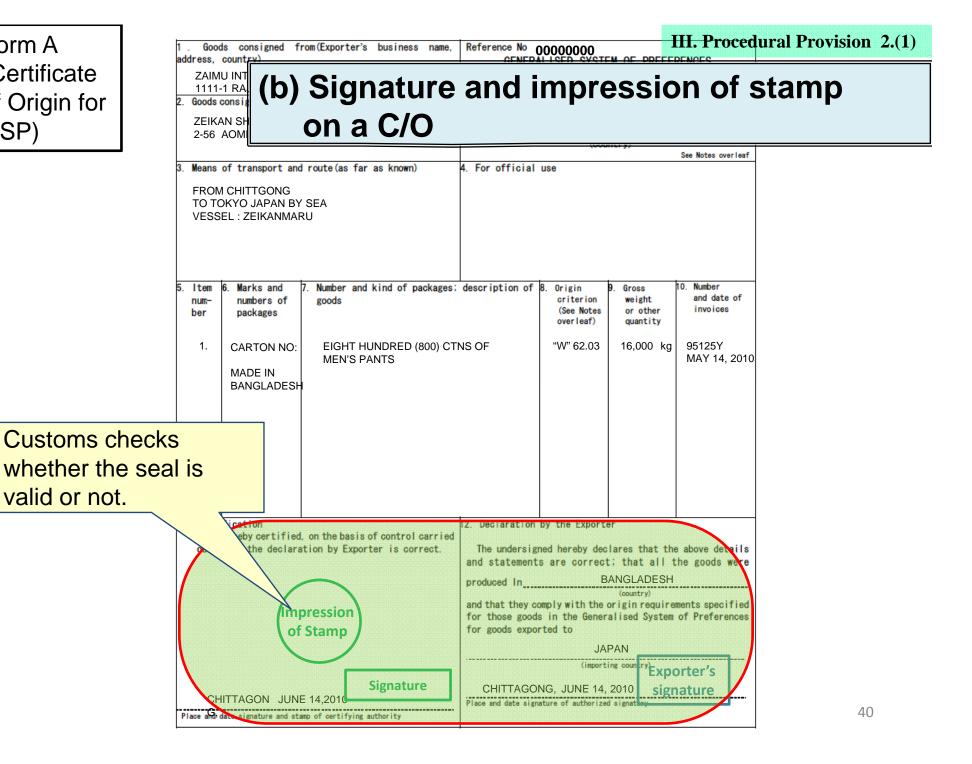
Items to check whether a C/O is issued properly or not.

"DUPLICATE"

Item Marks and Number and kind of packages; description of 8. Gross Number and date of numbers of criterion weight numinvoices (See Notes or other ber packages over leaf) quantity **CARTON NO:** EIGHT HUNDRED (800) CTNS OF "W" 62.03 16.000 ka 95125Y MAY 14, 2010 MEN'S PANTS MADE IN BANGLADESH 11. Certification Declaration by the Exporter It is hereby certified, on the basis of control carried The undersigned hereby declares that the above details , that the declaration by Exporter is correct. and statements are correct; that all the goods were BANGLADESH and that they comply with the origin requirements specified mpression for those goods in the Generalised System of Preferences of Stamp for goods exported to **JAPAN** (importing cou Exporter's **Signature** CHITTAGONG, JUNE 14, 2010 HITTAGON JUNE 14,201 Place and date ignature and stamp of certifying authority

1 . Goods consigned from (Exporter's business name, address, country)	Reference No	N LOED CVCTI		III. Proced	ural Provision 2.(1)
	Form	at of	a C/	' O	
	Issued i	n(cou	intry)	See Notes overleaf	
Means of transport and route(as far as known) 4. For official use				Format of a C/O: "Form A" should be used.	
5. Item 6. Marks and 7. Number and kind of packages;	description of		9. Gross	10. Number	
num- numbers of goods ber packages		criterion (See Notes overleaf)	weight or other quantity	and date of invoices	
					age: English or are acceptable.
11. Certification It is hereby certified, on the basis of control carried out, that the declaration by Exporter is correct.	12. Declaration by the Exporter The undersigned hereby declares that the above details and statements are correct; that all the goods were produced In			the goods were	
BAIRIKI, JUNE 14,2010 Place and date signature and stamp of certifying authority	Place and date sign	(import	ing country) d signatory		39

