EUROPEAN
COMMISSION

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ANNEX

ANNEX

to the

Proposal for a COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Committee on Rules of Origin set up by the Agreement on Rules of Origin (WTO-GATT 1994), annexed to the final act signed in Marrakech on 15 April 1994.

ENHANCING TRANSPARENCY IN NON-PREFERENTIAL RULES OF ORIGIN

Members of the World Trade Organization,

Desiring to ensure that rules of origin themselves do not create restrictive, distorting or disruptive effects on international trade;

Desiring to ensure that rules of origin are prepared and applied in an impartial, transparent, predictable, consistent and neutral manner;

Recognizing that clear and predictable rules of origin and their application facilitate the flow of international trade;

Recognizing that it is desirable to provide transparency of laws, regulations, and practices regarding rules of origin;

Desiring to complement the notifications obligations of Article 5 of the Agreement on Rules of Origin;

Affirming that enhancing transparency of laws, regulations, and practices regarding rules of origin contribute to mitigate compliance costs of economic operators wishing to integrate global value chains, notably micro, small and medium enterprises;

Decide, with respect to rules of origin, as follows:

1. That it is desirable to maintain and promote a high level of transparency and mutual understanding about existing rules of origin and related documentary requirements used by WTO Members. Rules of origin are understood as those falling under the scope of Article 1 of the Agreement on Rules of Origin.

2. In order to enhance transparency and promote a better understanding of rules of origin, Members shall notify the WTO Secretariat, pursuant to Annex 1 of this Decision, the rules of origin that they use in the application of most-favoured-nation treatment under Articles I, II, III, XI and XIII of GATT 1994.

3. Members are encouraged to complete the notification template in Annex 1 when notifying the WTO Secretariat of any other rules of origin that they use for the application of other non-preferential commercial policy instruments as provided for in Article 1.2 of the Agreement on Rules of Origin.

4. In addition, Members shall describe, according to Annex 2, their practices with respect to certification of origin and other mandatory documentary proofs of origin for non-preferential purposes that have been notified according to Annex 1[1]. Members that report that they do not implement rules of origin according to Annex 1 shall, nonetheless, complete Annex 2.

5. Notifications pursuant to paragraphs 2 and 4 of this Decision shall be submitted no later than one year after the adoption of this Decision.

6. The information notified pursuant to this decision shall be made publicly available by the WTO Secretariat.

7. Each Member shall, within its available resources, establish or maintain one or more enquiry points to answer reasonable enquiries of governments, traders and other interested parties on matters regarding rules of origin and related documentary requirements as well as to

[1] This is without prejudice to other proofs of origin that may be required by the competent authorities for control purposes.

provide the required forms and documents[2]. Members shall communicate the contact details of their respective enquiry points to the WTO Secretariat pursuant to Annex 1. Least-developed country Members shall have two years to communicate this information to the WTO Secretariat.

8. Members shall endeavour to provide legal references, websites, explanatory documents, or any other documents, in an official WTO language.

9. Members introducing substantive changes to their rules of origin and related documentary requirements that have been notified according to this Decision, shall notify such changes promptly to the WTO Secretariat according to this Decision.

10. The Committee on Rules of Origin (CRO) shall examine existing rules of origin and related documentary requirements based on the information notified according to this Decision, with a view to identifying trade-facilitating practices and to promoting their international diffusion.

11. Assistance by the WTO Secretariat should be provided upon request to help developing and least-developed country Members implement the provisions of this Decision.

12. Nothing in this Decision shall be construed as affecting the rights and obligations of Members contained in Article 5 of the Agreement on Rules of Origin or in Article 1 of the Trade Facilitation Agreement.

13. This Decision, in particular paragraphs 2 and 3, shall be reviewed three years after its adoption, and thereafter when necessary, with a view to further enhancing transparency on non-preferential rules of origin as appropriate.

[2] It is understood that this enquiry point can be the same as established or maintained pursuant to Article 1.3 (*Enquiry points*) of the Trade Facilitation Agreement (TFA) and Members are not required to provide more information or provide more forms and documents than covered by the TFA.

