

Preamble

*Canada and the Hashemite Kingdom of Jordan (“Jordan”),
hereinafter referred to as “the Parties”, resolved to:*

- Strengthen the special bonds of friendship and cooperation among their peoples;*
- Contribute to the harmonious development and expansion of world and regional trade and to provide a catalyst to broader international cooperation;*
- Build on their respective rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization and other multilateral and bilateral instruments of cooperation;*
- Create an expanded and secure market for the goods produced in their territories, as well as promote new employment opportunities and improved working conditions and living standards in their respective territories;*
- Reduce distortions to trade;*
- Establish clear, transparent and mutually advantageous rules to govern their trade;*

- Ensure a predictable commercial framework for business planning;
- Enhance the competitiveness of their firms in global markets;
- Undertake each of the preceding in a manner that is consistent with environmental protection and conservation;
- Enhance and enforce environmental laws and regulations, and strengthen cooperation on environmental matters;
- Protect, enhance and enforce basic workers' rights, and strengthen cooperation on labour matters and build on their respective international commitments on labour matters;
- Promote sustainable development;
- Encourage enterprises operating within their territory or subject to their jurisdiction, to respect internationally recognized corporate social responsibility standards and principles and pursue best practices; and
- Preserve their flexibility to safeguard the public welfare; while
- Recognizing that states must maintain the ability to preserve, develop and implement their cultural policies for the purpose of strengthening cultural diversity, given the essential role that cultural goods and services play in the identity and diversity of societies and the lives of individuals;

- Affirming their commitment to respect the values and principles of democracy and promotion and protection of human rights and fundamental freedoms as proclaimed in the Universal Declaration of Human Rights; and
- Recognizing the difference in the level of economic development existing between the Parties and the benefit of promoting economic development;
- Have agreed as follows:

Chapter 1: Initial Provisions and General Definitions

Section A – Initial Provisions

Article 1-1: Establishment of the Free Trade Area

The Parties to this Agreement, consistent with Article XXIV of the General Agreement on Tariffs and Trade 1994, which is part of the WTO Agreement, hereby establish a free trade area.

Article 1-2: Relation to Other Agreements

1. The Parties affirm their existing rights and obligations with respect to each other under the WTO Agreement and other agreements to which the Parties are party.

2. In the event of any inconsistency between this Agreement and the agreements referred to in paragraph 1, this Agreement shall prevail to the extent of the inconsistency, except as otherwise provided in this Agreement.

Article 1-3: Trade Remedies

The WTO Agreement exclusively governs the rights and obligations of the Parties in respect of subsidies and the application of anti-dumping and countervailing measures, including the settlement of any disputes in respect thereof.

Article 1-4: Investment

The Parties note the existence of the Agreement between Canada and the Hashemite Kingdom of Jordan for the Promotion and Protection of Investments, done at Amman, on 28 June 2009.

Article 1-5: Relation to Multilateral Environmental Agreements

1. In the event of any inconsistency between this Agreement and a Party's obligation in one of the Multilateral Environmental Agreements (MEAs) listed in Annex 1-5, such obligation shall prevail

to the extent of the inconsistency, provided that the measure taken is necessary to comply with that obligation, and is not applied in a manner that would constitute arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

2. An inconsistency referred to in paragraph 1 exists when a Party cannot comply with an obligation in one of the Agreements listed in Annex 1-5 without violating an obligation in this Agreement.

Article 1-6: Extent of Obligations

Each Party is fully responsible for the compliance of all provisions of this Agreement and shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the sub-national governments and authorities within its territory.

Section B – General Definitions

Article 1-7: Definitions of General Application

For purposes of this Agreement, unless otherwise specified:

(a) Agreement on the Environment means the Agreement on the Environment between Canada and the Hashemite Kingdom of Jordan;

(b) Agreement on Labour Cooperation means the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan;

(c) Commission means the Joint Commission established under Article 13-1 (Joint Commission);

(d) competent authority means:

(i) with respect to Canada, the Canada Border Services Agency or its successor notified in writing to the other Party,;

(ii) with respect to Jordan, either the Ministry of Industry and Trade or Jordan Customs Department or their successors notified in writing to the other Party.;

(e) Contact Points means the Contact Points established under Article 13-2;

(f) cultural industries means persons engaged in any of the following activities:

(i) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing;

(ii) the production, distribution, sale or exhibition of film or video recordings;

(iii) the production, distribution, sale or exhibition of audio or video music recordings;

(iv) the publication, distribution or sale of music in print or machine readable form; or

(v) radio communications in which the transmissions are intended for direct reception by the general public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services.

(g) customs administration means the authority that is responsible under the law of a Party for the administration and application of customs laws and regulations;

(h) customs duty includes any customs or import duty and a charge of any kind imposed in connection with the importation of a good, including any form of surtax or surcharge in connection with such importation, but does not include any:

(i) charge equivalent to an internal tax imposed consistently with Article III.2 of the GATT 1994, in respect of like, directly competitive, or substitutable goods of the Party, or in respect of goods from which

the imported good has been manufactured or produced in whole or in part;

(ii) antidumping or countervailing duty that is applied pursuant to a Party's domestic law;

(iii) fee or other charge in connection with importation commensurate with the cost of services rendered; or

(iv) premium offered or collected on an imported good arising out of any tendering system in respect of the administration of quantitative import restrictions, tariff rate quotas or tariff preference levels.

(i) Customs Valuation Agreement means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, including its interpretative notes, which is part of the WTO Agreement;

(j) customs value means the value as determined in accordance with the Customs Valuation Agreement;

(k) days means calendar days, including weekends and holidays;

(l) Dispute Settlement Understanding (DSU) means the Understanding on Rules and Procedures Governing the Settlement of Disputes, which is part of the WTO Agreement;

(m) enterprise means any entity constituted or organized under applicable law, whether or not for profit, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, sole proprietorship, joint venture or other association;

(n) existing means in effect on the date of entry into force of this Agreement;

(o) GATT 1994 means the General Agreement on Tariffs and Trade 1994, which is part of the WTO Agreement;

(p) good means any merchandise, product, article or material;

(q) goods of a Party means domestic products as these are understood in the GATT 1994 or such goods as the Parties may agree, and includes originating goods of that Party;

(r) Harmonized System (HS) means the Harmonized Commodity Description and Coding System, established by the International Convention on the Harmonized System, done at Brussels, on 14 June 1983, including its General Rules of Interpretation, Section Notes, Chapter Notes and subheading notes;

(s) heading means any four-digit number, or the first four digits of any number, used in the nomenclature of the Harmonized System;

(t) indirect material means a good used in the production, testing or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including:

(i) fuel and energy;

(ii) tools, dies and moulds;

(iii) spare parts and materials used in the maintenance of equipment and buildings;

(iv) lubricants, greases, compounding materials and other materials used in the production or the operation of equipment and buildings;

(v) gloves, glasses, footwear, clothing, safety equipment and safety supplies;

(vi) equipment, devices, and supplies used for testing or inspecting the goods;

(vii) catalysts and solvents; and

(viii) any other goods that are not incorporated into the good but whose use in the production of the good can reasonably be demonstrated to be a part of that production;

(u) intermediate material means a material that is produced by a producer of a good and used in the production of that good;

(v) material means a good that is used in the production of another good, and includes a part or an ingredient;

(w) measure includes any law, regulation, instruction, procedure, requirement, or practice;

(x) national means a natural person who is a citizen or a permanent resident of a Party;

(y) net cost means total cost minus sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost;

(z) originating means qualifying under the rules of origin set out in Chapter 4 (Rules of Origin);

(aa) person means a natural person or an enterprise;

(bb) person of a Party means a national or an enterprise of a Party;

(cc) producer means a person who grows, mines, raises, harvests, fishes, traps, hunts, manufactures, processes, assembles or disassembles a good;

(dd) production means growing, mining, raising, harvesting, fishing, trapping, hunting, manufacturing, processing, assembling or disassembling a good;

(ee) subheading means any six-digit number, or the first six digits of any number, used in the nomenclature of the Harmonized System;

(ff) tariff classification means the classification of a good or material under a chapter, heading or subheading of the Harmonized System;

(gg) tariff elimination schedule means the provisions of Annex 2-3 of this Agreement;

(hh) WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organization, done on April 15, 1994.

Article 1-8: Country-Specific Definitions

For purposes of this Agreement, unless otherwise specified:

(a) citizen means:

(i) with respect to Canada, a natural person who is a citizen of Canada under the laws of Canada;

(ii) with respect to Jordan, a natural person who is a citizen of Jordan under the legislation of Jordan.

(b) national government means:

(i) with respect to Canada, the Government of Canada, and

(ii) with respect to Jordan, the Government of the Hashemite Kingdom of Jordan.

(c) sub-national government means in respect of Canada, provincial, territorial, or local governments; and in respect of Jordan, local governments and any form of sub-national government established in the future;

(i) with respect to Canada, (a) its land territory, internal waters, territorial sea, including the air space above these areas; (b) (ii) the exclusive economic zone of Canada, as determined by its domestic law, consistent with Part V of the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS); and (c) the continental shelf of Canada, as determined by its domestic law, consistent with Part VI of UNCLOS, and

(ii) with respect to Jordan, the land territory, air space, internal waters and territorial sea over which Jordan exercises sovereignty.

Annex 1-5 Multilateral Environmental Agreements

(a) the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington, March 3, 1973, as amended on June 22, 1979;

(b) the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal, September 16, 1987, as amended June 29, 1990, as amended November 25, 1992, as amended September 17, 1997, as amended December 3, 1999;

(c) the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, done at Basel, March 22, 1989;

(d) the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam, September 10, 1998;

(e) the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm, May 22, 2001.

Chapter 2: National Treatment and Market Access for Goods

Article 2 - 1: Scope of Application

This Chapter applies to trade in goods of a Party, except as otherwise provided in this Agreement.

Section I - National Treatment

Article 2 - 2: National Treatment

1. Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994 and to

this end Article III of the GATT 1994 is incorporated into and made part of this Agreement.

2. Paragraph 1 does not apply to the measures set out in Annex 2 -

2. Each Party shall make available to the other Party any amendments to these measures.

Section II - Tariffs

Article 2 - 3: Tariff Elimination

1. Except as otherwise provided in this Agreement, neither Party may increase any existing customs duty, or adopt any customs duty, on an originating good.

2. Each Party shall eliminate its customs duties on originating goods in accordance with Annex 2 - 3, except as otherwise provided in this Agreement.

3. On the request of a Party, the Parties shall consult to consider accelerating the elimination of customs duties set out in their Schedules to Annex 2 - 3 or incorporating into a Schedule goods that are not subject to tariff elimination. An agreement between the Parties to accelerate the elimination of a customs duty on a good or to include a good in a Schedule shall supersede any duty rate or staging category determined pursuant to their Schedules for that

good when approved by each Party in accordance with its applicable legal procedures.

4. For greater certainty, a Party may:

(a) consistent with the WTO Agreement, modify its tariffs outside this Agreement on goods for which no tariff preference is claimed under this Agreement;

(b) raise a customs duty to the level established in its Schedule to Annex 2 - 3 following a unilateral reduction; or

(c) maintain or increase a customs duty as authorized by the Dispute Settlement Body of the WTO in a dispute between the Parties under the WTO Agreement.

5. For purposes of this Article: **duty-free** means free of customs duties.

Article 2 - 4: Goods Re-Entered after Repair or Alteration

1. Neither Party may apply a customs duty to a good, regardless of its origin, that re-enters its territory after that good has been exported from its territory to the territory of the other Party for repair or alteration, regardless of whether such repair or alteration could be performed in the territory of the Party from which the good was exported for repair or alteration.

2. Neither Party may apply a customs duty to a good, regardless of its origin, imported temporarily from the territory of the other Party for repair or alteration.

3. For the purposes of this Article, repair or alteration includes the repair or alteration of parts or pieces of a good, but does not include an operation or process that either:

(a) destroys the essential characteristics of a good or creates a new or commercially different good; or

(b) transforms an unfinished good into a finished good.

4. Paragraph 1 does not cover goods imported in bond, into foreign trade zones, or in similar status that are exported for repair and are not re-imported in bond, into foreign trade zones, or in similar status.

III – Non – Tariff Measures

Article 2 – 5: Import and Export Restrictions

1. Except as otherwise provided in this Agreement, neither Party may adopt or maintain any prohibition or restriction on the importation of any good of the other Party or on the exportation or sale for export of any good destined for the territory of the other Party, except in accordance with Article XI of the GATT 1994, and to this end Article

XI of the GATT 1994 is incorporated into and made a part of this Agreement.

2. In the event that a Party adopts or maintains a prohibition or restriction on the importation from or exportation to a non-Party of a good, that Party may:

(a) limit or prohibit the importation from the territory of the other Party of such good of that non-Party; or

(b) require as a condition of export of such good of the Party to the territory of the other Party, that the good not be re-exported to the non-Party, directly or indirectly, without being consumed in the territory of the other Party.

3. In the event that a Party adopts or maintains a prohibition or restriction on the importation of a good from a non-Party as contemplated by paragraph 2 of Article 2 - 6, on the request of the other Party, the Parties shall consult with a view to avoiding undue interference with or distortion of pricing, marketing, or distribution arrangements in the other Party.

4. Paragraphs 1 through 3 do not apply to the measures set out in Annex 2 - 2. Each Party shall make available to the other Party any amendments to the measures set out in its Annex 2 - 2.

5. For purposes of this Article:

consumed means:

(a) actually consumed; or

(b) further processed or manufactured so as to result in:

(i) a substantial change in value, form, or use of the good, or

(ii) the production of another good.

Article 2 – 6: Customs Valuation

The WTO Customs Valuation Agreement shall govern the customs valuation rules applied by the Parties to their reciprocal trade. The Parties may not make use in their reciprocal trade of options and reservations permitted under paragraphs 2, 3 and 4 of Annex III of the Customs Valuation Agreement.

Article 2 – 7: Technical Barriers to Trade

1. The rights and obligations of the Parties in respect of technical regulations, standards, and conformity assessment procedures shall be governed by the TBT Agreement.

2. Each Party shall ensure that transparency procedures regarding the development of technical regulations and conformity assessment procedures allow interested parties to participate at an early appropriate stage when amendments can still be introduced and

comments taken into account, except where urgent problems of safety, health, environmental protection, or national security arise or threaten to arise.

3. Where a consultation process respecting the development of technical regulations and conformity assessment procedures is open to the public, each Party shall permit persons of the other Party to participate on terms no less favourable than those accorded to its own persons.

4. Each Party shall recommend to standardization bodies in its territory that they observe paragraph 2 with respect to their consultation processes for the development of standards and voluntary conformity assessment procedures.

5. Each Party shall allow a period of at least 60 days following its notification to the WTO's Central Registry of Notifications of proposed technical regulations and conformity assessment procedures, for the other Party to provide written comments, except where urgent problems of safety, health, environmental protection, or national security arise or threaten to arise.

6. Each Party shall, on request of the other Party, provide information regarding the objectives of, and rationale for, a technical regulation or

conformity assessment procedure that the Party has adopted or is proposing to adopt.

7. Further to subparagraph 3(b) of Article 2 - 9, the Parties may discuss in the Committee on Trade in Goods and Rules of Origin any issue that a Party raises related to the development, adoption or application of standards, technical regulations, or conformity assessment procedures in the territory of the other Party.

8. Paragraphs 2 through 8 only apply to the national governments of the Parties. Each Party shall take such reasonable measures as may be available to it to ensure the compliance of sub-national governments with this Article, as appropriate.

9. Each Party shall designate a contact point, which shall be responsible for communications related to all matters pertaining to this Article with the relevant authorities in its territory.

10. This Article does not apply to purchasing specifications prepared by a governmental body for production or consumption requirements of a governmental body.

11. For purposes of this Article:

(a) TBT Agreement means the Agreement on Technical Barriers to Trade, which is part of the WTO Agreement; and

(b) “technical regulation”, “conformity assessment procedure” and “standard” have the meaning as defined in Annex 1 of the TBT Agreement.

IV – Institutional Provisions

Article 2 – 8: Committee on Trade in Goods and Rules of Origin

1. The Parties hereby establish a Committee on Trade in Goods and Rules of Origin, comprising representatives of each Party and headed by senior officials responsible for international trade matters of each Party.

2. The Committee shall meet on the request of a Party or the Commission to consider any matter arising under this Chapter, Chapter 4 (Rules of Origin), Chapter 5 (Customs Procedures), Chapter 6 (Trade Facilitation), Chapter 7 (Sanitary and Phytosanitary Measures), Chapter 8 (Emergency Action), or Chapter 9 (Monopolies and State Enterprises).

3. The Committee’s functions shall include:

(a) promoting trade in goods between the Parties, including through consultations on accelerating tariff elimination under this Agreement and other issues as appropriate;

(b) promptly addressing barriers to trade in goods between the Parties, especially those related to the application of non – tariff measures, and, if appropriate, referring such matters to the Commission for its consideration;

(c) recommending to the Commission any modification of or addition to this Chapter, Chapter 4 (Rules of Origin), Chapter 5 (Customs Procedures), Chapter 6 (Trade Facilitation), Chapter 7 (Sanitary and Phytosanitary Measures), Chapter 8 (Emergency Action), Chapter 9 (Monopolies and State Enterprises), or any other provision of this Agreement related to the Harmonized System; and

(d) considering any other matter referred to it by a Party relating to the implementation and administration by the Parties of this Chapter, Chapter 4 (Rules of Origin), Chapter 5 (Customs Procedures), Chapter 6 (Trade Facilitation), Chapter 7 (Sanitary and Phytosanitary Measures), Chapter 8 (Emergency Action) or Chapter 9 (Monopolies and State Enterprises).

Annex 2 – 2 Exceptions to Articles 2 – 2 and 2 – 6

Canadian Measures

Without prejudice to the rights of Jordan under the WTO Agreement, Articles 2 – 2 and 2 – 6 shall not apply to:

(a) any measure, including that measure's continuation, prompt renewal or amendment, in respect of the following:

(i) the export of logs of all species;

(ii) the export of unprocessed fish pursuant to applicable provincial legislation;

(iii) the importation of any goods of the prohibited provisions of tariff items 9897.00.00, 9898.00.00, and 9899.00.00 referred to in the Schedule of the Customs Tariff;

(iv) Canadian excise duties on absolute alcohol used in manufacturing under the existing provisions of the Excise Act, 2001, S.C. 2002, c.22, as amended;

(v) measures by Canada relating to the use of ships in the coasting trade of Canada; and

(vi) the internal sale and distribution of wine and distilled spirits.