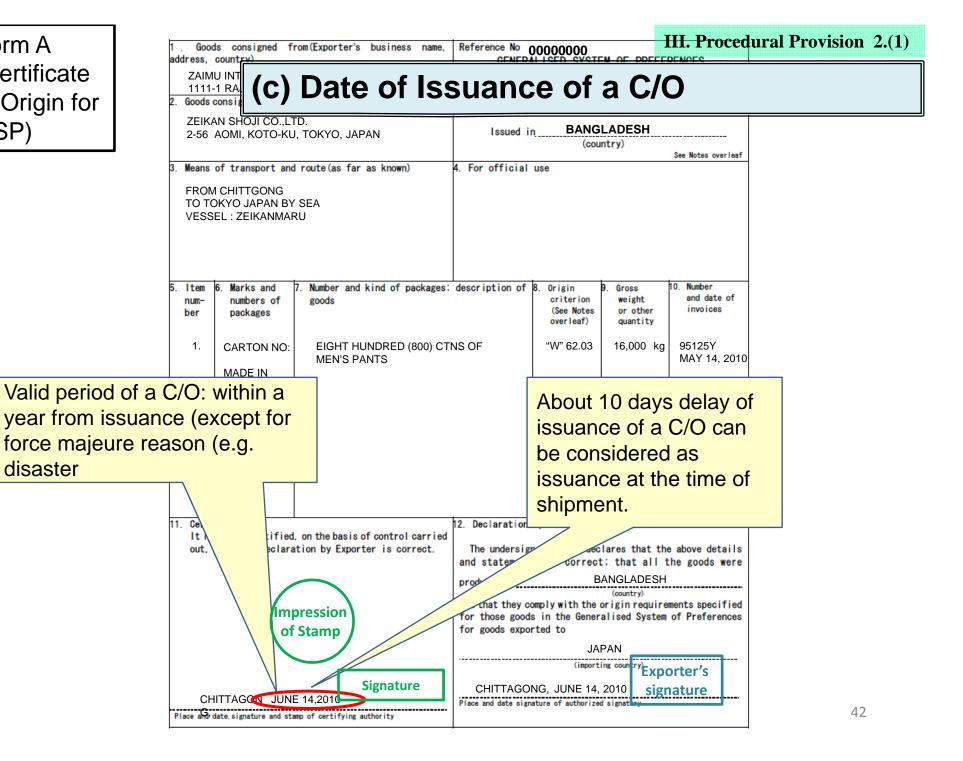
valid or not.



Issuing Authority

- (1) Customs authority
- (2) In case Customs is not an issuing authority of a C/O, other competent government authorities of the exporting preference-receiving country or other bodies of that country which are registered as the issuing authority by Japan Customs.