ANNEX 1

NOTIFICATION TEMPLATE FOR NON-PREFERENTIAL RULES OF ORIGIN

Annex 1 may be duplicated as many times as the member deems necessary

I. BASIC INFORMATION

1)	**Notifying member**	
2)	**Enquiry point** **(If possible, provide the following contact details: Name, tel., e-mail, website)**	
3)	**Are Non-Preferential RO in force?**	☐ Yes ☐ No* ** If your answer is "No", the subsequent questions of this Annex do not need to be completed*
4)	**Please indicate which commercial policy instruments use these non-preferential RO (refer to Article 1.2 of the Agreement on Rules of Origin)**	
5)	**Date of entry into force or any substantive modification thereof:**	
6)	**Date of expiration, if applicable:**	
7)	**Governmental or non-governmental authorities in charge of administration:**	
8)	**Internet link to legislation and any other explanatory documents, if applicable:**	
9)	**Comments, if any**	

II. APPLICATION OF NON-PREFERENTIAL RULES OF ORIGIN

10)	**Do non-preferential RO apply to imports**	☐ Yes ☐ No
11)	**Do non-preferential RO apply to exports**	☐ Yes ☐ No
12)	***De minimis* rule for the application of non-preferential RO**	☐ Yes ☐ No
	If Yes, please specify the *de minimis* threshold and provide the relevant legal references applicable to questions 10 to 12.	

III. CRITERIA FOR DETERMINING SUBSTANTIAL TRANSFORMATION FOR ASSESSING THE ORIGIN OF THE GOOD

13)	**General criteria, if applicable for all products:**	
14)	**Product specific rules of origin where applicable:**	

15)	**Definition of non-originating material and originating material, if any:**	
16)	**List of minimal operations not conferring origin, if any:**	
17)	**Residual rules, if any:**	
18)	**Any other information the member deems necessary (provide an Internet link, if appropriate)**	

IV. ADVANCE RULINGS

Are advance rulings on the origin of a good issued?[1]	☐ Yes ☐ No
Authority in charge of issuing advance rulings (on origin)	
Instructions for the application for an advance ruling	
Internet link to legislation and any other relevant legal references:	

[1] As defined in Article 2(h) of the Agreement on Rules of Origin and Article 3 of the Trade Facilitation Agreement.

ANNEX 2

NOTIFICATION TEMPLATE FOR DOCUMENTARY REQUIREMENTS RELATED TO NON-PREFERENTIAL RULES OF ORIGIN

1)	**Mandatory requirements for certificate and/or any other mandatory documentary proof of origin for imports?**	☐ Yes ☐ No**
2)	**Mandatory requirements for certificate and/or any other mandatory documentary proof of origin for exports?**	☐ Yes ☐ No**
3)	**Is there a standardized or prescribed format and/or content of Certificate and/or any other mandatory documentary proof of origin?** **If Yes, please attach a copy or provide relevant details in the Appendix of this Annex**	☐ Yes ☐ No *** If answers to questions 1 and 2 are "No", the subsequent questions of this Annex do not need to be completed*
4)	**If only requested in specific circumstances, please describe the cases for which a certificate (or other mandatory documentary proofs of origin) is requested and the respective format (prescribed form or other).**	
5)	**If mandatory requirements for certificate and/or any other mandatory documentary proof of origin are limited to certain products please specify for which HS Chapters and the respective format (prescribed form or other).**	
6)	**Exemptions to the mandatory requirements of presenting a certificate and/or any other mandatory documentary proof of origin (e.g. low value consignments, postal consignments, …)**	
7)	**Governmental or non-governmental authorities designated for issuance of certificate and/or any other mandatory documentary proof of origin, if any**	
8)	**Please provide the relevant legal references applicable to Questions 1 to 7**	

ANNEX 2 - APPENDIX

Please attach the prescribed form and/or Internet link to the prescribed form of Certificate of origin (or other mandatory documentary proof of origin), if applicable