(b) actions by Canada authorized by the Dispute Settlement Body of the WTO in a dispute between the Parties under the WTO Agreement.

Jordanian Measures

Without prejudice to the rights of Canada under the WTO Agreement, Articles 2 - 2 and 2 - 6 shall not apply to:

(a) any good for which imports or exports are restricted or prohibited pursuant to the decision of the Council of Ministers, in accordance with the Import & Export Law No. 21 of the year 2001 and its amendments, provided that the restriction or prohibition is consistent with Articles 15 - 1 and 15 - 2;

(b) actions by Jordan authorized by the Dispute Settlement Body of the WTO in a dispute between the Parties under the WTO Agreement.

Annex 2 - 3

Tariff Elimination

1. For Canada, customs duties shall be eliminated as of the date of entry into force of this Agreement in respect of products of Chapters 1 through 97 originating in Jordan, except as otherwise provided in Canada's Schedule to this Annex.

2. For Jordan, the following staging categories apply to the elimination of customs duties by Jordan, pursuant to paragraph 2 of Article 2 - 3:

(a) duties on originating goods provided for in the items in staging category A in Jordan's schedule shall be eliminated entirely and such goods shall be duty-free on the date of entry into force of this Agreement;

(b) duties on originating goods provided for in the items in staging category B in Jordan's schedule shall be removed in three equal annual stages beginning on the date this Agreement enters into force, and such goods shall be duty-free effective January 1 of Year 3;

(c) duties on originating goods provided for in the items in staging category C in Jordan's schedule shall be removed in five equal annual stages beginning on the date this Agreement enters into force, and such goods shall be duty-free effective January 1 of Year 5; and

(d) duties on originating goods provided for in the items in staging category D in Jordan's schedule shall be reduced in five equal annual stages of 10 percent from the base rate indicated in Jordan's Schedule beginning on the date of entry into force of this Agreement. If Jordan's applied most favoured nation customs duty rate on goods in staging category D is reduced below the base rate, then duties on those originating goods shall be further reduced proportionately. For greater clarity, the rate of duty as a percentage of the base rate or Jordan's applied most favoured nation customs duty rate, whichever is lower, shall be as follows:

- I. Date of entry into force of the Agreement: 90%*
- II. January 1 of Year 2: 80%*
- III. January 1 of Year 3: 70%*

- IV. January 1 of Year 4: 60%
- V. January 1 of Year 5: 50%

(e) duties on originating goods provided for in the items in staging category E in Jordan's schedule are exempt from tariff elimination.

3. The base rate of customs duty for an item shall be the most favoured nation customs duty rate applied on January 1, 2008.

4. Staged rates of customs duties shall be rounded down, except as set out in Jordan's Schedule to this Annex, at least to the nearest tenth of a percentage point, or, if the rate of duty is expressed in monetary units, at least to the nearest 0.001 of the official monetary unit of the Party.

- *Schedule of Canada*
- *Schedule of Jordan*

Chapter 3: Electronic Commerce

Article 3-1 Customs Duties on Products Delivered by Electronic Means

- 1. A Party shall not apply customs duties on products delivered electronically.
- 2. For greater certainty, this Article does not preclude a Party from imposing internal taxes or other internal charges on products delivered electronically, provided that such taxes or charges are imposed in a manner consistent with this Agreement.

- 3. For purposes of this Article, **delivered electronically** means delivered through telecommunications, alone or in conjunction with other information and communications technologies.

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Chapter 4: Rules of Origin

Article 4-1: Originating Goods

1. Except as otherwise provided in this Chapter, a good shall originate in the territory of a Party where:

(a) the good is wholly obtained or produced entirely in the territory of one or both of the Parties;

(b) each of the non-originating materials used in the production of the good undergoes an applicable change in tariff classification as set out in Annex 4-1 as a result of production occurring entirely in the territory of one or both of the Parties, or the good otherwise satisfies the applicable requirements of that Annex where no change in tariff classification is required, and the good satisfies all other applicable requirements of this Chapter;

(c) the good is produced entirely in the territory of one or both of the Parties, exclusively from originating materials; or

(d) except as provided in Annex 4-1 or except for a good of Chapter 39 or Chapters 50 through 63 of the Harmonized System, one or more of the non-originating materials used in the production of the good cannot satisfy the requirements set out in Annex 4-1 because both the good and the non-originating materials are classified in the same subheading or heading that is not further subdivided into subheadings, provided that,

- (i) the good is produced entirely in the territory of one or both of the Parties,*
- (ii) the value of the non-originating materials classified as or with the good does not exceed 65 per cent of the transaction value of the good, and*
- (iii) the good satisfies all other applicable requirements of this Chapter.*

2. For purposes of this Article, the following goods shall be considered wholly obtained or produced entirely in the territory of one or both of the Parties:

(a) minerals and other non-living natural resources extracted in or taken from the territory of one or both of the Parties;

(b) vegetable goods harvested in the territory of one or both of the Parties;

(c) live animals born and raised entirely in the territory of one or both of the Parties;

(d) goods obtained from live animals in the territory of one or both of the Parties;

(e) goods obtained from hunting, trapping, fishing or aquaculture in the territory of one or both of the Parties;

(f) fish, shellfish and other marine life taken from the sea, seabed, ocean floor or the subsoil outside the territory of the Parties by a vessel registered, recorded or listed with a Party, or leased by an enterprise established in the territory of a Party, and entitled to fly its flag;

(g) goods produced on board a factory ship from the goods referred to in subparagraph (f), provided such factory ship is registered, recorded or listed with a Party, or leased by an enterprise established in the territory of a Party, and entitled to fly its flag;

(h) goods, other than fish, shellfish and other marine life, taken or extracted from the Area by a vessel registered, recorded or listed with a Party and entitled to fly its flag, or by a Party or a person of a Party, in accordance with the United Nations Convention on the Law of the Sea;

(i) goods taken from outer space, provided they are obtained by a Party or a person of a Party and not processed in a non-Party;

(j) waste and scrap derived from production in the territory of one or both of the Parties;

(k) components and raw materials recovered from used goods collected in the territory of one or both of the Parties, provided the goods are fit only for such recovery; and

(l) goods produced in the territory of one or both of the Parties exclusively from goods referred to in subparagraphs (a) through (k), or from their derivatives, at any stage of production.

Article 4-2: Value Test

1. Except as provided in paragraph 2, where the applicable rule of origin in Annex 4-1 for the tariff provision under which a good is classified specifies a value test, the value test shall be satisfied provided the value of non-originating materials used in the production of the good does not exceed a given percentage of the transaction value of the good.

2. For purposes of a good of headings 87.01 through 87.08, at the choice of an exporter or a producer of such good, the value test shall be satisfied provided the value of non-originating materials used in the production of the good does not exceed a given percentage of either the transaction value or the net cost of the good.

3. For purposes of calculating the net cost of a good under paragraph 2, the producer of the good may:

(a) calculate the total cost incurred with respect to all goods produced by that producer, subtract any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, as well as non-allowable interest costs that are included in the total cost of all such goods, and then reasonably allocate the resulting net cost of those goods to the good;

(b) calculate the total cost incurred with respect to all goods produced by that producer, reasonably allocate the total cost to the good, and then subtract any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs and non-allowable interest costs that are included in the portion of the total cost allocated to the good; or

(c) reasonably allocate each cost that forms part of the total cost incurred with respect to the good so that the aggregate of these costs does not include any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, or non-allowable interest costs.

4. The value of an intermediate material shall be:

(a) the total cost incurred with respect to all goods produced by the producer of the good that can be reasonably allocated to that intermediate material; or

(b) the sum of all costs that comprise the total cost incurred with respect to that intermediate material that can be reasonably allocated to that intermediate material.

Article 4-3: Accumulation

1. For purposes of determining whether a good is an originating good, the production of the good in the territory of one or both of the Parties by one or more producers shall, at the choice of the exporter or producer of the good for which preferential tariff treatment is claimed, be considered to have been performed in the territory of either of the Parties by that exporter or producer, provided that:

(a) all non-originating materials used in the production of the good satisfy the requirements set out in Annex 4-1 entirely in the territory of one or both of the Parties; and

(b) the good satisfies all other applicable requirements of this Chapter.

2. Subject to paragraph 3, where each Party has a trade agreement that, as contemplated by the WTO Agreement, concerns the establishment of a free trade area with the same non-Party, the

territory of that non-Party shall be deemed to form part of the territory of the free trade area established by this Agreement, for purposes of determining whether a good is an originating good under this Agreement.

3. A Party shall give effect to paragraph 2 only once provisions with effect equivalent to paragraph 2 are in force between each Party and the non-Party. Where such provisions in force between a Party and the non-Party apply to only certain goods or under certain conditions, the other Party may limit the application of paragraph 2 to those goods and under those conditions and as otherwise set out in this Agreement.

Article 4-4: De Minimis

1. Except as provided in paragraphs 2 through 4, a good shall be considered to be originating if the value of all non-originating materials used in the production of the good that do not undergo an applicable change in tariff classification set out in Annex 4-1 does not exceed 10 per cent of the transaction value of the good, provided that:

(a) if the rule of origin of Annex 4-1 applicable to the good contains a percentage for the maximum value of non-originating materials, the value of such non-originating materials shall be included in calculating the value of non-originating materials; and

(b) the good satisfies all other applicable requirements of this Chapter.

2. Except as provided in Annex 4-1, paragraph 1 does not apply to a non-originating material used in the production of a good of Chapters 1 through 21 of the Harmonized System unless the non-originating material is provided for in a different subheading from the good for which origin is being determined under this Article.

3. A good of any of Chapters 50 through 60, headings 63.01 through 63.05, subheading 6307.10 or 6307.90, heading 63.08 or a new rag of heading 63.10 of the Harmonized System, that does not originate because certain non-originating yarns or fabrics used in the production of the good do not fulfil the requirements set out in Annex 4-1, shall nonetheless be considered to be originating if the total weight of all such yarns or fabrics does not exceed 10 per cent of the total weight of that good.

4. For purposes of a good of Chapters 61 through 62, heading 63.06 or subheading 6307.20 of the Harmonized System, the Chapter Note of Chapter 61, 62 or 63 of Annex 4-1, whichever is applicable, shall apply.

Article 4-5: Fungible Materials and Goods

For purposes of determining whether a good is an originating good:

(a) where originating and non-originating fungible materials are used in the production of a good, the determination of whether the materials are originating materials may be made in accordance with any of the inventory management methods recognized in, or otherwise accepted by, the Generally Accepted Accounting Principles of the Party in which the production is performed; and

(b) where originating and non-originating fungible goods are physically combined or mixed in inventory in a Party and exported in the same form to another Party, the determination of whether the good is an originating good may be made in accordance with any of the inventory management methods recognized in, or otherwise accepted by, the Generally Accepted Accounting Principles of the Party from which the good is exported.

Article 4-6: Sets or Assortments of Goods

Except as provided in Annex 4-1, a set, as referred to in General Rule 3 of the Harmonized System, or assortment of goods shall be considered to be originating, provided that:

(a) all the component goods in the set or assortment, packaging materials and containers, are originating; or

(b) where the set or assortment contains non-originating component goods, packaging materials and containers, the value of the

non-originating goods, packaging materials and containers for the set or assortment, does not exceed 35 per cent of the transaction value of the set or assortment.

Article 4-7: Accessories, Spare Parts and Tools

Accessories, spare parts and tools delivered with a good that form part of the good's standard accessories, spare parts or tools, shall be considered to be originating if the good originates and shall be disregarded in determining whether all the non-originating materials used in the production of the good satisfy the requirements set out in Annex 4-1, provided that:

(a) the accessories, spare parts and tools are not invoiced separately from the good; and

(b) the quantities and value of such accessories, spare parts or tools are customary for the good.

Article 4-8: Indirect Materials

An indirect material shall be considered to be originating without regard to where it is produced.

Article 4-9: Intermediate Materials Used in Production

If an intermediate material is considered to be originating, then no account shall be taken of the non-originating materials contained therein when that intermediate material is subsequently used in the production of another good.

Article 4-10: Packaging Materials and Containers for Retail Sale

Except as provided for in Article 4-6 and in Annex 4-1, packaging materials and containers in which a good is packaged for retail sale shall be disregarded in determining:

- (a) whether all the non-originating materials undergo the applicable requirements set out in Annex 4-1; or*
- (b) whether the good meets the requirements established in subparagraph (a) or (c) of Article 4-1.*

Article 4-11: Packing Materials and Containers for Shipment

Packing materials, containers, pallets or similar articles in which a good is packed for shipment shall be disregarded in determining whether that good is originating.

Article 4-12: Transshipment

A good shall not be considered to be originating by reason of having undergone production that satisfies the requirements of Article 4-1 if, subsequent to that production, the good:

(a) undergoes further production or any other operation outside the territories of the Parties, other than unloading, reloading or any other operation necessary to preserve it in good condition or to transport the good to the territory of a Party; or

(b) does not remain under customs control while outside the territories of the Parties.

Article 4-13: Interpretation and Application

For purposes of this Chapter:

(a) the basis for tariff classification in this Chapter is the Harmonized System;

(b) where applying subparagraph (d) of Article 4-1, the determination of whether a heading or subheading under the Harmonized System provides for both a good and the materials that are used in the production of the good shall be made on the basis of the nomenclature of the heading or subheading and the relevant Section or Chapter Notes, in accordance with the General Rules for the Interpretation of the Harmonized System;

(c) in applying the Customs Valuation Agreement under this Chapter,

- (i) the principles of the Customs Valuation Agreement shall apply to domestic transactions, with such modifications as may be required by the circumstances, as would apply to international transactions,
- (ii) the provisions of this Chapter shall take precedence over the Customs Valuation Agreement to the extent of any difference, and
- (iii) the definitions in Article 4-15 shall take precedence over the definitions in the Customs Valuation Agreement to the extent of any difference; and

(d) all costs referred to in this Chapter shall be recorded and maintained in accordance with the Generally Accepted Accounting Principles applicable in the territory of the Party in which the good is produced.

Article 4-14: Consultation and Modifications

The Parties shall consult regularly to ensure that this Chapter is administered effectively, uniformly and consistently with the spirit and objectives of this Agreement, and shall cooperate in the administration of this Chapter in accordance with Chapter 5 (Customs Procedures).

Article 4-15: Definitions

For purposes of this Chapter:

(a) aquaculture means the farming of aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants, from seedstock such as eggs, fry, fingerlings and larvae, by intervention in the rearing or growth processes to enhance production, such as regular stocking, feeding or protection from predators;

(b) fungible materials or fungible goods means materials or goods that are interchangeable for commercial purposes and whose properties are essentially identical;

(c) Generally Accepted Accounting Principles means the principles used in the territory of each Party that provide substantial authorized support with regard to the recording of income, costs, expenses, assets and liabilities involved in the disclosure of information and preparation of financial statements. These principles may be broad guidelines of general application, as well as those standards, practices and procedures normally employed in accounting;

(d) listed with a Party means a foreign registered ship bare-boat chartered exclusively to a Canadian citizen, permanent resident of Canada or a Canadian corporation, which is listed in the Canadian Register of Vessels for the duration of the charter and whose

registration in the foreign country is suspended for the duration of the charter;

(e) **non-allowable interest costs** means interest costs incurred by a producer that exceed 700 basis points above the applicable national government interest rate identified for comparable maturities;

(f) **non-originating good or non-originating material** means a good or material that does not qualify as originating under this Chapter;

(g) **production** means growing, mining, raising, harvesting, fishing, trapping, hunting, manufacturing, processing, assembling or disassembling a good;

(h) **royalties** means payments of any kind, including payments under technical assistance or similar agreements, made as consideration for the use or right to use any copyright, literary, artistic or scientific work, patent, trademark, design, model, plan, secret formula or process, excluding those payments under technical assistance or similar agreements that can be related to specific services such as:

- (i) personnel training, without regard to where performed;; and
- (ii) if performed in the territory of one or both of the Parties, engineering, tooling, die-setting, software design and similar computer services, or other services;

(i) *sales promotion, marketing and after-sales service costs* means the following costs related to sales promotion, marketing and after-sales service:

- (i) sales and marketing promotion; media advertising; advertising and market research; promotional and demonstration materials; exhibits; sales conferences, trade shows and conventions; banners; marketing displays; free samples; sales, marketing and after-sales service literature (product brochures, catalogues, technical literature, price lists, service manuals, sales aid information); establishment and protection of logos and trademarks; sponsorships; wholesale and retail restocking charges; entertainment,;
- (ii) sales and marketing incentives; consumer, retailer or wholesaler rebates; merchandise incentives;
- (iii) salaries and wages, sales commissions, bonuses, benefits (for example, medical, insurance, pension), travelling and living expenses, membership and professional fees, for sales promotion, marketing and after-sales service personnel;
- (iv) recruiting and training of sales promotion, marketing and after-sales service personnel, and after-sales training of customers' employees, where such costs are identified separately for sales

promotion, marketing and after-sales service of goods on the financial statements or cost accounts of the producer;

- *(v) product liability insurance;*
- *(vi) office supplies for sales promotion, marketing and after-sales service of goods, where such costs are identified separately for sales promotion, marketing and after-sales service of goods on the financial statements or cost accounts of the producer;*
- *(vii) telephone, mail and other communications, where such costs are identified separately for sales promotion, marketing and after-sales service of goods on the financial statements or cost accounts of the producer;*
- *(viii) rent and depreciation of sales promotion, marketing and after-sales service offices and distribution centres;*
- *(ix) property insurance premiums, taxes, cost of utilities, and repair and maintenance of sales promotion, marketing and after-sales service offices and distribution centres, where such costs are identified separately for sales promotion, marketing and after-sales service of goods on the financial statements or cost accounts of the producer; and*
- *(x) payments by the producer to other persons for warranty repairs;*

(j) *shipping and packing costs* means the costs incurred in packing a good for shipment and shipping the good from the point of direct shipment to the buyer, excluding costs of preparing and packaging the good for retail sale;

(k) *tariff provision* means a chapter, heading or subheading of the Harmonized System;

(l) *total cost* means all product costs, period costs and other costs incurred in the territory of one or both of the Parties;

(m) *transaction value* means the price actually paid or payable for a good or material with respect to a transaction of the producer of the good, adjusted in accordance with the principles of paragraphs 1, 3 and 4 of Article 8 of the Customs Valuation Agreement to include, inter alia, such costs as commissions, production assists, royalties or license fees;

(n) *transaction value of the good or transaction value of the set or assortment* means:

- (i) the transaction value of a good when sold by the producer at the place of production; or
- (ii) the customs value of that good;

and adjusted, if necessary, to exclude any costs incurred subsequent to the good leaving the place of production, such as freight and insurance;

(o) *value of non-originating materials and value of non-originating component goods* means:

- (i) the transaction value or the customs value of the materials at the time of their importation into a Party, adjusted, if necessary, to include freight, insurance, packing and all other costs incurred in transporting the materials to the place of importation; or
- (ii) in the case of domestic transactions, the value of the materials determined in accordance with the principles of the Customs Valuation Agreement in the same manner as international transactions, with such modifications as may be required by the circumstances.