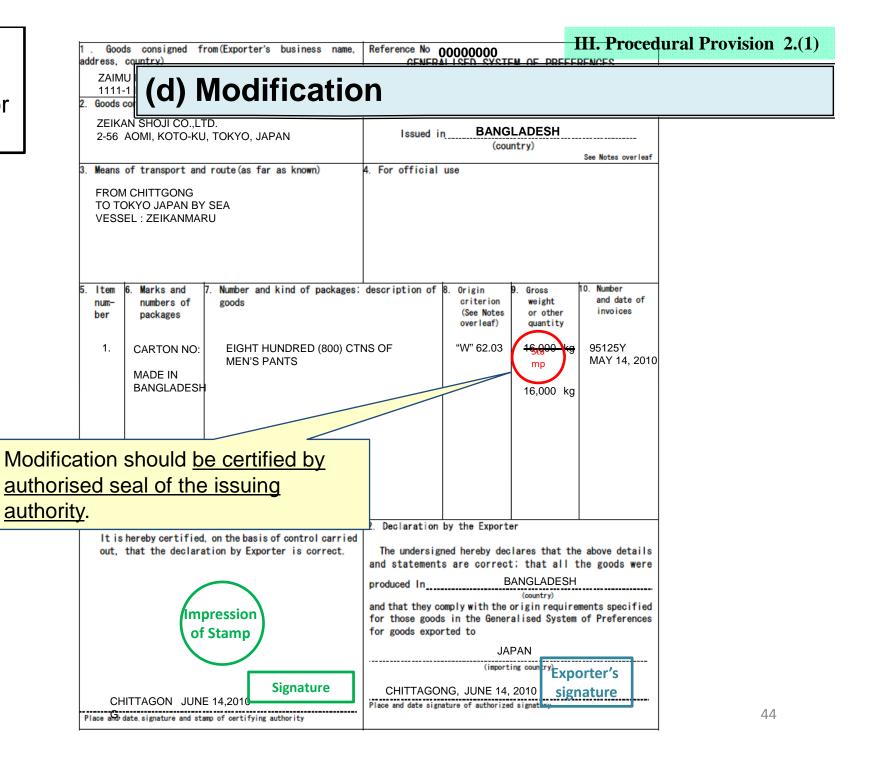
disaster

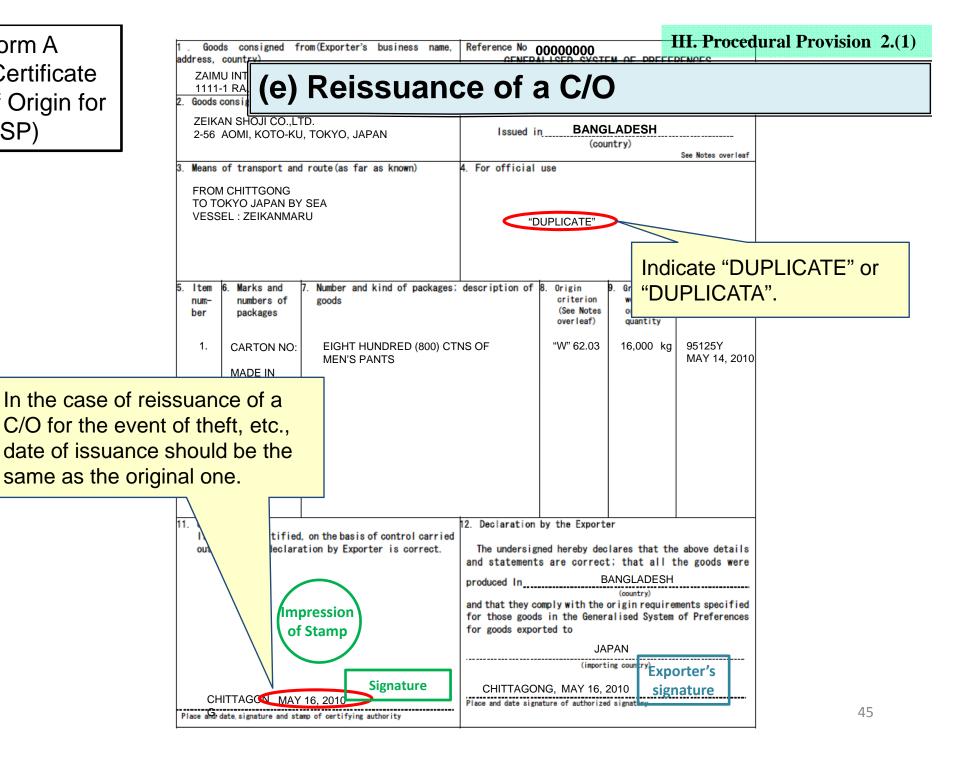


Issuance of a C/O after the shipment

Issuance of a C/O after the shipment is acceptable if either of conditions below is met:

- In case it is impossible to apply for issuance of a C/O due to disaster, storm and flood damage, artificial disaster, such as incident and fire in an exporting country.
- In case there is a reason not caused by the responsibility of importer, such as,
- even though importer requested exporter to obtained a C/O at the time of contract, the exporter:
- (1) obtains a certificate other than a C/O;
- (2) obtains a C/O issued by the unauthorized organization; or
- (3) forgot to apply for issuance of a C/O, as a result, the issuance was made after the shipment.





2. Documentary Examination of a C/O

- (1) Checking whether a C/O issued properly or not.
- (2) Matching imported goods with goods certified by a C/O.
- (3) Checking whether the goods satisfy origin criteria or not.