Annex 4-1: Specific Rules of Origin

Part A – General Interpretative Notes

1. For purposes of interpreting the rules of origin set out in this Annex:

(a) the specific rule, or specific set of rules, that applies to a particular heading, subheading or group of headings or subheadings is set out

immediately adjacent to that heading, subheading or group of headings or subheadings;

(b) a requirement of a change in tariff classification or any other condition set out in a specific rule applies only to non-originating materials;

(c) the expression “a change from any other heading” or “a change from any other subheading” means a change from any other heading (or subheading) of the Harmonized System, including, where applicable, any other heading (or subheading) within the group of headings (or subheadings) to which the rule is applicable;

(d) the expression “a change from any heading outside that group” or “a change from any subheading outside that group” means a change from any other heading (or subheading) of the Harmonized System, except from any other heading (or subheading) within the group of headings (or subheadings) to which the rule is applicable;

(e) the expression

- “a change from within that heading”,*
- “a change from within that subheading”,*
- “a change from within any one of these headings”,*
- “a change from within any one of these subheadings”,*

- “a change to (a good) of (a tariff provision) from within that (tariff provision)”

means a change from any other good or material of that same heading (or subheading) of the Harmonized System;

(f) where two or more rules are applicable to a heading, subheading or group of headings or subheadings and the alternative rule contains a phrase commencing with the words “whether or not”,

- the change in tariff classification specified in the phrase commencing with the words “whether or not” reflects the change specified in the first rule applicable to the heading, subheading or group of headings or subheadings,
- the only change in tariff classification permitted by the alternative rule, in addition to the change in tariff classification specified at the beginning of that rule, is the change specified in the phrase commencing with the words “whether or not”,
- unless otherwise specified, only the value of the non-originating materials referred to at the beginning of the alternative rule, and specified again in the phrase commencing with the words “provided that the value of the non-originating materials”, shall be included in calculating the value of non-originating materials, and

- the value of any non-originating materials satisfying the change of tariff classification specified in the phrase commencing with the words “whether or not” shall not be included in calculating the value of non-originating materials;

(g) reference to weight in the rules for goods provided for in Chapters 1 through 24 of the Harmonized System means dry weight unless otherwise specified in the Harmonized System;

(h) the following definitions apply:

- chapter means a chapter of the Harmonized System,
- heading means any four-digit number, or the first four digits of any number, used in the nomenclature of the Harmonized System,
- section means a section of the Harmonized System, and
- subheading means any six-digit number, or the first six digits of any number, used in the nomenclature of the Harmonized System.

2. A product specific rule of origin set out in this Annex represents the minimum amount of production required to be carried out on non-originating materials for the resulting good to achieve originating

status. A greater amount of production than that required by the rule for that good will also confer originating status.

3. Where a rule of this Annex applicable to a good contains both a required change in tariff classification and a percentage for the maximum value of non-originating materials, the *de minimis* provision of Article 4-4 permits the use of non-originating materials which do not satisfy the tariff change requirement, as long as the value of such materials does not exceed 10 per cent of the transaction value of the good. However, the value of such non-originating materials shall be included when calculating the value of non-originating materials and under no circumstances may the percentage for the maximum value of non-originating materials as set out in the rule be exceeded through the use of the *de minimis* provision.

4. Where:

(a) a rule of this Annex applicable to a good contains both a required change in tariff classification and a percentage for the maximum value of non-originating materials, and

(b) one or more of the non-originating materials used in the production of the good are classified in the same subheading, or heading that is not further subdivided into subheadings, as the good itself,

subparagraph 1(d) of Article 4-1, which provides that the good shall be considered as originating if the value of the non-originating materials classified as or with the good does not exceed the given percentage of the transaction value of the good, may be applied.

5. Given that, in the case described in paragraph 4, the good resulting from the application of subparagraph 1(d) of Article 4-1 qualifies as originating in its own right, no account shall be taken of the non-originating materials contained therein when that good is used in the production of another good. In this particular instance, only the value of any other non-originating materials that are used in the production of the final good and that satisfy the required change in tariff classification set out in the rule of this Annex would need to be taken into account when calculating the value of non-originating materials for purposes of determining the origin of the final good.

6. The product specific rules of origin set out in this Annex also apply to used goods.

Part B – Specific Rules of Origin

Section I Live Animals; Animal Products (Chapters 1 – 5)

Chapter 1 Live Animals

01.01-01.06 A change from any other chapter.

Chapter 2 Meat and Edible Meat Offal

02.01-02.10 A change from any other chapter.

Chapter 3 Fish and Crustaceans, Molluscs and Other Aquatic Invertebrates

03.01-03.03 A change from any other chapter.

03.04 A change from any other heading.

0305.10-0305.69 A change from any other subheading.

0306.11-0306.14 A change from any other heading.

0306.19 A change from any other subheading, except from subheading 0306.29.

0306.21-0306.24 A change from any other heading;

A change to crustaceans, in shell, cooked by steaming or by boiling in water from live crustaceans of the same subheading; or

A change to dried crustaceans, whether in shell or not, from crustaceans of the same subheading.

0306.29 A change from any other subheading, except from subheading 0306.19.

0307.10-0307.99 A change to dried goods from any other good of these subheadings;

A change to flours, meals or pellets of subheading 0307.99 from any other subheading; or

A change from any other heading.

Chapter 4 Dairy Produce; Birds' Eggs; Natural Honey; Edible Products of Animal Origin, Not Elsewhere Specified or Included

04.01-04.06 A change from any other chapter, except from dairy preparations of subheading 1901.90 containing more than 10 per cent by weight of milk solids.

04.07-04.10 A change from any other chapter.

Chapter 5 Products of Animal Origin, Not Elsewhere Specified or Included

05.01-05.11 A change from any other chapter.

Section II Vegetable Products (Chapters 6 – 14)

Note: Agricultural and horticultural goods grown in the territory of a Party shall be treated as originating in the territory of that Party even if grown from seed, bulbs, rootstock, cuttings, slips, grafts, shoots, buds or other live parts of plants imported from a non-Party.

Chapter 6 Live Trees and Other Plants; Bulbs, Roots and the Like; Cut Flowers and Ornamental Foliage

06.01-06.04 A change from any other chapter.

Chapter 7 Edible Vegetables and Certain Roots and Tubers

07.01-07.09 A change from any other chapter.

0710.10-0710.80 A change from any other chapter.

0710.90 A change from any other subheading.

07.11 A change from any other chapter.

0712.20-0712.39 A change from any other chapter.

0712.90 A change to mixtures of vegetables from within this subheading or any other subheading; or

A change to any other good from any other chapter.

07.13-07.14 A change from any other chapter.

Chapter 8 Edible Fruit and Nuts; Peel of Citrus Fruit or Melons

08.01-08.12 A change from any other chapter.

0813.10-0813.40 A change from any other chapter.

0813.50 A change from any other subheading.

08.14 A change from any other heading.

Chapter 9 Coffee, Tea, Maté and Spices

09.01-09.10 A change from within any one of these subheadings or any other subheading.

Chapter 10 Cereals

10.01-10.08 A change from any other chapter.

Chapter 11 Products of the Milling Industry; Malt; Starches; Inulin; Wheat Gluten

11.01-11.09 A change from any other chapter.

Chapter 12 Oil Seeds and Oleaginous Fruits; Miscellaneous Grains, Seeds and Fruit; Industrial or Medicinal Plants; Straw and Fodder

12.01-12.14 A change from any other chapter.

Chapter 13 Lac; Gums, Resins and Other Vegetable Saps and Extracts

13.01-13.02 A change from any other chapter.

Chapter 14 Vegetable Plaiting Materials; Vegetable Products Not Elsewhere Specified or Included

14.01-14.04 A change from any other chapter.

Section III Animal or Vegetable Fats and Oils and Their Cleavage Products; Prepared Edible Fats; Animal or Vegetable Waxes (Chapter 15)

Chapter 15 Animal or Vegetable Fats and Oils and Their Cleavage

Products; Prepared Edible Fats; Animal or Vegetable Waxes

15.01-15.15 A change from any other chapter.

1516.10 A change to a good obtained entirely from fish or marine mammals of any other heading; or

A change to any other good from any other chapter.

1516.20 A change from any other chapter.

15.17-15.22 A change from any other chapter.

Section IV Prepared Foodstuffs; Beverages, Spirits and Vinegar; Tobacco and Manufactured Tobacco Substitutes (Chapters 16 – 24)

Chapter 16 Preparations of Meat, of Fish or of Crustaceans, Molluscs or Other Aquatic Invertebrates

16.01-16.03 A change from any other chapter.

1604.11-1604.19 A change from any other heading.

1604.20 A change from within that subheading or any other subheading.

1604.30 A change from any other heading.

16.05 A change from any other heading.

Chapter 17 Sugars and Sugar Confectionery

1701.11-1701.12 A change from any other chapter.

1701.91-1701.99 A change from any subheading outside that group.

17.02-17.03 A change from any other chapter.

17.04 A change from any other heading.

Chapter 18 Cocoa and Cocoa Preparations

18.01-18.06 A change from any other subheading.

Chapter 19 Preparations of Cereals, Flour, Starch or Milk; Pastrycooks' Products

1901.10 A change from any other chapter.

1901.20 A change to mixes and doughs containing more than 25 per cent by weight of butterfat, not put up for retail sale, from any other chapter, except from heading 04.01 through 04.06; or

A change to any other good from any other chapter.

1901.90 A change to dairy preparations containing more than 10 per cent by weight of milk solids from any other chapter, except from heading 04.01 through 04.06; or

A change to any other good from any other chapter.

19.02-19.04 A change from any other chapter.

19.05 A change from any other heading.

Chapter 20 Preparations of Vegetables, Fruit, Nuts or Other Parts of Plants

20.01-20.08 A change from any other chapter.

2009.11-2009.90 A change from within any one of these subheadings or any other subheading.

Chapter 21 Miscellaneous Edible Preparations

2101.11 A change from any other chapter.

2101.12 A change from any other subheading.

2101.20-2101.30 A change from any other chapter.

2102.10-2103.90 A change from any other subheading.

21.04 A change from any other heading.

21.05 A change from any other heading, except from heading 04.01 through 04.06 or dairy preparations of subheading 1901.90 containing more than 10 per cent by weight of milk solids.

21.06 A change to preparations containing more than 10 per cent by weight of milk solids from any other chapter, except from heading 04.01 through 04.06 or dairy preparations of subheading

1901.90 containing more than 10 per cent by weight of milk solids;

or

A change to any other good from any other chapter.

Chapter 22 Beverages, Spirits and Vinegar

22.01 A change from any other heading.

2202.10 A change from any other heading.

2202.90 A change to beverages containing milk from any other heading, except from heading 04.01 through 04.06 or dairy preparations of subheading 1901.90 containing more than 10 per cent by weight of milk solids; or

A change to any other good from any other heading.

22.03-22.07 A change from any other heading.

2208.20 A change from any other heading.

2208.30 A change from within that subheading or any other heading, provided that the total alcoholic volume of the non-originating materials does not exceed 10 per cent of the volume of the total alcoholic strength of the good.

2208.40-2208.90 A change from any other heading.

22.09 A change from any other heading.

Chapter 23 Residues and Waste From the Food Industries; Prepared Animal Fodder

23.01 A change from any other heading.

23.02-23.08 A change from any other chapter.

2309.10 A change from any other heading.

2309.90 A change to preparations used in animal feeding containing more than 10 per cent by weight of milk solids from any other heading, except from heading 04.01 through 04.06 or dairy preparations of subheading 1901.90 containing more than 10 per cent by weight of milk solids; or

A change to any other good from any other heading.

Chapter 24 Tobacco and Manufactured Tobacco Substitutes

24.01-24.03 A change from any other heading.

Section V Mineral Products (Chapters 25 – 27)

Chapter 25 Salt; Sulphur; Earths and Stone; Plastering Materials, Lime and Cement

25.01-25.03 A change from any other heading.

2504.10-2504.90 A change from any other subheading.

25.05-25.14 A change from any other heading.

25.15-25.16 A change from any other subheading.

25.17-25.30 A change from any other heading.

Chapter 26 Ores, Slag and Ash

26.01-26.21 A change from any other heading.

Chapter 27 Mineral Fuels, Mineral Oils and Products of Their Distillation; Bituminous Substances; Mineral Waxes

Note 1: Notwithstanding any of the product specific rules of origin, any good of Chapter 27 that is a product of a chemical reaction shall be considered to be an originating good if the chemical reaction occurred in the territory of one or both of the Parties.

For purposes of this Chapter, a “chemical reaction” is a process, including a biochemical process, which results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds, or by altering the spatial arrangement of atoms in a molecule.

The following are not considered to be chemical reactions for the purposes of this definition:

(a) dissolving in water or other solvents;

(b) the eliminating of solvents including water; or

(c) the addition or elimination of water of crystallization.

Note 2: For the purposes of heading 27.10, “direct blending” is defined as a refinery process whereby various petroleum streams from processing units and petroleum components from holding or storage tanks combine to create a finished good, with pre-determined parameters, classified under heading 27.10, provided that the non-originating material constitutes no more than 25 per cent by volume of the good.

Note 3: For purposes of heading 27.10, the following processes confer origin:

(a) Atmospheric distillation – A separation process in which petroleum oils are converted, in a distillation tower, into fractions according to boiling point and the vapor then condensed into different liquefied fractions. Liquefied petroleum gas, naphtha, gasoline, kerosene, diesel or heating oil, light gas oils and lubricating oil are produced from petroleum distillation; and

(b) Vacuum distillation – Distillation at a pressure below atmospheric but not so low that it would be classed as molecular distillation.

Vacuum distillation is useful for distilling high-boiling and heat-sensitive materials such as heavy distillates in petroleum oils to

produce light to heavy vacuum gas oils and residuum. In some refineries gas oils may be further processed into lubricating oils.

27.01-27.09 A change from any other heading.

27.10 A change from any other heading;

A change from within that heading, whether or not there is also a change from any other heading, provided that the change is the result of atmospheric distillation or vacuum distillation; or

A change as the result of direct blending, provided that the non-originating material constitutes no more than 25 per cent by volume of the good.

2711.11-2711.14 A change from within any one of these subheadings or any other subheading, provided that the non-originating feedstock constitutes no more than 49 per cent by volume of the good.

2711.19 A change from any other subheading, except from subheading 2711.29.

2711.21 A change from any other subheading, except from subheading 2711.11.

2711.29 A change from any other subheading, except from subheading 2711.12 through 2711.21.

27.12 A change from any other heading.

2713.11-2713.12 A change from any other heading.

2713.20 A change from within that subheading or any other subheading, provided that the non-originating feedstock constitutes no more than 49 per cent by volume of the good.

2713.90 A change from any other heading.

27.14-27.16 A change from any other heading.

Section VI Products of the Chemical or Allied Industries (Chapters 28 – 38)

Chapter 28 Inorganic Chemicals; Organic or Inorganic Compounds of Precious Metals, of Rare-Earth Metals, of Radioactive Elements or of Isotopes

Note 1: Notes 3 through 5 of this Chapter confer origin to a good of any heading or subheading in this Chapter.

Note 2: Notwithstanding Note 1, a good is an originating good if it meets the applicable change in tariff classification specified in the rules of origin of this Chapter.

Note 3: Chemical Reaction

A good of this Chapter that results from a chemical reaction in the territory of one or both of the Parties shall be treated as an originating good.

For purposes of this Chapter, a "chemical reaction" is a process, including a biochemical process, which results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds, or by altering the spatial arrangement of atoms in a molecule.

The following are not considered to be chemical reactions for the purposes of determining whether a good is originating:

- (a) dissolution in water or in another solvent;
- (b) the elimination of solvents, including water; or
- (c) the addition or elimination of water of crystallization.

Note 4: Purification

A good of this Chapter that is subject to purification shall be treated as an originating good provided that the purification occurs in the territory of one or both of the Parties and results in the elimination of not less than 80 per cent of the impurities.

Note 5: Separation Prohibition

A good that meets the applicable change in tariff classification in the territory of one or both of the Parties as a result of the separation of one or more materials from a man-made mixture shall not be treated as an originating good unless the isolated material underwent a chemical reaction in the territory of one or both of the Parties.

2801.10-2813.90 A change from any other subheading.

28.14 A change from any other heading.

2815.11-2815.12 A change from any other heading.

2815.20-2815.30 A change from any other subheading.

2816.10-2853.00 A change from any other subheading.

Chapter 29 Organic Chemicals

Note 1: Notes 3 through 6 of this Chapter confer origin to a good of any heading or subheading in this Chapter.

Note 2: Notwithstanding Note 1, a good is an originating good if it meets the applicable change in tariff classification specified in the rules of origin of this Chapter.

Note 3: Chemical Reaction

A good of this Chapter that results from a chemical reaction in the territory of one or both of the Parties shall be treated as an originating good.

For purposes of this Chapter, a “chemical reaction” is a process, including a biochemical process, which results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds, or by altering the spatial arrangement of atoms in a molecule.

The following are not considered to be chemical reactions for the purposes of determining whether a good is originating:

- (a) dissolution in water or in another solvent;*
- (b) the elimination of solvents, including water; or*
- (c) the addition or elimination of water of crystallization*

Note 4: Purification

A good of this Chapter that is subject to purification shall be treated as an originating good provided that the purification occurs in the territory of one or both of the Parties and results in the elimination of not less than 80 per cent of the impurities.