(2) Matching imported goods with goods certified by a C/O

- (a) Invoice / importer and exporter
- (b) Description or quantity of goods
- (c) Discrepancy between the HS code described in a C/O and the HS code applied to the imported good

What is "matching imported goods with goods certified by a C/O"? (1)

To check whether

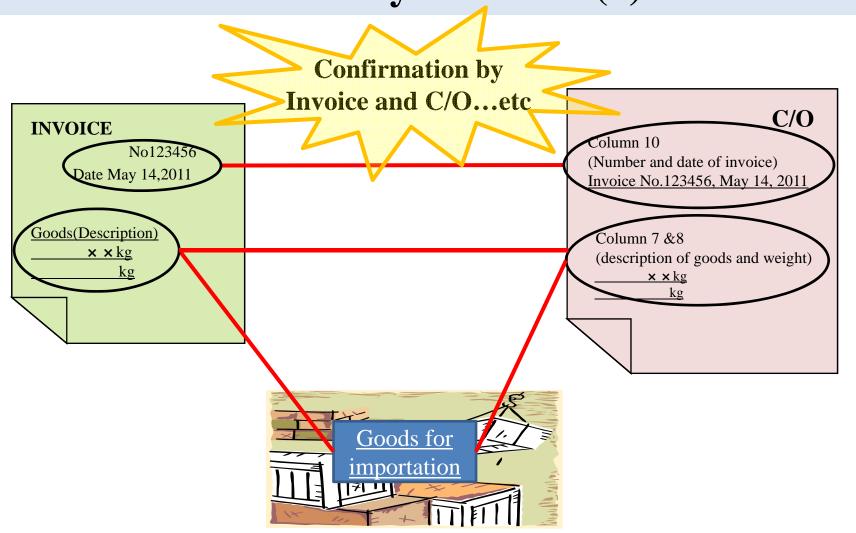
Cargo declared to Customs <in importing country>