Note 5: Isomer Separation

A good of this Chapter, shall be treated as an originating good if the isolation or separation of isomers from mixtures of isomers occurs in the territory of one or both of the Parties.

Note 6: Separation Prohibition

A good that meets the applicable change in tariff classification in the territory of one or both of the Parties as a result of the separation of one or more materials from a man-made mixture shall not be treated as an originating good unless the isolated material underwent a chemical reaction in the territory of one or both of the Parties.

2901.10 – 2942.00 A change from any other subheading.

Chapter 30 Pharmaceutical Products

3001.20-3005.90 A change from within any one of these subheadings or any other subheading.

3006.10-3006.60 A change from within any one of these subheadings or any other subheading.

3006.70-3006.92 A change from any other subheading.

Chapter 31 Fertilizers

3101.00-3105.90 A change from within any one of these subheadings or any other subheading.

Chapter 32 Tanning or Dyeing Extracts; Tannins and Their Derivatives; Dyes, Pigments and Other Colouring Matter; Paints and Varnishes; Putty and Other Mastics; Inks

3201.10-3210.00 A change from within any of these subheadings or any other subheading.

32.11-32.12 A change from any other heading.

3213.10 A change from any other subheading, provided that:

(a) at least one of the component goods of the set is originating, and

(b) the value of the non-originating component goods, packaging materials and containers does not exceed 50 per cent of the transaction value of the set.

3213.90 A change from within that subheading or any other subheading.

32.14-32.15 A change from any other heading.

Chapter 33 Essential Oils and Resinoids; Perfumery, Cosmetic or Toilet Preparations

3301.12-3301.90 A change from any other subheading.

33.02-33.07 A change from any other heading.

Chapter 34 Soap, Organic Surface-Active Agents, Washing Preparations, Lubricating Preparations, Artificial Waxes, Prepared Waxes, Polishing or Scouring Preparations, Candles and Similar Articles, Modelling Pastes, "Dental Waxes" and Dental Preparations with a Basis of Plaster

3401.11-3401.20 A change from any other heading.

3401.30 A change from any other subheading, except from subheading 3402.90.

3402.11-3402.19 A change from any other subheading.

3402.20 A change from any other subheading, except from subheading 3402.90.

3402.90 A change from any other subheading.

3403.11-3404.90 A change from any other subheading.

3405.10-3405.90 A change from any other subheading.

34.06 A change from any other heading.

34.07 A change from any other heading; or

A change from within that heading, whether or not there is also a change from any other heading, provided that:

(a) at least one of the component goods of the set is originating, and

(b) the value of the non-originating component goods, packaging materials and containers does not exceed 50 per cent of the transaction value of the set.

Chapter 35 Albuminoidal Substances; Modified Starches; Glues; Enzymes

3501.10-3501.90 A change from any other subheading.

3502.11-3502.19 A change from any subheading outside that group.

3502.20-3502.90 A change from any other subheading.

35.03-35.04 A change from any other heading.

3505.10 A change from any other heading.

3505.20 A change from any other heading; or

A change from subheading 3505.10, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 3505.10 does not exceed 50 per cent of the transaction value of the good.

35.06 A change from any other heading.

3507.10-3507.90 A change from any other subheading.

Chapter 36 Explosives; Pyrotechnic Products; Matches; Pyrophoric Alloys; Certain Combustible Preparations

36.01-36.06 A change from any other heading.

Chapter 37 Photographic or Cinematographic Goods

37.01-37.02 A change from any heading outside that group.

37.03-37.07 A change from any other heading.

Chapter 38 Miscellaneous Chemical Products

3801.10-3802.90 A change from any other subheading.

38.03-38.04 A change from any other heading.

3805.10-3806.90 A change from any other subheading.

38.07 A change from any other heading.

3808.50-3809.93 A change from any other subheading.

38.10 A change from any other heading.

3811.11-3811.90 A change from any other subheading.

38.12-38.14 A change from any other heading.

3815.11-3815.90 A change from any other subheading.

38.16-38.19 A change from any other heading.

*38.20 A change from any other heading, except from subheading
2905.31 or 2905.49; or*

*A change from subheading 2905.31 or 2905.49, whether or not
there is also a change from any other heading, provided that the value
of the non-originating materials of subheading 2905.31 or 2905.49
does not exceed 50 per cent of the transaction value of the good.*

38.21-38.22 A change from any other heading.

3823.11-3823.70 A change from any other subheading.

3824.10-3824.60 A change from any other subheading.

3824.71-3824.79 A change from any other chapter, except from Chapter 28 through 37; or

A change from any other subheading within Chapter 28 through 38, whether or not there is also a change from any other chapter, provided that the value of the non-originating materials of any other subheading within Chapter 28 through 38 does not exceed 50 per cent of the transaction value of the good.

3824.81-3824.90 A change from any other chapter, except from Chapter 28 through 37; or

A change from any other subheading within Chapter 28 through 38, whether or not there is also a change from any other chapter, provided that the value of the non-originating materials of any other subheading within Chapter 28 through 38 does not exceed 70 per cent of the transaction value of the good.

38.25 A change from any other chapter, except from Chapter 28 through 37, 40 or 90.

*Section VII Plastics and Articles Thereof; Rubber and Articles Thereof
(Chapters 39 - 40)*

Chapter 39 Plastics and Articles Thereof

39.01-39.15 A change from any other heading, provided that the non-originating polymer content does not exceed 50 per cent by weight of the total polymer content of the good.

39.16-39.19 A change from any other heading, provided that the value of the non-originating materials does not exceed 70 per cent of the transaction value of the good.

3920.10-3921.90 A change from any other subheading, provided that the value of the non-originating materials does not exceed 70 per cent of the transaction value of the good.

39.22-39.26 A change from any other heading, provided that the value of the non-originating materials does not exceed 70 per cent of the transaction value of the good.

Chapter 40 Rubber and Articles Thereof

40.01-40.04 A change from any other heading.

40.05-40.06 A change from any other chapter; or

A change from any other heading within Chapter 40, whether or not there is also a change from any other chapter, provided that the value of the non-originating materials of any other heading within Chapter 40 does not exceed 45 per cent of the transaction value of the good.

40.07-40.17 A change from any other heading.

*Section VIII Raw Hides and Skins, Leather, Furskins and Articles Thereof;
Saddlery and Harness; Travel Goods, Handbags and Similar Containers;
Articles of Animal Gut (Other Than Silk-Worm Gut) (Chapters 41 – 43)*

Chapter 41 Raw Hides and Skins (Other Than Furskins) and Leather

41.01-41.03 A change from any other chapter.

4104.11-4104.19 A change from any other heading.

*4104.41-4104.49 A change from subheading 4104.11 through
4104.19 or any other heading.*

4105.10 A change from any other heading.

4105.30 A change from any other subheading.

4106.21 A change from any other heading.

4106.22 A change from any other subheading.

4106.31 A change from any other heading.

4106.32 A change from any other subheading.

*4106.40 A change to crust hides and skins from within that
subheading or any other subheading; or*

A change to any other good from any other heading.

4106.91 A change from any other heading.

4106.92 A change from any other subheading.

41.07-41.14 A change from any other heading.

4115.10-4115.20 A change from any other subheading.

Chapter 42 Articles of Leather; Saddlery and Harness; Travel Goods, Handbags and Similar Containers; Articles of Animal Gut (Other Than Silk-Worm Gut)

42.01-42.06 A change from any other heading.

Chapter 43 Furskins and Artificial Fur; Manufactures Thereof

43.01-43.04 A change from any other heading.

Section IX Wood and Articles of Wood; Wood Charcoal; Cork and Articles of Cork; Manufactures of Straw, of Esparto or of Other Plaiting Materials; Basketware and Wickerwork (Chapters 44 – 46)

Chapter 44 Wood and Articles of Wood; Wood Charcoal

44.01-44.21 A change from any other heading.

Chapter 45 Cork and Articles of Cork

45.01-45.04 A change from any other heading.

Chapter 46 Manufactures of Straw, of Esparto or of Other Plaiting Materials; Basketware and Wickerwork

46.01-46.02 A change from any other heading.

Section X Pulp of Wood or of Other Fibrous Cellulosic Material; Recovered (Waste and Scrap) Paper or Paperboard; Paper and Paperboard and Articles Thereof (Chapters 47 – 49)

Chapter 47 Pulp of Wood or of Other Fibrous Cellulosic Material; Recovered (Waste and Scrap) Paper or Paperboard

47.01– 47.02 A change from any other heading.

4703.11–4704.29 A change from any other subheading.

47.05–47.07 A change from any other heading.

Chapter 48 Paper and Paperboard; Articles of Paper Pulp, of Paper or of Paperboard

48.01–48.09 A change from any other heading.

4810.13–4811.90 A change from any other subheading.

48.12–48.23 A change from any other heading.

Chapter 49 Printed Books, Newspapers, Pictures and Other Products of the Printing Industry; Manuscripts, Typescripts and Plans

49.01–49.11 A change from any other heading.

Section XI Textiles and Textile Articles (Chapters 50 – 63)

Chapter 50 Silk

50.01 A change from any other chapter.

50.02-50.03 A change from any other heading.

50.04-50.06 A change from any heading outside that group.

50.07 A change from any other heading.

Chapter 51 Wool, Fine or Coarse Animal Hair; Horsehair Yarn and Woven Fabric

51.01 A change from any other chapter.

51.02-51.05 A change from any other heading.

51.06-51.10 A change from any heading outside that group.

51.11-51.13 A change from any other heading.

Chapter 52 Cotton

52.01 A change from any other chapter.

52.02-52.03 A change from any other heading.

52.04-52.07 A change from heading 52.01 through 52.03 or any other chapter, except from heading 54.01 through 54.05.

52.08 A change from any other heading, except from heading 52.09.

52.09 A change from any other heading, except from heading 52.08.

52.10 A change from any other heading, except from heading 52.11.

52.11 A change from any other heading, except from heading 52.10.

52.12 A change from any other heading.

Chapter 53 Other Vegetable Textile Fibres; Paper Yarn and Woven Fabrics of Paper Yarn

53.01-53.05 A change from any other chapter.

53.06-53.08 A change from any heading outside that group.

53.09-53.11 A change from any other heading.

Chapter 54 Man-Made Filaments; Strip and the Like of Man-Made Textile Materials

54.01-54.06 A change from any other chapter.

54.07-54.08 A change from any other heading.

Chapter 55 Man-Made Staple Fibres

55.01-55.07 A change from any other chapter.

55.08-55.11 A change from any other heading, except from heading
54.01 through 54.06.

55.12 A change from any other heading.

55.13 A change from any other heading, except from heading 55.14.

55.14 A change from any other heading, except from heading 55.13.

55.15-55.16 A change from any other heading.

*Chapter 56 Wadding, Felt and Nonwovens; Special Yarns; Twine,
Cordage, Ropes and Cables and Articles Thereof*

56.01-56.03 A change from any other heading.

56.04-56.06 A change from any other heading, except from yarn of heading 51.06 through 51.10, 52.04 through 52.07, 54.01 through 54.06 or 55.09 through 55.11.

56.07 A change from any other heading, except from yarn of heading 52.04 through 52.07, 54.01 through 54.06 or 55.09 through 55.11.

56.08 A change from any other heading.

56.09 A change from any other heading, except from yarn of heading 51.06 through 51.10, 52.04 through 52.07, 54.01 through 54.06 or 55.09 through 55.11.

Chapter 57 Carpets and Other Textile Floor Coverings

57.01-57.05 A change from any other chapter.

*Chapter 58 Special Woven Fabrics; Tufted Textile Fabrics; Lace;
Tapestries; Trimmings; Embroidery*

58.01-58.05 A change from any other heading.

58.06 A change from any other heading, except from fabric of heading 50.07, 51.11 through 51.13, 52.08 through 52.12, 53.09 through 53.11, 54.07 through 54.08, 55.12 through 55.16 or 58.01 through 58.03.

58.07 A change from any other heading, except from fabric or nonwovens of heading 50.07, 51.11 through 51.13, 52.08 through 52.12, 53.09 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 56.02 through 56.03, 58.01 through 58.03 or 58.06.

5808.10 A change from any other heading, except from yarn of heading 50.04 through 50.06, 51.06 through 51.10, 52.04 through 52.07, 53.06 through 53.08, 54.01 through 54.06, 55.08 through 55.11 or 56.04 through 56.06.

5808.90 A change to ornamental trimmings in the piece, without embroidery, other than knitted or crocheted, from any other heading, except from fabric of heading 50.07, 51.11 through 51.13, 52.08 through 52.12, 53.09 through 53.11, 54.07 through 54.08, 55.12 through 55.16 or 58.01 through 58.03; or

A change to tassels, pompons and similar articles from any other heading.

58.09 A change from any other heading.

58.10 A change from any other heading.

58.11 A change from any other heading, except from fabric or nonwovens of heading 51.11 through 51.13, 52.08 through 52.12, 54.07 through 54.08, 55.12 through 55.16, 56.01 through 56.03, 58.01, 58.04, 58.06 or 60.01 through 60.06.

**Chapter 59 Impregnated, Coated, Covered or Laminated Textile Fabrics;
Textile Articles of a Kind Suitable for Industrial Use**

59.01 A change from any other chapter.

59.02 A change from any other heading.

59.03 A change from any other chapter, except from fabric, braids or ornamental trimmings of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 58.03, 58.06, 58.08 or 60.02 through 60.06.

59.04-59.06 A change from any other chapter.

59.07 A change from any other chapter, except from fabric of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 58.03, 58.06, 58.08 or 60.02 through 60.06.

59.08-59.09 A change from any other chapter.

59.10 A change from any other heading.

59.11 A change from any other chapter, except from fabric or nonwovens of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 56.02 through 56.03, 58.03, 58.06, 58.08 or 60.02 through 60.06.

Chapter 60 Knitted or Crocheted Fabrics

60.01-60.06 A change from any other heading.

Chapter 61 Articles of Apparel and Clothing Accessories, Knitted or Crocheted

Note: For purposes of determining the origin of a good of this Chapter, the rule applicable to that good shall apply only to the component that determines the tariff classification of the good and such component must satisfy the tariff change requirements set out in the rule for that good.

61.01-61.17 A change from any other chapter, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or both of the Parties; or

A change to a good knit to shape, for which no sewing or other assembly is required, from any other chapter.

Chapter 62 Articles of Apparel and Clothing Accessories, Not Knitted or Crocheted

Note: For purposes of determining the origin of a good of this Chapter, the rule applicable to that good shall apply only to the component that determines the tariff classification of the good and such component must satisfy the tariff change requirements set out in the rule for that good.

62.01-62.17 A change from any other chapter, provided that the good is both cut and sewn or otherwise assembled in the territory of one or both of the Parties.

Chapter 63 Other Made Up Textile Articles; Sets; Worn Clothing and Worn Textile Articles; Rags

63.01 A change from fabric of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 58.01 through 58.03, 59.03 or 60.01 through 60.06, provided that the change involves two or more of the following finishing operations: printing, dyeing, bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing or moireing.

63.02 A change from any other chapter, except from fabric of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through

53.11, 54.07 through 54.08, 55.12 through 55.16, 58.01 through 58.03, 59.03 or 60.01 through 60.06.

63.03 A change from fabric of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 58.01 through 58.03, 59.03 or 60.01 through 60.06, provided that the change involves two or more of the following finishing operations: printing, dyeing, bleaching, shrinking, fulling, napping, decatizing, permanent stiffening, weighting, permanent embossing or moiré.

63.04-63.05 A change from any other chapter, except from fabric of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 58.01 through 58.03, 59.03 or 60.01 through 60.06.

63.06 A change from any other chapter, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or both of the Parties.

6307.10 A change from any other chapter, except from fabric of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 58.01 through 58.03 or 60.01 through 60.06.

6307.20 A change from any other chapter, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or both of the Parties.

6307.90 A change from any other chapter, except from fabric of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 58.01 through 58.03, 58.11 or 60.01 through 60.06.

63.08 A change from any other chapter, provided that either the fabric or the yarn meets the change in tariff classification that would be applicable if the fabric or yarn were classified by itself.

63.09 A change from any other heading; or

No change in tariff classification is required, provided that the goods were last collected and packed for shipment in the territory of a Party.

63.10 A change to new rags from any other chapter, except from fabric of heading 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 58.01 through 58.02 or 60.01 through 60.06; or

A change to goods, other than new rags, from any other heading.

*Section XII Footwear, Headgear, Umbrellas, Sun Umbrellas,
Walking-Sticks, Seat-Sticks, Whips, Riding-Crops and Parts Thereof;
Prepared Feathers and Articles Made Therewith; Artificial Flowers;
Articles of Human Hair (Chapters 64 – 67)*

Chapter 64 Footwear, Gaiters and the Like; Parts of Such Articles

*64.01–64.05 A change from any other heading, except from
subheading 6406.10; or*

*A change from subheading 6406.10, whether or not there is also a
change from any other heading, provided that the value of the
non-originating materials of subheading 6406.10 does not exceed 50
per cent of the transaction value of the good.*

64.06 A change from any other heading.

Chapter 65 Headgear and Parts Thereof

65.01–65.07 A change from any other heading.

*Chapter 66 Umbrellas, Sun Umbrellas, Walking-Sticks, Seat-Sticks,
Whips, Riding-Crops and Parts Thereof*

66.01–66.03 A change from any other heading.

*Chapter 67 Prepared Feathers and Down and Articles Made of Feathers
or of Down; Artificial Flowers; Articles of Human Hair*

67.01 A change from any other heading; or

A change to articles of feather or down from within that heading or any other heading.

67.02-67.04 A change from any other heading.

Section XIII Articles of Stone, Plaster, Cement, Asbestos, Mica or Similar Materials; Ceramic Products; Glass and Glassware (Chapters 68 – 70)

Chapter 68 Articles of Stone, Plaster, Cement, Asbestos, Mica or Similar Materials

68.01-68.11 A change from any other heading.

6812.80-6812.99 A change from any other subheading.

68.13-68.15 A change from any other heading.

Chapter 69 Ceramic Products

69.01-69.14 A change from any other heading.

Chapter 70 Glass and Glassware

70.01-70.08 A change from any other heading.

7009.10-7009.92 A change from any other subheading.

70.10-70.18 A change from any other heading.

7019.11-7019.40 A change from any other subheading.

7019.51 A change from any other subheading, except from subheading 7019.52 through 7019.59.

7019.52-7019.90 A change from any other subheading.

70.20 A change from any other heading.

Section XIV Natural or Cultured Pearls, Precious or Semi-Precious Stones, Precious Metals, Metals Clad with Precious Metal and Articles Thereof; Imitation Jewellery; Coin (Chapter 71)

Chapter 71 Natural or Cultured Pearls, Precious or Semi-Precious Stones, Precious Metals, Metals Clad with Precious Metal and Articles Thereof; Imitation Jewellery; Coin

71.01 A change from any other heading.

7102.10-7102.39 A change from any other subheading, except from subheading 7102.10.

7103.10-7104.90 A change from any other subheading.

71.05 A change from any other heading.

7106.10-7106.92 A change from any other subheading; or

A change from within subheading 7106.91, whether or not there is also a change from another subheading, provided that the

non-originating materials undergo electrolytic, thermal or chemical separation or alloying.

71.07 A change from any other heading.

7108.11-7108.20 A change from any other subheading; or

A change from within subheading 7108.12, whether or not there is also a change from another subheading, provided that the non-originating materials undergo electrolytic, thermal or chemical separation or alloying.

71.09 A change from any other heading.

7110.11-7110.49 A change from any other subheading.

71.11-71.18 A change from any other heading.

Section XV Base Metals and Articles of Base Metal (Chapters 72 – 83)

Chapter 72 Iron and Steel

72.01-72.29 A change from any other heading.

Chapter 73 Articles of Iron or Steel

73.01-73.03 A change from any other heading.

7304.11-7304.39 A change from any other heading.

7304.41 A change from any other subheading.

7304.49-7304.90 A change from any other heading.

73.05-73.07 A change from any other heading.

73.08 A change from any other heading, except from heading 72.16;

or

A change from heading 72.16, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 72.16 does not exceed 65 per cent of the transaction value of the good.

73.09-73.14 A change from any other heading.

7315.11-7315.12 A change from any other heading; or

A change from subheading 7315.19, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 7315.19 does not exceed 50 per cent of the transaction value of the good.

7315.19 A change from any other heading.

7315.20-7315.89 A change from any other heading; or

A change from subheading 7315.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 7315.90 does not exceed 50 per cent of the transaction value of the good.

7315.90 A change from any other heading.

73.16-73.20 A change from any other heading.

7321.11-7321.89 A change from any other heading; or

A change from subheading 7321.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 7321.90 does not exceed 65 per cent of the transaction value of the good.

7321.90 A change from any other heading.

73.22-73.23 A change from any other heading.

7324.10-7324.29 A change from any other heading; or

A change from subheading 7324.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 7324.90 does not exceed 65 per cent of the transaction value of the good.

7324.90 A change from any other heading.

73.25-73.26 A change from any other heading.

Chapter 74 Copper and Articles Thereof

74.01-74.07 A change from any other heading.

74.08 A change from any other heading, except from heading 74.07;
or

A change from heading 74.07, whether or not there is also a change from any other heading, provided that, if bar or rod is used, the cross-sectional area of the bar or rod is reduced by at least 50 per cent.

74.09-74.19 A change from any other heading.

Chapter 75 Nickel and Articles Thereof

75.01-75.04 A change from any other heading.

7505.11-7505.12 A change from any other heading.

7505.21-7505.22 A change from any other heading; or

A change from subheading 7505.11 through 7505.12, whether or not there is also a change from any other heading, provided that, if bar or rod is used, the cross-sectional area of the bar or rod is reduced by at least 50 per cent.

75.06 A change from any other heading; or

A change to foil of a thickness of 0.15 mm or less from within that heading, whether or not there is also a change from any other heading.

7507.11-7508.90 A change from any other subheading.

Chapter 76 Aluminium and Articles Thereof

76.01-76.04 A change from any other heading.

76.05 A change from any other heading, except from heading 76.04;

or

A change from heading 76.04, whether or not there is also a change from any other heading, provided that, if bar or rod is used, the cross-sectional area of the bar or rod is reduced by at least 50 per cent.

76.06 A change from any other heading.

7607.11 A change from any other heading.

7607.19-7607.20 A change from any other heading; or

A change from subheading 7607.11, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 7607.11 does not exceed 65 per cent of the transaction value of the good.

76.08-76.16 A change from any other heading.

Chapter 78 Lead and Articles Thereof

78.01-78.02 A change from any other heading.

7804.11-7804.20 A change from any other subheading; or

A change to foil of subheading 7804.11 from within that subheading, whether or not there is also a change from any other subheading.

78.06 A change to wire from within that heading or from any other heading, provided that, if bar or rod is used, the cross-sectional area of the bar or rod is reduced by at least 50 per cent;

A change to tubes, pipes, or tube or pipe fittings from within that heading or from any other heading; or

A change to any other good from any other heading.

Chapter 79 Zinc and Articles Thereof

79.01-79.03 A change from any other heading.

79.04 A change from any other heading; or

A change to wire from within that heading, whether or not there is also a change from any other heading, provided that, if bar or rod is used, the cross-sectional area of the bar or rod is reduced by at least 50 per cent.

79.05 A change from any other heading; or

A change to foil from within that heading, whether or not there is also a change from any other heading.

79.07 A change to tubes, pipes, or tube or pipe fittings from within that heading or from any other heading; or

A change to any other good from any other heading.

Chapter 80 Tin and Articles Thereof

80.01-80.02 A change from any other heading.

80.03 A change from any other heading; or

A change to wire from within that heading, whether or not there is also a change from any other heading, provided that, if bar or rod is used, the cross-sectional area of the bar or rod is reduced by at least 50 per cent.

80.07 A change from within that heading or any other heading.

Chapter 81 Other Base Metals; Cermets; Articles Thereof

8101.10-8113.00 A change from any other subheading.

Chapter 82 Tools, Implements, Cutlery, Spoons and Forks, of Base Metal; Parts Thereof of Base Metal

Note: Handles of base metal used in the production of a good of this Chapter shall be disregarded in determining the origin of that good.

82.01 A change from any other heading.

8202.10-8202.20 A change from any other heading.

8202.31 A change from any other heading; or

A change from subheading 8202.39, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8202.39 does not exceed 65 per cent of the transaction value of the good.

8202.39-8202.99 A change from any other heading.

82.03-82.04 A change from any other heading.

8205.10-8205.80 A change from any other heading.

8205.90 A change from any other heading; or

A change to a set from subheading 8205.10 through 8205.80, whether or not there is also a change from any other heading, provided that the value of the non-originating component goods of subheading 8205.10 through 8205.80 does not exceed 35 per cent of the transaction value of the set.

82.06 A change from any other heading, except from heading 82.02 through 82.05; or

A change to a set from heading 82.02 through 82.05, whether or not there is also a change from any other heading, provided that the value of the non-originating component goods of heading 82.02 through 82.05 does not exceed 35 per cent of the transaction value of the set.

8207.13 A change from any other heading, except from heading 82.09; or

A change from subheading 8207.19 or heading 82.09, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8207.19 or heading 82.09 does not exceed 65 per cent of the transaction value of the good.

8207.19-8207.90 A change from any other heading.

82.08-82.10 A change from any other heading.

8211.10 A change from any other heading, except from heading 82.14 through 82.15; or

A change to a set from subheading 8211.91 through 8211.93 or heading 82.14 through 82.15, whether or not there is also a change from any other heading, provided that the value of the non-originating component goods of subheading 8211.91 through 8211.93 or heading 82.14 through 82.15 does not exceed 35 per cent of the transaction value of the set.

8211.91-8211.93 A change from any other heading; or

A change from subheading 8211.94 through 8211.95, whether or not there is also a change from any other heading, provided that the

value of the non-originating materials of subheading 8211.94 does not exceed 65 per cent of the transaction value of the good.

8211.94-8211.95 A change from any other heading.

82.12-82.13 A change from any other heading.

82.14 A change from any other heading; or

A change to a set of subheading 8214.20 from within that subheading or any other heading, provided that the value of the non-originating component goods of subheading 8205.10 through 8205.80 does not exceed 35 per cent of the transaction value of the set.

8215.10-8215.20 A change from any other heading, except from heading 82.11; or

A change to a set from heading 82.11 or subheading 8215.91 through 8215.99, whether or not there is also a change from any other heading, provided that the value of the non-originating component goods of subheading 8215.91 through 8215.99 does not exceed 35 per cent of the transaction value of the set.

8215.91-8215.99 A change from any other heading.

Chapter 83 Miscellaneous Articles of Base Metal

8301.10-8301.50 A change from any other heading; or

A change from subheading 8301.60, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8301.60 does not exceed 65 per cent of the transaction value of the good.

8301.60-8301.70 A change from any other heading.

83.02-83.04 A change from any other heading.

8305.10-8306.30 A change from any other subheading.

83.07 A change from any other heading.

8308.10-8308.90 A change from any other subheading.

83.09-83.10 A change from any other heading.

8311.10-8311.90 A change from any other subheading.

Section XVI Machinery and Mechanical Appliances; Electrical Equipment; Parts Thereof; Sound Recorders and Reproducers, Television Image and Sound Recorders and Reproducers, and Parts and Accessories of Such Articles (Chapters 84 – 85)

Chapter 84 Nuclear Reactors, Boilers, Machinery and Mechanical Appliances; Parts Thereof

8401.10-8401.30 A change from any other subheading.

8401.40 A change from any other heading.

8402.11-8402.20 A change from any other heading; or

A change from subheading 8402.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8402.90 does not exceed 65 per cent of the transaction value of the good.

8402.90 A change from any other heading.

8403.10 A change from any other subheading.

8403.90 A change from any other heading.

8404.10 A change from any other subheading.

8404.20 A change from any other heading; or

A change from subheading 8404.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8404.90 does not exceed 65 per cent of the transaction value of the good.

8404.90 A change from any other heading.

8405.10 A change from any other subheading.

8405.90 A change from any other heading.

8406.10 A change from any other subheading.

8406.81-8406.82 A change from any other heading; or

A change from subheading 8406.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8406.90 does not exceed 65 per cent of the transaction value of the good.

8406.90 A change from any other heading.

8407.10-8407.32 A change from any other heading.

8407.33-8407.34 A change from any other heading, except from heading 84.09; or

A change from heading 84.09, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 84.09 does not exceed 65 per cent of the transaction value of the good.

8407.90 A change from any other heading.

84.08-84.09 A change from any other heading.

8410.11-8410.13 A change from any other heading; or

A change from subheading 8410.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8410.90 does not exceed 65 per cent of the transaction value of the good.

8410.90 A change from any other heading.

8411.11-8411.22 A change from any other subheading.

8411.81-8411.82 A change from any other heading; or

A change from subheading 8411.99, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8411.99 does not exceed 65 per cent of the transaction value of the good.

8411.91-8411.99 A change from any other heading.

8412.10-8412.80 A change from any other subheading.

8412.90 A change from any other heading.

8413.11-8413.82 A change from any other subheading.

8413.91-8413.92 A change from any other heading.

8414.10-8414.80 A change from any other heading; or

A change from subheading 8414.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8414.90 does not exceed 65 per cent of the transaction value of the good.

8414.90 A change from any other heading.

8415.10-8415.83 A change from any other subheading.

8415.90 A change from any other heading.

8416.10-8416.90 A change from any other subheading.

8417.10-8417.80 A change from any other subheading.

8417.90 A change from any other heading.

8418.10-8418.29 A change from any subheading outside that group, except from subheading 8418.91.

8418.30-8418.69 A change from any other heading; or

A change from subheading 8418.91 through 8418.99, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8418.91 through 8418.99 does not exceed 65 per cent of the transaction value of the good.

8418.91-8418.99 A change from any other heading.

8419.11 A change from any other subheading.

8419.19 A change from any other heading; or

A change from subheading 8419.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8419.90 does not exceed 65 per cent of the transaction value of the good.

8419.20-8419.89 A change from any other subheading.

8419.90 A change from any other heading.

8420.10 A change from any other subheading.

8420.91-8420.99 A change from any other heading.

8421.11-8421.22 A change from any other subheading.

8421.23 A change from any other heading; or

A change from subheading 8421.99, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8421.99 does not exceed 65 per cent of the transaction value of the good.

8421.29 A change from any other subheading.

8421.31 A change from any other heading; or

A change from subheading 8421.99, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8421.99 does not exceed 65 per cent of the transaction value of the good.

8421.39 A change from any other subheading.

8421.91-8421.99 A change from any other heading.

8422.11-8422.40 A change from any other subheading.

8422.90 A change from any other heading.

8423.10-8423.89 A change from any other subheading.

8423.90 A change from any other heading.

8424.10-8430.69 A change from any other subheading.

84.31 A change from any other heading.

8432.10-8432.80 A change from any other subheading.

8432.90 A change from any other heading.

8433.11-8433.60 A change from any other subheading.

8433.90 A change from any other heading.

8434.10-8435.90 A change from any other subheading.

8436.10-8436.80 A change from any other subheading.

8436.91-8436.99 A change from any other heading.

8437.10-8437.80 A change from any other subheading.

8437.90 A change from any other heading.

8438.10-8438.80 A change from any other subheading.

8438.90 A change from any other heading.

8439.10-8440.90 A change from any other subheading.

8441.10-8441.80 A change from any other subheading.

8441.90 A change from any other heading.

8442.30 A change from any other subheading.

8442.40-8442.50 A change from any other heading.

8443.11-8443.99 A change from any other subheading.

84.44-84.47 A change from any other heading.

8448.11-8448.19 A change from any other subheading.

8448.20-8448.59 A change from any other heading.

84.49 A change from any other heading.

8450.11-8450.19 A change from any other heading; or

A change from subheading 8450.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8450.90 does not exceed 65 per cent of the transaction value of the good.

8450.20 A change from any other subheading.

8450.90 A change from any other heading.

8451.10 A change from any other subheading.

8451.21 A change from any other heading; or

A change from subheading 8451.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8451.90 does not exceed 65 per cent of the transaction value of the good.

8451.29-8451.80 A change from any other subheading.

8451.90 A change from any other heading.

8452.10-8452.40 A change from any other subheading.

8452.90 A change from any other heading.

8453.10-8453.80 A change from any other subheading.

8453.90 A change from any other heading.

8454.10-8454.30 A change from any other subheading.

8454.90 A change from any other heading.

8455.10-8455.90 A change from any other subheading.

84.56 A change from any other heading, except from subheading

8466.93; or

A change from subheading 8466.93, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8466.93 does not exceed 65 per cent of the transaction value of the good.

84.57 A change from any other heading, except from heading 84.59 or subheading 8466.93; or

A change from heading 84.59 or subheading 8466.93, whether or not there is also a change from any other heading, provided that the

value of the non-originating materials of heading 84.59 or subheading 8466.93 does not exceed 65 per cent of the transaction value of the good.

84.58-84.63 A change from any other heading, except from subheading 8466.93 through 8466.94; or

A change from subheading 8466.93 through 8466.94, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8466.93 through 8466.94 does not exceed 65 per cent of the transaction value of the good.

84.64 A change from any other heading, except from subheading 8466.91; or

A change from subheading 8466.91, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8466.91 does not exceed 65 per cent of the transaction value of the good.

84.65 A change from any other heading, except from subheading 8466.92; or

A change from subheading 8466.92, whether or not there is also a change from any other heading, provided that the value of the

non-originating materials of subheading 8466.92 does not exceed 65 per cent of the transaction value of the good.

84.66 A change from any other heading.

8467.11-8467.89 A change from any other subheading.

8467.91-8467.99 A change from any other heading.

8468.10-8468.80 A change from any other subheading.

8468.90 A change from any other heading.

84.69 A change from any other heading.

8470.10-8472.90 A change from any other subheading.

8473.10-8473.50 A change to any one of these subheadings from within that subheading or any other subheading.

8474.10-8474.80 A change from any other subheading.

8474.90 A change from any other heading.

8475.10-8475.29 A change from any other subheading.

8475.90 A change from any other heading.

8476.21-8476.89 A change from any other subheading.

8476.90 A change from any other heading.

8477.10-8477.80 A change from any other heading; or

A change from subheading 8477.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8477.90 does not exceed 65 per cent of the transaction value of the good.

8477.90 A change from any other heading.

8478.10 A change from any other subheading.

8478.90 A change from any other heading.

8479.10-8479.89 A change from any other subheading.

8479.90 A change from any other heading.

84.80 A change from any other heading.

8481.10-8481.80 A change from any other subheading.

8481.90 A change from any other heading.

8482.10-8482.80 A change from any subheading outside that group, except from inner or outer rings or races of subheading 8482.99; or

A change from inner or outer rings or races of subheading 8482.99, whether or not there is also a change from any other subheading outside that group, provided that the value of the non-originating inner or outer rings or races of subheading 8482.99 does not exceed 65 per cent of the transaction value of the good.

8482.91-8482.99 A change from any other heading.

8483.10 A change from any other subheading.

8483.20 A change from any other heading, except from heading

84.82; or

A change from heading 84.82 or subheading 8483.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 84.82 or subheading 8483.90 does not exceed 65 per cent of the transaction value of the good.

8483.30-8483.60 A change from any other heading; or

A change from subheading 8483.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8483.90 does not exceed 65 per cent of the transaction value of the good.

8483.90 A change from any other heading.

8484.10-8484.20 A change from any other subheading.

8484.90 A change from any other subheading, provided that the value of the non-originating component goods does not exceed 65 per cent of the transaction value of the set.

8486.10-8486.90 A change from any other subheading.

84.87 A change from any other heading.

*Chapter 85 Electrical Machinery and Equipment and Parts Thereof;
Sound Recorders and Reproducers, Television Image and Sound
Recorders and Reproducers, and Parts and Accessories of Such Articles*

85.01 A change from any other heading, except from heading 85.03;
or

A change from heading 85.03, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 85.03 does not exceed 65 per cent of the transaction value of the good.

85.02 A change from any other heading, except from heading 84.06, 84.11, 85.01 or 85.03; or

A change from heading 84.06, 84.11, 85.01 or 85.03, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 84.06, 84.11, 85.01 or 85.03 does not exceed 65 per cent of the transaction value of the good.