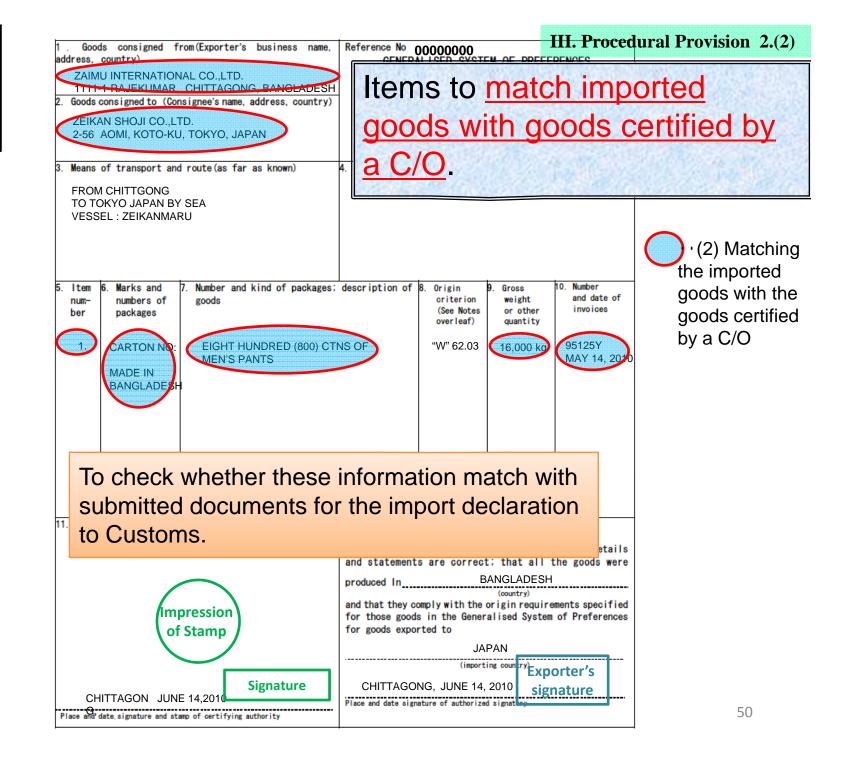
and

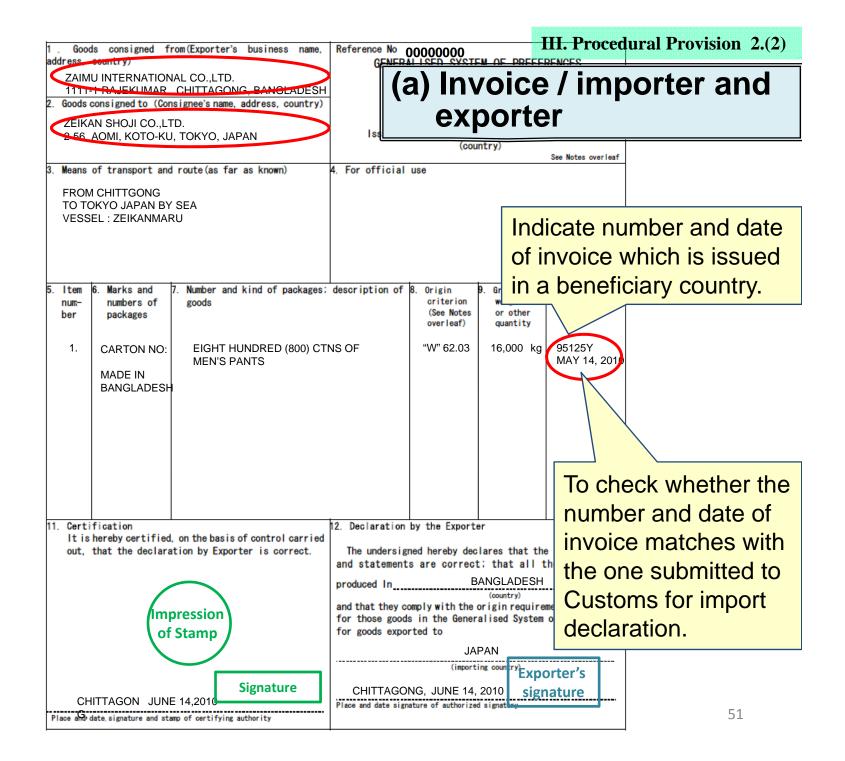
Cargo certified for the C/O to issuing authority <in exporting country>

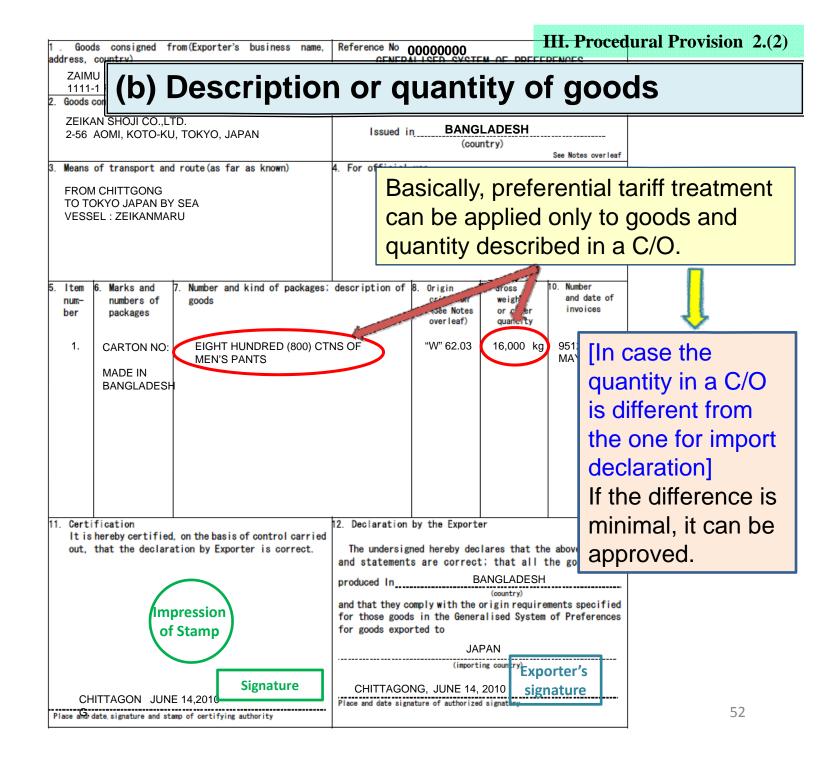
are the same cargo or not.