85.03 A change from any other heading.

8504.10-8504.23 A change from any other subheading, except from subheading 8504.31 through 8504.50.

8504.31 A change from any other heading; or

A change from subheading 8504.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8504.90 does not exceed 65 per cent of the transaction value of the good.

8504.32-8504.50 A change from any other subheading, except from subheading 8504.10 through 8504.31.

8504.90 A change from any other heading.

8505.11-8505.20 A change from any other subheading.

8505.90 A change from any other heading.

8506.10-8506.40 A change from any other subheading.

8506.50-8506.80 A change from any subheading outside that group.

8506.90 A change from any other heading.

8507.10-8507.80 A change from any other heading; or

A change from subheading 8507.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8507.90 does not exceed 65 per cent of the transaction value of the good.

8507.90 A change from any other heading.

8508.11-8508.60 A change from any other heading; or

A change from subheading 8508.70, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8508.70 does not exceed 65 per cent of the transaction value of the good.

8508.70 A change from any other heading.

8509.40-8509.80 A change from any other heading; or

A change from subheading 8509.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8509.90 does not exceed 65 per cent of the transaction value of the good.

8509.90 A change from any other heading.

8510.10 A change from any other subheading.

8510.20 A change from any other heading; or

A change from subheading 8510.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8510.90 does not exceed 65 per cent of the transaction value of the good.

8510.30 A change from any other subheading.

8510.90 A change from any other heading.

8511.10-8511.80 A change from any other heading; or

A change from subheading 8511.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8511.90 does not exceed 65 per cent of the transaction value of the good.

8511.90 A change from any other heading.

8512.10-8512.40 A change from any other heading; or

A change from subheading 8512.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8512.90 does not exceed 65 per cent of the transaction value of the good.

8512.90 A change from any other heading.

8513.10 A change from any other heading; or

A change from subheading 8513.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8513.90 does not exceed 65 per cent of the transaction value of the good.

8513.90 A change from any other heading.

8514.10-8514.40 A change from any other heading; or

A change from subheading 8514.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8514.90 does not exceed 65 per cent of the transaction value of the good.

8514.90 A change from any other heading.

8515.11-8515.80 A change from any other subheading.

8515.90 A change from any other heading.

8516.10-8516.50 A change from any other subheading.

8516.60 A change from any other heading; or

A change from subheading 8516.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8516.90 does not exceed 65 per cent of the transaction value of the good.

8516.71 A change from any other subheading.

8516.72 A change from any other heading; or

A change from subheading 8516.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8516.90 does not exceed 65 per cent of the transaction value of the good.

8516.79 A change from any other subheading.

8516.80 A change from any other heading; or

A change from subheading 8516.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8516.90 does not exceed 65 per cent of the transaction value of the good.

8516.90 A change from any other heading.

8517.11-8517.70 A change from within any one of these subheadings or any other subheading.

8518.10-8518.21 A change from any other heading; or

A change from subheading 8518.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8518.90 does not exceed 65 per cent of the transaction value of the good.

8518.22 A change from any other heading; or

A change from subheading 8518.29 or 8518.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8518.29 or 8518.90 does not exceed 65 per cent of the transaction value of the good.

8518.29-8518.40 A change from any other heading; or

A change from subheading 8518.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8518.90 does not exceed 65 per cent of the transaction value of the good.

8518.50 A change from any other heading; or

A change from any other subheading within heading 85.18, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 85.18 does not exceed 65 per cent of the transaction value of the good.

8518.90 A change from any other heading.

8519.20-8521.90 A change from within any one of these subheadings or any other subheading.

8522.10-8522.90 A change from any other subheading.

8523.21-8523.80 A change from within any one of these subheadings or any other subheading.

8525.50-8525.80 A change from any other subheading; or

A change to a gyrostabilized camera of subheading 8525.80 from within that subheading, whether or not there is also a change from any other subheading.

8526.10-8527.99 A change from any other subheading.

85.28-85.29 A change from any other heading.

8530.10-8530.80 A change from any other subheading.

8530.90 A change from any other heading.

8531.10-8531.80 A change from any other subheading.

8531.90 A change from any other heading.

8532.10-8532.30 A change from any other subheading.

8532.90 A change from any other heading.

8533.10-8533.90 A change from within any one of these subheadings or any other subheading.

85.34 A change from any other heading.

8535.10-8536.90 A change from any other subheading.

85.37 A change from any other heading, except from heading 85.38;

or

A change from heading 85.38, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 85.38 does not exceed 65 per cent of the transaction value of the good.

85.38 A change from any other heading.

8539.10-8539.49 A change from any other heading; or

A change from subheading 8539.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8539.90 does not exceed 65 per cent of the transaction value of the good.

8539.90 A change from any other heading.

8540.11 A change from any other heading; or

A change from subheading 8540.91 through 8540.99, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8540.91 through 8540.99 does not exceed 65 per cent of the transaction value of the good.

8540.12-8540.89 A change from any other subheading.

8540.91 A change from any other subheading; or

A change to front panel assemblies from within that subheading or any other subheading.

8540.99 A change from any other subheading.

8541.10-8542.90 A change from within any one of these subheadings or any other subheading.

8543.10-8543.70 A change from any other subheading.

8543.90 A change from any other heading.

8544.11-8544.60 A change from any other heading.

8544.70 A change from any other subheading.

8545.11-8545.90 A change from any other subheading.

85.46 A change from any other heading.

8547.10-8547.90 A change from any other subheading.

85.48 A change from any other heading.

**Section XVII Vehicles, Aircraft, Vessels and Associated Transport
Equipment (Chapters 86 – 89)**

**Chapter 86 Railway or Tramway Locomotives, Rolling-Stock and Parts
Thereof; Railway or Tramway Track Fixtures and Fittings and Parts
Thereof; Mechanical (Including Electro-Mechanical) Traffic Signalling
Equipment of all Kinds**

86.01-86.02 A change from any other heading.

86.03-86.06 A change from any other heading, except from heading
86.07; or

A change from heading 86.07, whether or not there is also a change
from any other heading, provided that the value of the
non-originating materials of heading 86.07 does not exceed 65 per
cent of the transaction value of the good.

8607.11-8607.12 A change from any subheading outside that group.

8607.19-8607.99 A change from any other heading.

86.08-86.09 A change from any other heading.

Chapter 87 Vehicles Other Than Railway or Tramway Rolling-Stock, and Parts and Accessories Thereof

87.01-87.05 A change from any other heading, provided that the value of the non-originating materials does not exceed:

(a) 70 per cent of the transaction value of the good; or

(b) 80 per cent of the net cost of the good.

87.06 A change from any other heading, provided that the value of the non-originating materials does not exceed:

(a) 65 per cent of the transaction value of the good; or

(b) 65 per cent of the net cost of the good.

87.07 A change from any other chapter; or

A change from heading 87.08, whether or not there is also a change from any other chapter, provided that the value of the non-originating materials of heading 87.08 does not exceed:

(a) 55 per cent of the transaction value of the good, or

(b) 65 per cent of the net cost of the good.

8708.10-8708.99 A change from any other heading; or

A change from within any one of these subheadings or any other subheading within heading 87.08, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 87.08 does not exceed:

(a) 55 per cent of the transaction value of the good, or

(b) 65 per cent of the net cost of the good.

8709.11-8709.19 A change from any other heading; or

A change from subheading 8709.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8709.90 does not exceed 65 per cent of the transaction value of the good.

8709.90 A change from any other heading.

87.10 A change from any other heading.

87.11-87.12 A change from any other heading, except from heading 87.14; or

A change from heading 87.14, whether or not there is also a change from any other heading, provided that the value of the

non-originating materials of heading 87.14 does not exceed 65 per cent of the transaction value of the good.

87.13-87.15 A change from any other heading.

8716.10-8716.80 A change from any other heading; or

A change from subheading 8716.90, whether or not there is also a change from any other heading, provided that the value of non-originating materials of subheading 8716.90 does not exceed 65 per cent of the transaction value of the good.

8716.90 A change from any other heading.

Chapter 88 Aircraft, Spacecraft, and Parts Thereof

8801.00-8803.90 A change from any other subheading.

88.04-88.05 A change from any other heading.

Chapter 89 Ships, Boats and Floating Structures

89.01-89.02 A change from any other chapter; or

A change from within any one of these headings or any other heading within Chapter 89, whether or not there is also a change from any other chapter, provided that the value of the non-originating materials of Chapter 89 does not exceed 40 per cent of the transaction value of the good.

89.03 A change from any other chapter; or

A change from hulls of heading 89.06, whether or not there is also a change from any other chapter, provided that the value of the non-originating hulls of heading 89.06 does not exceed 40 per cent of the transaction value of the good.

89.04-89.05 A change from any other chapter; or

A change from within any one of these headings or any other heading within Chapter 89, whether or not there is also a change from any other chapter, provided that the value of the non-originating materials of Chapter 89 does not exceed 40 per cent of the transaction value of the good.

89.06 A change from any other heading.

8907.10 A change from any other subheading.

8907.90 A change from any other heading.

89.08 A change from any other heading.

Section XVIII Optical, Photographic, Cinematographic, Measuring,
Checking, Precision, Medical or Surgical Instruments and Apparatus;
Clocks and Watches; Musical Instruments; Parts and Accessories Thereof
(Chapters 90 – 92)

*Chapter 90 Optical, Photographic, Cinematographic, Measuring,
Checking, Precision, Medical or Surgical Instruments and Apparatus;
Parts and Accessories Thereof*

90.01 A change from any other heading.

90.02 A change from any other heading, except from heading 90.01.

9003.11-9003.19 A change from any other heading; or

A change from subheading 9003.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9003.90 does not exceed 65 per cent of the transaction value of the good.

9003.90 A change from any other heading.

90.04 A change from any other chapter; or

A change from any other heading within Chapter 90, whether or not there is also a change from any other chapter, provided that the value of the non-originating materials of Chapter 90 does not exceed 65 per cent of the transaction value of the good.

9005.10 A change from any other subheading.

9005.80 A change from any other heading; or

A change from subheading 9005.90, whether or not there is also a change from any other heading, provided that the value of the

non-originating materials of subheading 9005.90 does not exceed 65 per cent of the transaction value of the good.

9005.90 A change from any other heading.

9006.10-9006.69 A change from any other heading; or

A change from subheading 9006.91 through 9006.99, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9006.91 through 9006.99 does not exceed 65 per cent of the transaction value of the good.

9006.91-9006.99 A change from any other heading.

9007.11-9007.20 A change from any other heading;

A change to a gyrostabilized camera of subheading 9007.19 from within that subheading or any other subheading; or

A change to any other good of subheading 9007.91 through 9007.92, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9007.91 through 9007.92 does not exceed 65 per cent of the transaction value of the good.

9007.91-9007.99 A change from any other heading.

9008.10-9008.40 A change from any other heading; or

A change from subheading 9008.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9008.90 does not exceed 65 per cent of the transaction value of the good.

9008.90 A change from any other heading.

9010.10 A change from any other subheading.

9010.50-9010.60 A change from any other heading; or

A change from subheading 9010.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9010.90 does not exceed 65 per cent of the transaction value of the good.

9010.90 A change from any other heading.

9011.10-9011.80 A change from any other subheading.

9011.90 A change from any other heading.

9012.10 A change from any other subheading.

9012.90 A change from any other heading.

9013.10-9013.80 A change from any other heading; or

A change from subheading 9013.90, whether or not there is also a change from any other heading, provided that the value of the

non-originating materials of subheading 9013.90 does not exceed 65 per cent of the transaction value of the good.

9013.90 A change from any other heading.

9014.10-9014.80 A change from any other heading; or

A change from subheading 9014.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9014.90 does not exceed 65 per cent of the transaction value of the good.

9014.90 A change from any other heading.

9015.10-9015.80 A change from any other heading; or

A change from subheading 9015.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9015.90 does not exceed 65 per cent of the transaction value of the good.

9015.90 A change from any other heading.

90.16 A change from any other heading.

9017.10-9017.80 A change from any other heading; or

A change from subheading 9017.90, whether or not there is also a change from any other heading, provided that the value of the

non-originating materials of subheading 9017.90 does not exceed 65 per cent of the transaction value of the good.

9017.90 A change from any other heading.

9018.11-9021.90 A change from within any one of these subheadings or any other subheading.

9022.12-9022.30 A change from any other subheading.

9022.90 A change from any other heading.

90.23 A change from within that heading or any other heading.

9024.10-9024.80 A change from any other heading; or

A change from subheading 9024.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9024.90 does not exceed 65 per cent of the transaction value of the good.

9024.90 A change from any other heading.

9025.11-9025.80 A change from any other heading; or

A change from subheading 9025.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9025.90 does not exceed 65 per cent of the transaction value of the good.

9025.90 A change from any other heading.

9026.10-9026.80 A change from any other subheading.

9026.90 A change from any other heading.

9027.10-9027.80 A change from any other subheading.

9027.90 A change from any other heading.

9028.10-9028.30 A change from any other heading; or

A change from subheading 9028.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9028.90 does not exceed 65 per cent of the transaction value of the good.

9028.90 A change from any other heading.

9029.10-9029.20 A change from any other heading; or

A change from subheading 9029.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9029.90 does not exceed 65 per cent of the transaction value of the good.

9029.90 A change from any other heading.

9030.10-9031.80 A change from within any one of these subheadings or any other subheading.

9031.90 A change from any other heading.

9032.10-9032.89 A change from any other heading; or

A change from subheading 9032.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9032.90 does not exceed 65 per cent of the transaction value of the good.

9032.90 A change from any other heading.

90.33 A change from any other heading.

Chapter 91 Clocks and Watches and Parts Thereof

91.01-91.07 A change from any other heading, except from heading 91.08 through 91.14; or

A change from heading 91.08 through 91.14, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 91.08 through 91.14 does not exceed 65 per cent of the transaction value of the good.

91.08-91.10 A change from any other heading, provided that the value of the non-originating materials does not exceed 65 per cent of the transaction value of the good.

9111.10-9111.80 A change from any other heading; or

A change from subheading 9111.90, whether or not there is also a change from any other heading, provided that the value of the

non-originating materials of subheading 9111.90 does not exceed 65 per cent of the transaction value of the good.

9111.90 A change from any other heading.

9112.20 A change from any other heading; or

A change from subheading 9112.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9112.90 does not exceed 65 per cent of the transaction value of the good.

9112.90 A change from any other heading.

91.13-91.14 A change from any other heading.

Chapter 92 Musical Instruments; Parts and Accessories of Such Articles

92.01-92.08 A change from any other heading, except from heading 92.09; or

A change from heading 92.09, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 92.09 does not exceed 65 per cent of the transaction value of the good.

92.09 A change from any other heading.

*Section XIX Arms and Ammunition; Parts and Accessories Thereof
(Chapter 93)*

Chapter 93 Arms and Ammunition; Parts and Accessories Thereof

93.01-93.04 A change from any other heading, except from heading 93.05; or

A change from heading 93.05, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 93.05 does not exceed 65 per cent of the transaction value of the good.

93.05 A change from any other heading.

9306.21-9306.90 A change from any other heading; or

A change from within any one of these subheadings or any other subheading within heading 93.06, provided that the value of the non-originating materials of heading 93.06 does not exceed 65 per cent of the transaction value of the good.

93.07 A change from any other heading.

Section XX Miscellaneous Manufactured Articles (Chapters 94 – 96)

Chapter 94 Furniture; Bedding, Mattresses, Mattress Supports, Cushions and Similar Stuffed Furnishings; Lamps and Lighting Fittings, Not

Elsewhere Specified or Included; Illuminated Signs, Illuminated

Name-Plates and the Like; Prefabricated Buildings

9401.10-9401.80 A change from any other heading; or

A change from subheading 9401.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9401.90 does not exceed 65 per cent of the transaction value of the good.

9401.90 A change from any other heading.

9402.10-9402.90 A change from any other heading.

9403.10-9403.89 A change from any other heading; or

A change from subheading 9403.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9403.90 does not exceed 65 per cent of the transaction value of the good.

9403.90 A change from any other heading.

94.04 A change from any other heading.

9405.10-9405.60 A change from any other heading; or

A change from subheading 9405.91 through 9405.99, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9405.91

through 9405.99 does not exceed 65 per cent of the transaction value of the good.

9405.91-9405.99 A change from any other heading.

94.06 A change from any other heading.

Chapter 95 Toys, Games and Sports Requisites; Parts and Accessories Thereof

95.03 A change from within that heading or any other heading.

95.04-95.05 A change from any other heading.

9506.11-9506.29 A change from any other heading.

9506.31 A change from any other heading; or

A change from subheading 9506.39, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9506.39 does not exceed 65 per cent of the transaction value of the good.

9506.32-9506.99 A change from any other heading.

95.07-95.08 A change from any other heading.

Chapter 96 Miscellaneous Manufactured Articles

96.01-96.04 A change from any other heading.

96.05 A change from any other heading provided that the value of the non-originating component goods, packaging materials and containers does not exceed 35 per cent of the transaction value of the set.

9606.10 A change from any other heading.

9606.21-9606.29 A change from any other heading; or

A change from subheading 9606.30, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9606.30 does not exceed 65 per cent of the transaction value of the good.

9606.30 A change from any other heading.

9607.11-9607.19 A change from any other subheading.

9607.20 A change from any other heading.

9608.10-9608.40 A change from any other heading; or

A change from subheading 9608.60, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9608.60 does not exceed 65 per cent of the transaction value of the good.

9608.50 A change from any other heading; or

A change from subheading 9608.10 through 9608.40, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9608.10 through 9608.40 does not exceed 65 per cent of the transaction value of the good.

9608.60-9608.99 A change from any other subheading.

9609.10-9609.90 A change from any other subheading.

96.10 A change from any other heading.

96.11 A change from any other heading; or

A change to a set from within that heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 96.11 does not exceed 35 per cent of the transaction value of the good.

96.12 A change from any other heading.

9613.10-9613.80 A change from any other heading; or

A change from subheading 9613.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9613.90 does not exceed 65 per cent of the transaction value of the good.

9613.90 A change from any other heading.

96.14 A change from any other heading.

9615.11-9615.19 A change from any other heading; or

A change from subheading 9615.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9615.90 does not exceed 65 per cent of the transaction value of the good.

9615.90 A change from any other heading.

96.16-96.18 A change from any other heading.