What is "matching imported goods with goods certified by a C/O"? (2)









ZAIMU 1111-1 2. Goods con ZEIKAN 2-56 AC

(c) Discrepancy between the HS code described in a C/O and the HS code applied to the imported good

of packages; description of

00000000

TO TOKYO JAPAN BY SEA

Goods consigned from (Exporter's business name,

[In case of the discrepancy of HS codes]

If one of the condition below is satisfied, it can be treated as valid.

- (a) Both the good with HS code described in a C/O and the good with HS code applied to the importation are applied to the Product specific rules, and the conditions for the PSR are same.
- (b) HS codes for the materials which can be assumed from ordinary manufacturing processes are different from both HS code of the good described in a C/O and HS code of the good applied to the imported good, and both of the goods above are not applied to the PSR.
- (c) There is a considerable reason for the discrepancy of HS codes, and the good satisfies origin criteria.

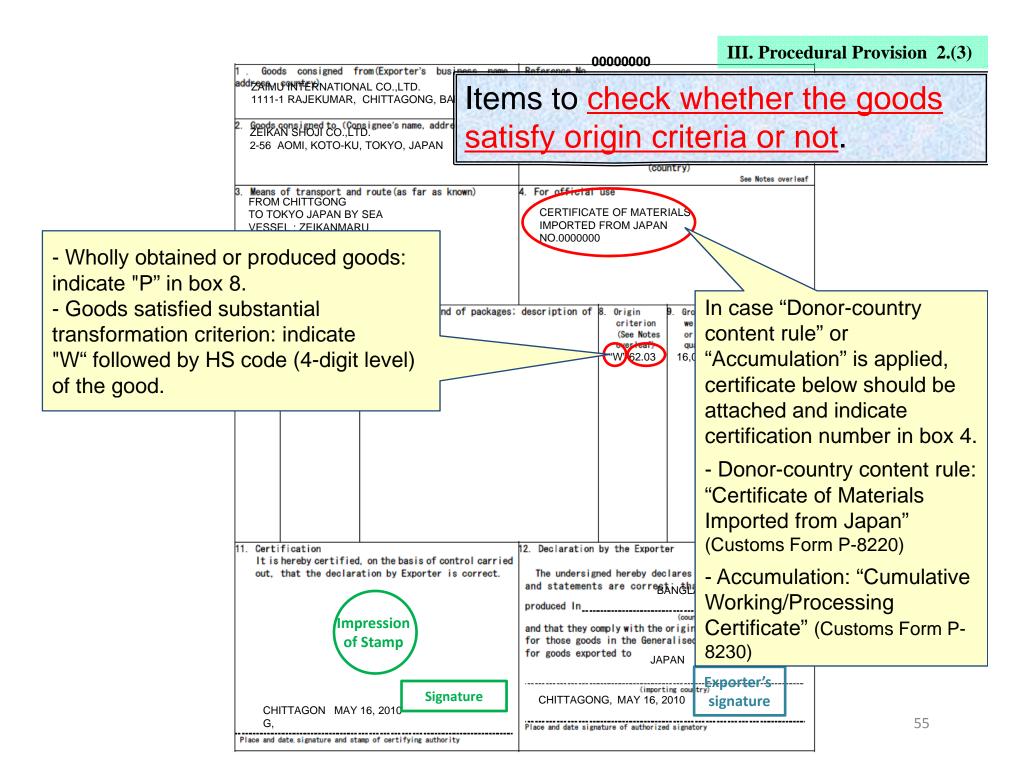
HS code should be indicated at the four-digit level in case origin criterion is "W".

criterion over leaf) ED (800) CTNS OF 62.03 16,000 kg 95125Y MAY 14, 2010 Declaration by the Exporter rol carried correct. The undersigned hereby declares that the above details and statements are correct; that all the goods were **BANGLADESH** produced In and that they comply with the origin requirements specified for those goods in the Generalised System of Preferences for goods exported to **JAPAN** Exporter's lture CHITTAGONG, JUNE 14, 2010 Place and date signature of authorized signature

Place and date, signature and stamp of certifying authority

2. Documentary Examination of a C/O

- (1) Checking whether a C/O issued properly or not.
- (2) Matching imported cargoes with goods certified by a C/O.
- (3) Checking whether the goods satisfy origin criteria or not.

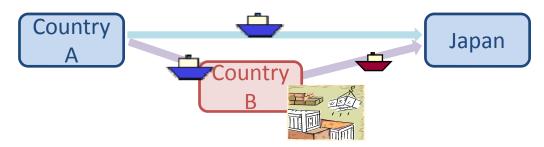


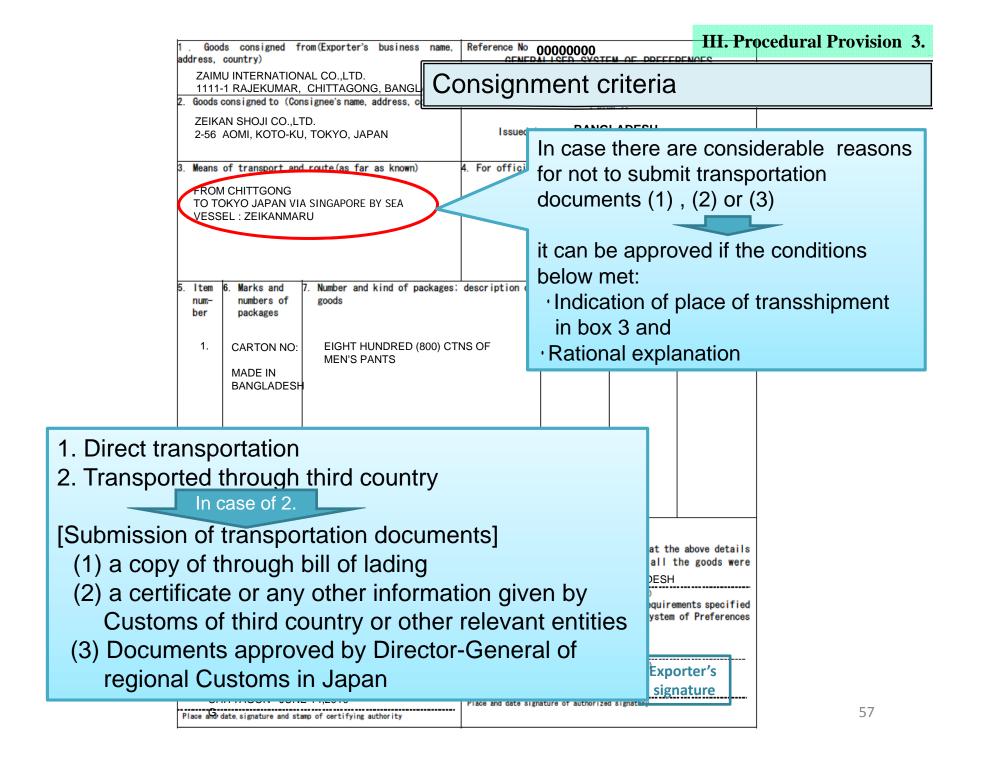
3. Documentary Examination on Consignment Criteria

- **Direct transportation**: submission of transportation documents is <u>not required</u>.
- Transported through third country: submission of transportation documents is <u>required</u>.

<Transportation documents>

- (1) a copy of through bill of lading
- (2) a certificate or any other information given by Customs of third country or other relevant entities
- (3) Documents approved by Director-General of regional Customs





4. Dealing with Incomplete C/O

(Before declaration)

◆ Not hurry to receive cargo:

- Modification of a C/O or -Reissuance of a C/O
- ◆ <u>Hurry to receive</u> cargo:
- Import declaration not applying GSP tariff rate

or

-Deferred submission of a C/O with releasing cargo before import permit and providing security

(After declaration)

- ◆Approved by Customs as a valid C/O
- Applying GSP tariff rate
- ◆Not approved by Customs as a valid C/O

[In case it prospects to take long time to confirm validity of C/O, such as delay of notification of impression of stamp as its modification from a beneficiary country, either of them below as alternative option.]

- Suspension of import permit until the confirmation by Customs
- Not applying GSP tariff rate and applying MFN tariff rate
- Releasing cargo before import permit and providing security until the confirmation by Customs

(Important notice)

- -If balance of Customs duties has come out due to the denial of application of preferential tariff treatment, in principal, additional duty is levied.
- "Revision of import declaration" for applying GSP tariff rate after the import permit applying MFN tariff rate is not approved even though a valid C/O can be submitted after the permit.
- In principal, "System of examination for settlement of Customs duty after import permit" is not applicable to preferential tariff treatment.

Thank you for your kind attention.