Section XXI Works of Art, Collectors' Pieces and Antiques (Chapter 97)

Chapter 97 Works of Art, Collectors Pieces' and Antiques

97.01-97.06 A change from any other heading.

Chapter 5: Customs Procedures

I-Certification of Origin

Article 5-1: Certificate of Origin

1. The Parties shall establish, by the date of entry into force of this Agreement, a Certificate of Origin for the purpose of certifying that a good being exported from the territory of a Party into the territory

of the other Party qualifies as an originating good. The Certificate of Origin may thereafter be modified as the Parties may agree.

2. Each Party shall provide that the Certificate of Origin may be presented in Arabic, English or French. Each Party may nevertheless require the importer to submit a translation of the Certificate of Origin into a language required by its domestic law.

3. Each Party shall:

(a) require an exporter in its territory to complete and sign a Certificate of Origin for any exportation of a good for which an importer may claim preferential tariff treatment upon importation of the good into the territory of the other Party; and

(b) provide that where an exporter in its territory is not the producer of the good, the exporter may complete and sign a Certificate of Origin on the basis of:

(i) its knowledge of whether the good qualifies as an originating good, based on information in the exporter's possession,

(ii) its reasonable reliance on the producer's written representation that the good qualifies as an originating good, or

(iii) a completed and signed Certificate of Origin for the good voluntarily provided to the exporter by the producer.

4. Each Party shall apply a Certificate of Origin to a single importation of one or more goods into its territory.

5. The Parties shall endeavour to modify the Certificate of Origin so that it may be used for multiple importations of identical goods into a Party's territory when these importations are made by the same importer and occur within a specified period, not exceeding 12 months.

6. When a Certificate of Origin is established by the Parties under paragraph 1, each Party shall apply the Certificate of Origin to a single importation of goods as described in paragraph 4 and to multiple importations as described in paragraph 5.

Article 5-2: Obligations Regarding Importations

1. Except as otherwise provided in this Chapter, each Party shall require an importer in its territory that claims preferential tariff treatment for a good imported into its territory from the territory of the other Party to:

(a) make a written declaration, based on a Certificate of Origin, that the good qualifies as an originating good;

(b) have the Certificate of Origin in its possession at the time the declaration is made;

(c) provide, on the request of that Party's customs administration, the Certificate of Origin; and

(d) promptly make a corrected declaration in a manner required by its customs administration and pay any duties owing where the importer has reason to believe that a Certificate of Origin on which a declaration was based contains information that is not correct.

2. Each Party shall provide that, where an importer in its territory claims preferential tariff treatment for a good imported into its territory from the territory of the other Party:

(a) the Party may deny preferential tariff treatment to the good if the importer fails to comply with any requirement under this Chapter; and

(b) the importer shall not be subject to penalties for the making of an incorrect declaration, if it voluntarily makes a corrected declaration pursuant to subparagraph 1(d).

3. Each Party shall provide that, where a good would have qualified as an originating good when it was imported into the territory of that Party but no claim for preferential tariff treatment was made at that time, the importer of the good may, within 60 days or for such a longer period specified by the importing Party's law after the date on which the good was imported, apply for a refund, of any excess duties

paid as a result of the good not having been accorded preferential tariff treatment, on presentation of:

(a) a written declaration that the good qualified as an originating good at the time of importation;

(b) a copy of the Certificate of Origin; and

(c) such other documentation relating to the importation of the good as that Party may require.

4. Each Party, through its customs administration, may require an importer to demonstrate that the good was shipped in accordance with Article 4-12 of Chapter 4 (Rules of Origin) by providing:

(a) carrier documents, including bills of lading or waybills, indicating the shipping route and all points of shipment and transshipment prior to the importation of the good and indicating that the importing Party is the final destination;

(b) where the good is shipped through or transhipped outside the territories of the Parties, a copy of the customs control documents indicating to that customs administration that the good remained under customs control while outside the territories of the Parties.

Article 5-3: Exceptions

1. A Party shall not require a Certificate of Origin for:

(a) a commercial importation of a good whose customs value does not exceed US\$1,000 or its equivalent amount in the Party's currency, or such higher amount as it may establish, except that it may require that the invoice accompanying the importation include a statement from the exporter certifying that the good qualifies as an originating good;

(b) a non-commercial importation of a good whose customs value does not exceed US\$1,000 or its equivalent amount in the Party's currency, or such higher amount as it may establish; or

(c) an importation of a good for which the Party into whose territory the good is imported has waived the requirement for a Certificate of Origin, provided that the importation does not form part of a series of importations that the importing Party reasonably considers to have been undertaken or arranged for the purpose of avoiding the certification requirements of Articles 5-1 and 5-2.

Article 5-4: Obligations Regarding Exportations

1. Each Party shall provide that:

(a) an exporter in its territory, or a producer in its territory that has provided a Certificate of Origin to that exporter in accordance with item (iii) of subparagraph 3(b) of Article 5-1, shall provide the Certificate of Origin to its customs administration on its request;

(b) where an exporter or a producer in its territory has provided a Certificate of Origin and has reason to believe that the Certificate of Origin contains or is based on incorrect information, the exporter or producer shall promptly notify in writing any change that could affect the accuracy or validity of the Certificate of Origin to every person to whom the exporter or producer has provided the Certificate of Origin; and

(c) a false certification by an exporter or a producer in its territory that a good to be exported to the territory of the other Party is originating shall be subject to penalties equivalent to those that would apply to an importer in its territory that makes a false statement or representation in connection with an importation, with appropriate modifications.

2. Each Party may apply measures, as the circumstances may warrant, where an exporter or a producer in its territory fails to comply with any requirement of this Chapter.

3. Neither Party may impose penalties on an exporter or a producer in its territory that voluntarily provides written notification pursuant to subparagraph (1)(b) with respect to the making of an incorrect certification.

II—Administration and Enforcement

Article 5-5: Records

1. Each Party shall provide that an exporter or a producer in its territory that provides a Certificate of Origin in accordance with Article 5-1 shall maintain, for a minimum of five years after the date the certification was issued, or for such longer period as specified in the Party's laws and regulations, all records necessary to demonstrate that a good for which the producer or exporter provided the Certificate of Origin was an originating good, including records concerning:

(a) the purchase of, cost of, value of, shipping of and payment for, the exported good;

(b) the purchase of, cost of, value of, and payment for all materials, including indirect materials, used in the production of the exported good; and

(c) the production of the good in the form in which it was exported.

2. Each Party shall require an importer claiming preferential tariff treatment for a good imported into its territory to maintain documentation relating to the importation of the good, including a copy of the Certificate of Origin, for five years after the date of importation of the good or for such longer period as specified in the Party's laws and regulations.

3. Where a Party requires importers, exporters and producers in its territory to maintain documentation or records in relation to a good imported pursuant to this Agreement, it shall permit them to do so in any medium, provided that the documentation or records can be retrieved and printed.

4. A Party may deny preferential tariff treatment to a good that is the subject of an origin verification where the exporter, producer or importer of the good that is required to maintain records or documentation under this Article:

(a) fails to maintain records or documentation relevant to determining the origin of the good in accordance with the requirements of the Chapter; or

(b) denies access to such records or documentation.

Article 5-6: Origin Verifications

1. For purposes of determining whether a good imported into its territory from the territory of the other Party qualifies as an originating good, a Party may, through its competent authority, conduct a verification by means of:

(a) verification letters that request information from the exporter or producer of the good in the territory of the other Party;

(b) written questionnaires to the exporter or producer of the good in the territory of the other Party;

(c) visits to the premises of an exporter or producer in the territory of the other Party to review the records referred to in paragraph 1 of Article 5-5 and observe the facilities used in the production of the good; or

(d) any other method of communication customarily used by the competent authority of the Party conducting the verification.

2. Each Party shall provide that the competent authority of a Party may, for purposes of verifying the origin of a good, request that the importer of the good voluntarily obtain and supply written information voluntarily provided by the exporter or producer of the good in the territory of the other Party, provided that the failure or refusal of the importer to obtain and supply such information will not be considered as a failure of the exporter or producer to supply the information or as a ground for denying preferential tariff treatment.

3. Each Party shall allow an exporter or producer who receives a verification letter or a questionnaire pursuant to sub paragraphs 1(a) and (b) no less than 30 days to provide the information and documentation required or the completed questionnaire. During that period, the importing Party shall allow the exporter or producer to

submit to it a written request for a single extension of this deadline for a period not exceeding 30 days.

4. Where an exporter or producer fails to provide the information and documentation required by a verification letter or fails to return a duly completed questionnaire within the period or extension set out in paragraph 3, the importing Party may deny preferential tariff treatment to the good in question pursuant to the procedures set out in paragraphs 15 and 16.

5. Prior to conducting a verification visit pursuant to subparagraph 1 (c), a Party shall, through its competent authority:

(a) deliver a written notification of its intention to conduct the visit:

(i) to the exporter or producer whose premises are to be visited,

(ii) to the competent authority of the Party in whose territory the visit is to occur, and

(iii) if requested by the Party in whose territory the visit is to occur, to the embassy of that Party in the territory of the Party proposing to conduct the visit; and

(b) obtain the written consent of the exporter or producer whose premises are to be visited.

6. The notification referred to in paragraph 5 shall include:

- (a) the name of the entity issuing the notification;
- (b) the name of the exporter or producer whose premises are to be visited;
- (c) the date and place of the proposed verification visit;
- (d) the scope of the proposed verification visit, including specific reference to the good that is the subject of the verification;
- (e) the names and titles of the officials performing the verification visit;
- and
- (f) the legal authority for the verification visit.

7. Where, within 30 days of the notification pursuant to paragraph 5, an exporter or producer has not given its written consent to a proposed verification visit, the notifying Party may deny preferential tariff treatment to the good that would have been the subject of the visit.

8. The Party whose competent authority receives notification pursuant to item(ii) of subparagraph 5(a) may, within 15 days of receipt of the notification, postpone the proposed verification visit for no more than 60 days from the date of such receipt or for such longer period as the Parties may agree.

9. Each Party shall provide that, where the exporter or producer receives notification pursuant to to item (i) of subparagraph 5(a) the exporter or producer may, on a single occasion, within 15 days of receipt of the notification, request the postponement of the proposed verification visit for a period no more than 60 days from the date of such receipt or for such longer period as agreed to by the notifying Party.

10. A Party shall not deny preferential tariff treatment to a good based solely on the postponement of a verification visit pursuant to paragraphs 8 or 9.

11. A Party shall permit an exporter or a producer whose good is the subject of a verification visit by the other Party to designate two observers to be present during the visit, provided that:

(a) the observers shall only participate as such; and

(b) the failure of the exporter or producer to designate observers shall not result in the postponement of the visit.

12. Where a Party conducts a verification of origin involving a value test, “de minimis” calculation or any other provision in Chapter 4 (Rules of Origin) to which Generally Accepted Accounting Principles may be relevant, it shall apply such principles as are applicable in the territory of the other Party.

13. Where the producer of a good calculates the net cost of the good as set out in Article 4-2 of Chapter 4 (Rules of Origin), the importing Party shall not verify, during the fiscal period over which the net cost is being calculated, whether the good satisfies the value test.

14. The Party conducting a verification shall provide the exporter or producer whose good is the subject of the verification with a written determination of whether the good qualifies as an originating good, including findings of fact and the legal basis for the determination.

15. Where a Party determines as a result of an origin verification that the good that is the subject of the verification does not qualify as an originating good, the Party shall include in its written determination provided for under paragraph 14 a written notice of intent to deny preferential tariff treatment of the good.

16. A written notice of intent to deny preferential tariff treatment issued pursuant to paragraph 15 shall provide for no less than 30 days during which the exporter or producer of the good may provide, with regard to that determination, written comments or additional information that will be taken into account by the Party prior to completing the verification.

17. Where verifications by a Party indicate a pattern of conduct by an exporter or a producer of false or unsupported representations that a

good imported into its territory qualifies as an originating good, the Party may withhold preferential tariff treatment to identical goods exported or produced by such person until that person establishes compliance with Chapter 4 (Rules of Origin), in accordance with the Party's domestic law.

18. Where, in conducting a verification of origin of a good imported into its territory under this Article, a Party conducts a verification of the origin of a material that is used in the production of the good, the Party shall conduct the verification of the origin of the material in accordance with the procedures set out in Paragraphs 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13 and 20.

19. Where a Party conducts a verification pursuant to paragraph 18, the Party may consider the material to be non-originating in determining whether the good is an originating good where the producer or supplier of that material does not allow the Party access to information required to make a determination of whether the material is an originating material by the following or other means:

- (a) denial of access to its records;
- (b) failure to respond to a verification questionnaire or letter; or
- (c) refusal to consent to a verification visit to a verification visit within 30 days of receipt of the notification pursuant to paragraph 5.

20. For purposes of this Article, each Party shall ensure that all communication to the importer, exporter or producer and to the other Party be sent by any means that can produce a confirmation of receipt. The periods referred to in this Article will begin from the date of such receipt.

Article 5-7: Confidentiality

1. Each Party shall maintain, in accordance with its domestic law, the confidentiality of the information collected and shall protect that information from disclosure that could prejudice the competitive position of the persons providing the information. Where the Party receiving the information is required by its laws to disclose information, that Party shall notify the Party or person who provided that information.

2. Each Party shall ensure that the confidential information collected shall not be used for purposes other than the administration and enforcement of determinations of origin, and of customs matters except with the permission of the person or Party who provided the confidential information.

3. Notwithstanding paragraph 2, a Party may allow information collected pursuant to this Chapter or Chapter 4 (Rules of Origin) to be used in any administrative, judicial or quasi-judicial proceedings

instituted for failure to comply with customs related laws and regulations implementing Chapter 4 (Rules of Origin) and this Chapter. A Party shall notify the person or Party who provided the information in advance of such use.

Article 5-8: Penalties

Each Party shall maintain measures imposing criminal, civil or administrative penalties for violations of its laws and regulations relating to this Chapter.

III-Advance Rulings

Article 5-9: Advance Rulings

1. Each Party shall provide for the expeditious issuance of written advance rulings, prior to the importation of a good into its territory, to an importer in its territory or an exporter or a producer in the territory of the other Party, on the basis of the facts and circumstances presented by such importer, exporter or producer of the good, concerning whether a good qualifies as an originating good under Chapter 4 (Rules of Origin).

2. Each Party shall adopt or maintain procedures for the issuance of advance rulings, including a detailed description of the information reasonably required to process an application for a ruling.

3. Each Party shall provide that its competent authority:

(a) may, at any time during the course of an evaluation of an application for an advance ruling, request supplemental information from the person requesting the ruling;

(b) shall, after it has obtained all necessary information from the person requesting an advance ruling, issue the ruling within 120 days; and

(c) shall provide to the person requesting the ruling a full explanation of the reasons for the ruling.

4. Subject to paragraph 6, each Party:

(a) shall apply an advance ruling to importations into its territory of the good for which the ruling was requested, beginning on the date of its issuance or such later date as may be specified in the ruling;

(b) shall honour the advance ruling if there is no change in the material facts or circumstances on which it is based; and

(c) may establish, in the advance ruling, a period during which the advance ruling will be effective and honoured by that Party.

5. Each Party shall issue consistent advance rulings when the relevant facts and circumstances are identical.

6. The issuing Party may modify or revoke an advance ruling:

- (a) if the ruling is based on an error of fact;
- (b) if there is a change in the material facts or circumstances on which the ruling is based;
- (c) to conform with an amendment of Chapter 2 (National Treatment and Market Access of Goods), Chapter 4 (Rules of Origin), or this Chapter; or
- (d) to conform with a judicial decision or a change in its domestic law.

Section IV—Review and Appeal of Advance Rulings and Origin Determinations

Article 5-10: Review and Appeal

1. Each Party shall grant substantially the same rights of review and appeal of determinations of origin and advance rulings issued by its customs administration as it provides to importers in its territory, to any person:

- (a) who completes and signs a Certificate of Origin for a good that has been the subject of a determination of origin; or
- (b) who has received an advance ruling pursuant to paragraph 1 of Article 5-9.

2. Further to Articles 12-3 and 12-4 (Review and Appeal) of Chapter 12 (Transparency), each Party shall provide that the rights of referred to in paragraph 1 shall include access to:

(a) at least one level of administrative review independent of the official or office responsible for the determination under review; and

(b) judicial or quasi-judicial review of the determination or decision taken at the final level of administrative review, in accordance with its domestic law.

Article 5-11: Definitions

For purposes of this Chapter:

(a) commercial importation means the importation of a good into the territory of a Party for the purpose of sale, or any commercial, industrial or other like use,

(b) determination of origin means a determination as to whether a good qualifies as an originating good in accordance with Chapter 4 (Rules of Origin);

(c) identical goods means goods that are the same in all respects, including physical characteristics, quality and reputation, irrespective of minor differences in appearance that are not relevant to a

determination of origin of those goods under Chapter 4 (Rules of Origin);

(d) preferential tariff treatment means the duty rate applicable under this Agreement to an originating good.

Chapter 6: Trade Facilitation

Article 6-1: Objectives and Principles

1. With the objectives of facilitating trade under this Agreement and cooperating to pursue trade facilitation initiatives on a multilateral basis, each Party shall administer its import and export processes for goods traded under this Agreement on the basis that, to the extent possible:

(a) procedures be efficient to reduce costs for importers and exporters and simplified where appropriate to achieve such efficiencies;

(b) procedures be based on any international trade instruments or standards to which the Parties have agreed;

(c) entry procedures be transparent to ensure predictability for importers and exporters;

(d) the personnel and procedures involved in those processes reflect standards of integrity;

(e) the development of significant modifications to procedures of a Party include, in advance of implementation, consultations with the representatives of the trading community of that Party; and

(f) procedures be based on risk management principles to focus compliance efforts on transactions that merit attention.

2. The Parties shall, to the extent possible, cooperate, assist each other technically and exchange information, including information on best practices, for the purpose of promoting the application of and compliance with the trade facilitation measures agreed upon under this Agreement.

Article 6-2: Rights and Obligations

1. The Parties affirm their rights and obligations under Article VIII and Article X of the GATT 1994.

2. Each Party shall release unrestricted, uncontrolled and non-regulated goods promptly. Subject to paragraph 3, each Party shall provide the option of either:

(a) releasing such a good based on the submission, before or at the time of arrival of the good, of all the information necessary to obtain a final accounting of the good; or

(b) releasing such a good at the time of its presentation to the competent authority of the importing Party based on the submission of only the information required before the good arrives or at the time of arrival. This shall not prevent a competent authority from requiring the submission of more extensive information through post-entry accounting and verifications, as appropriate.

3. The Parties recognize that, for certain goods or under certain circumstances, such as goods subject to quota or to health-related or public safety requirements, releasing the goods may require the submission of more extensive information, before or at the time of arrival of the goods, to allow the authorities to examine the goods for release.

4. Each Party shall facilitate and simplify its processes and procedures for the release of low-risk goods, and shall improve controls on the release of high-risk goods. For these purposes, each Party shall base its examination and release procedures and its post-entry verification procedures on risk management principles, rather than examining each shipment offered for entry in a comprehensive manner for compliance with all import requirements. This shall not prevent a Party from conducting quality control and compliance reviews, which may require more extensive examinations.

5. Each Party shall ensure that the procedures and activities of its agencies that have requirements on the import or export of goods, and are maintained either by themselves or on their behalf by its competent authority, are coordinated to facilitate trade. To this end, each Party shall take steps to harmonize the data requirements of such agencies with the objective of allowing importers and exporters to present all required data to only one border agency.

6. In its procedures for the clearance of express consignments, each Party shall apply, to the extent possible, the World Customs Organization Guidelines for the Immediate Release of Consignments by Customs.

7. Each Party shall introduce or maintain simplified clearance procedures for the entry of goods that are low in value and for which the revenue associated with such imports is not considered significant by the Party maintaining such expedited procedures.

8. The Parties shall endeavour to achieve common processes and simplification of the information necessary for the release of goods, applying, when appropriate, existing international standards. With this objective, the Parties shall also endeavour to establish a means of providing for the electronic exchange of information between competent authorities and the importers, exporters, their agents or

their representatives, for the purpose of encouraging rapid release procedures. For the purpose of this Article, each Party shall use formats based on international standards for the electronic exchange of information, and shall also take into account, to the extent possible, the World Customs Organization Recommendations “Concerning the Use of UN/EDIFACT Rules for Electronic Data Interchange” and “Concerning the Use of Codes for the Representation of Data Elements”. This shall not preclude the use of additional electronic data transmission standards.

9. Each Party shall, to the extent possible, establish means of consultation with its trade and business communities to promote greater cooperation and the exchange of electronic information.

10. Subject to Chapter 5 (Customs Procedures), a Party shall issue a written ruling prior to an importation in response to a written request by an importer in its territory, exporter or producer in the territory of the other Party, or their respective representatives. These rulings shall be issued for tariff classification or rate of customs duty, except any form of surtax or surcharge, applicable upon importation.

11. Each Party shall adopt or maintain procedures for the issuance of rulings referred to in paragraph 10. In accordance with these procedures, a Party may, at any time, modify or revoke a ruling:

(a) after notification to the person that requested the ruling and without retroactive application; or

(b) without notification and with retroactive application in circumstances where inaccurate or false information was provided.

12. The rulings referred to in paragraph 10 shall be as detailed as the nature of the request and the details provided by the person requesting the ruling permit. When a Party determines that a request for a ruling is incomplete, it may request additional information, including, where appropriate, a sample of the goods or materials in question from the person requesting the ruling. A Party shall issue a ruling within 120 days after it has received all the information it considers necessary to issue the ruling. A ruling shall be binding upon the Party that issued the ruling at the time the goods are actually imported provided that the facts and circumstances that were the basis for the issuance of the ruling remain in effect.

13. Each Party shall ensure that any administrative action or official decision taken in respect of the import or export of goods is reviewable promptly by judicial, arbitral or administrative tribunals or through administrative procedures. Such tribunal or official acting pursuant to such administrative procedures shall be independent of the official or office issuing the decision and shall have the competence to maintain,

modify or reverse the determination, in accordance with the Party's domestic law. Each Party shall provide for an administrative level of appeal or review, independent of the official or, where applicable, the office responsible for the original action or decision, before requiring a person to seek redress at a more formal or judicial level.

14. Each Party shall publish or otherwise make available, including through electronic means, all their legislation, regulations, judicial decisions and administrative rulings or policies of general application relating to its requirements for imported or exported goods. Each Party shall also make available notices of an administrative nature, such as general agency requirements and entry procedures, hours of operation and points of contacts for information enquiries.

15. Each Party shall, in accordance with its domestic law, treat as strictly confidential all business information obtained pursuant to this Chapter that is by its nature confidential or that is provided on a confidential basis.

Article 6-3: Cooperation

1. The Parties recognize that technical cooperation is fundamental to facilitating compliance with the obligations set forth in this Agreement and for reaching a better degree of trade facilitation.

2. The Parties agree to develop a technical cooperation programme under such mutually agreed terms as the scope, timing and cost of cooperative measures in customs-related areas such as:

(a) training;

(b) risk assessment;

(c) prevention and detection of contraband and illegal activities;

(d) implementation of the Customs Valuation Agreement;

(e) audit and verification frameworks;

(f) customs laboratories;

(g) implementation of the World Customs Organization Framework of Standards to Secure and Facilitate Global Trade at Pillar 1, Customs-to-Customs level; and

(h) implementation of this chapter.

3. The Parties shall cooperate in the development of effective mechanisms for communicating with the trade and business communities.

Article 6-4: Future Work Programme

1. With the objective of developing further steps to facilitate trade under this Agreement, the Parties establish the following work programme:

(a) to develop the Cooperation Programme referred to in Article 6-3 for the purpose of facilitating compliance with the obligations set forth in this Agreement; and

(b) as appropriate, to identify and submit for the consideration of the Free Trade Commission new measures aimed at facilitating trade between the Parties, taking as a basis the objectives and principles set forth in Article 6-1, including:

(i) common processes,

(ii) general measures to facilitate trade,

(iii) official controls,

(iv) transportation,

(v) the promotion and use of standards,

(vi) the use of automated systems and Electronic Data Interchange,

(vii) the availability of information,

(viii) customs and other official procedures concerning the means of transportation and transportation equipment, including containers,

(ix) official requirements for imported goods,

- (x) simplification of the information necessary for the release of goods,
- (xi) customs clearance of exports,
- (xii) transshipment of goods,
- (xiii) goods in international transit,
- (xiv) commercial trade practices, and
- (xv) payment procedures.

2. The Parties may periodically review the work programme referred to in this Article for the purpose of agreeing upon new cooperation actions that might be needed to promote application of the trade facilitation obligations and principles, including new measures that might be agreed upon by the Parties.

3. The Parties shall review relevant international initiatives on trade facilitation, including the Compendium of Trade Facilitation Recommendations, developed by the United Nations Conference on Trade and Development and the United Nations Economic Commission for Europe, to identify areas where further joint action would facilitate trade between the Parties and promote shared multilateral objectives.

Chapter 7: Sanitary and Phytosanitary Measures

Article 7-1: Sanitary and Phytosanitary Measures

1. The rights and obligations of the Parties in respect of sanitary and phytosanitary measures shall be governed by the SPS Agreement.

2. In this Article:

(a) sanitary or phytosanitary measure means a sanitary or phytosanitary measure as that term is defined in Annex A of the SPS Agreement; and

(b) SPS Agreement means the Agreement on the Application of Sanitary and Phytosanitary Measures, which is part of the WTO Agreement.

Chapter 8: Emergency Action

8-1: Article XIX of the GATT 1994 and the Agreement on Safeguards of the WTO

Each Party retains its rights and obligations under Article XIX of the GATT 1994 and the Agreement on Safeguards of the WTO Agreement.

8-2: Bilateral Emergency Actions

1. Subject to paragraphs 2 through 4, and during the transition period only, if an originating good, as a result of the reduction or elimination of a duty provided for in this Agreement, is being imported into the territory of the other Party in such increased quantities, in absolute terms, and under such conditions that the imports of the good from that Party alone constitute a principal cause of serious injury, or threat thereof, to a domestic industry producing a like or directly competitive good, the Party into whose territory the good is being imported may to the minimum extent necessary to remedy or prevent the injury:

(a) suspend the further reduction of any rate of duty provided for under this Agreement on the good; and/or

(b) increase the rate of duty on the good to a level not to exceed the lesser of:

(i) the most-favoured-nation (MFN) applied rate of duty in effect at the time the action is taken, and

(ii) the MFN applied rate of duty in effect on the day immediately preceding the date of entry into force of this Agreement; or

(c) in the case of a duty applied to a good on a seasonal basis, increase the rate of duty to a level not to exceed the MFN applied rate of duty that was in effect on the good for the corresponding season immediately preceding the date of entry into force of this Agreement.

2. The following conditions and limitations shall apply to a proceeding that may result in emergency action under paragraph 1:

(a) a Party shall, without delay, deliver to the other Party written notice of, and a request for consultations regarding, the institution of a proceeding that could result in the application of emergency action against an originating good;

(b) any such action shall be initiated no later than one year after the date of institution of the proceeding;

(c) no action may be maintained:

(i) for a period exceeding three years, or

(ii) beyond the expiration of the transition period, except with the consent of the Party against whose good the action is taken;

(d) no emergency action may be taken by a Party against the same originating good more than twice during the transition period provided that the period of non-application is at least two years;

(e) on the termination of an action, the rate of duty shall be the rate that, according to the Party's Schedule to Annex 2-3 for the staged elimination of the tariff, would have been in effect but for the action;

(f) In order to facilitate the adjustment in a situation where the expected duration of an emergency action is over one year, the Party taking the action shall progressively liberalize it at regular intervals during the period of application.

3. The Party taking an action under this Article shall provide to the other Party mutually agreed trade liberalizing compensation in the form of concessions having substantially equivalent trade effects or equivalent to the value of the additional duties expected to result from the action.

4. If the Parties are unable to agree on the compensation referred to in paragraph 3, the Party against whose good the action is taken may take tariff action having trade effects substantially equivalent to the trade effects of the emergency action over the full period of its application. The Party taking the tariff action shall apply the action

only for the minimum period necessary to achieve the substantially equivalent effects.

5. The right to take the tariff action referred to in paragraph 4 shall not be exercised for the first 12 months that an emergency action is in effect, provided that the Parties consult actively with a view to finding mutually agreed compensation. Until such time as compensation is mutually agreed, or until the 12 month period has expired, the Joint Commission shall meet every three months at the request of the Party against whose goods the action is taken to discuss the continued application of the action and with a view to finding mutually agreed compensation.

8-3: Administration of Emergency Action Proceedings

1. Each Party shall ensure the consistent, impartial and reasonable administration of its laws, regulations, decisions and rulings governing all emergency action proceedings.

2. Each Party shall entrust determinations of serious injury, or threat thereof, in an emergency action proceeding to a competent investigating authority. Negative injury determinations shall not be subject to modification. The competent investigating authority empowered under domestic law to conduct such proceedings shall be provided with the necessary resources to enable it to fulfil its duties.

3. Each Party shall adopt or maintain equitable, timely, transparent and effective procedures for emergency action proceedings, in accordance with the requirements set out in paragraph 4.

4. A Party shall apply an emergency action only following an investigation by its competent investigating authority in accordance with Articles 3 and 4.2 of the Agreement on Safeguards of the WTO Agreement.

8-4: Definitions

(a) competent investigating authority means:

(i) with respect to Canada, the Canadian International Trade Tribunal, or its successor, notified to Jordan through diplomatic channels,

(ii) with respect to Jordan, the National Production Protection Directorate (NPPD) at the Ministry of Industry and Trade, or its successor, notified to Canada through diplomatic channels.

(b) domestic industry means with respect to an imported good, the domestic producers as a whole of the like or directly competitive good or those domestic producers whose collective production of the like or directly competitive good constitutes a major proportion of the total domestic production of such good;

(c) emergency action means any emergency action described in Article 8-2;

(d) serious injury means a significant overall impairment of a domestic industry;

(e) principal cause means an important cause which is not less important than any other cause;

(f) threat of serious injury means serious injury that, on the basis of facts and not merely on allegation, conjecture or remote possibility, is clearly imminent; and

(g) transition period means the ten (10) year period beginning on the entry into force of this Agreement unless extended by mutual agreement of the Parties or by decision of the Joint Commission.

Chapter 9: Monopolies and State Enterprises

Article 9-1: Monopolies

1. Nothing in this Agreement shall be construed to prevent a Party from designating a monopoly.

2. Where a Party intends to designate a monopoly and the designation may affect the interests of persons of the other Party, the Party shall:

(a) wherever possible, provide prior written notification of the designation to the other Party; and

(b) endeavour to introduce at the time of the designation such conditions on the operation of the monopoly as will minimize or eliminate any nullification or impairment of benefits, within the scope of subparagraph 1(c) of Article 14-2.

3. Each Party shall ensure, through regulatory control, administrative supervision or the application of other measures, that any privately-owned monopoly that it designates and any government monopoly that it maintains or designates:

(a) acts in a manner that is not inconsistent with the Party's obligations under this Agreement wherever such a monopoly exercises any regulatory, administrative or other governmental authority that the Party has delegated to it in connection with the monopoly good, such as the power to grant import or export licenses, approve commercial transactions or impose quotas, fees or other charges;

(b) acts solely in accordance with commercial considerations in its purchase or sale of the monopoly good in the relevant market, including with regard to price, quality, availability, marketability, transportation and other terms and conditions of purchase or sale; except to comply with any terms of its designation that are not inconsistent with subparagraph (c) or (d);

(c) provides non-discriminatory treatment to goods of the other Party, in its purchase or sale of the monopoly good in the relevant market; and

(d) does not use its monopoly position to engage, either directly or indirectly, including through its dealings with its parent, its subsidiary or other enterprise with common ownership, in anticompetitive practices in a non-monopolized market in its territory that adversely affects the other Party, including through the discriminatory provision of the monopoly good.

4. Paragraph 3 does not apply to procurement by governmental agencies of goods for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial sale.

5. For purposes of this Article, maintain includes a designation prior to the date of entry into force of this Agreement and existing on that date.

Article 9-2: State Enterprises

1. Nothing in this Agreement shall be construed to prevent a Party from maintaining or establishing a state enterprise.

2. Each Party shall ensure that any state enterprise that it maintains or establishes accords non-discriminatory treatment in the sale of its goods.

Article 9-3: Exceptions

This Chapter shall not apply to practices and arrangements that are exempted from the application of national competition legislation of the Parties. Each Party shall make available to the other Party public information concerning exemptions and relevant changes to their respective national competition legislation.

Article 9-4: Definitions

For purposes of this Chapter:

- (a) designate means to establish, authorize, or to expand the scope of a monopoly to cover an additional good, after the date of entry into force of this Agreement;
- (b) discriminatory provision includes treating:
 - (i) a parent, a subsidiary or other enterprise with common ownership more favourably than an unaffiliated enterprise, or
 - (ii) one class of enterprises more favourably than another, in like circumstances;
- (c) government monopoly means a monopoly that is owned, or controlled through ownership interests, by the national government of a Party or by another such government monopoly;
- (d) in accordance with commercial considerations means consistent with normal business practices of privately-held enterprises in the relevant business or industry;
- (e) market means the geographic and commercial market for a good;
- (f) monopoly means an entity, including a consortium or government agency, that in any relevant market in the territory of a Party is designated as the sole provider or purchaser of a good, but does not include an entity that has been granted an exclusive intellectual property right solely by reason of such grant;
- (g) non-discriminatory treatment means the better of national treatment or most-favoured-nation treatment, as set out in the relevant provisions of this Agreement; and
- (h) state enterprise means, except as set out in Annex 9-3, an enterprise owned, or controlled through ownership interests, by a Party.

Annex 9-3

Country-Specific Definitions of State Enterprises

For purposes of paragraph 2 of Article 9-2, “state enterprise” means:

- (a) with respect to Canada, a Crown corporation within the meaning of the *Financial Administration Act of Canada*, R.S.C. 1985, c. F-11, as amended, a Crown corporation within the meaning of any comparable provincial law or equivalent entity that is incorporated under other applicable provincial law;
- (b) with respect to Jordan, any corporation established in accordance with a bilateral agreement between the government of Jordan and any other country, or established in accordance with a cabinet decision or by a special law.

Chapter 10: Environment

Article 10-1: Affirmations

1. The Parties recognize that each Party has sovereign rights and responsibilities to conserve and protect its environment, and affirm their environmental obligations under their domestic law, as well as their international obligations under multilateral environmental agreements.

2. The Parties recognize the mutual supportiveness between trade and environment policies and the need to implement this agreement in a manner consistent with high levels of environmental protection and conservation.

Article 10-2: Agreement on the Environment

The Parties have set out in the Agreement on the Environment mutual obligations, which address, inter alia:

(a) the establishment of high levels of domestic environmental protection through their environmental laws and policies;

- (b) the commitment not to derogate from domestic environmental laws to encourage trade or investment;
- (c) compliance with and the enforcement of environmental laws;
- (d) accountability, transparency and public participation on environmental matters; and
- (e) the assessment of the environmental impacts of proposed projects.

Article 10-3: The Relationship between this Agreement and the Agreement on the Environment

1. The Parties recognize the importance of balancing trade obligations and environmental obligations.
2. The Parties affirm that the Agreement on the Environment complements this Agreement and that the two are mutually supportive.
3. The Joint Commission shall consider the reports and recommendations of the Committee on Environment, established under the Agreement on the Environment, in respect of any issues related to trade and the environment.

Chapter 11: Labour

Article 11-1: Affirmations

The Parties reaffirm their obligations as members of the International Labour Organization (ILO) and their commitments to the ILO Declaration on Fundamental Principles and Rights at Work and its follow-up (1998), as well as their continuing respect for each other's Constitution and laws.

Article 11-2: Objectives

The Parties wish to build on their respective international commitments and to strengthen their cooperation on labour and in particular to:

- a) improve working conditions and living standards in each Party's territory;*
- b) promote their commitment to the internationally recognized labour principles and rights;*
- c) promote compliance with and effective enforcement by each Party of its labour laws;*
- d) promote social dialogue on labour matters among workers and employers, and their respective organizations, and governments;*
- e) pursue cooperative labour-related activities on the basis of mutual benefit;*

f) strengthen the capacity of the ministries responsible for labour affairs and other institutions responsible for administering and enforcing labour laws in their territories; and

g) foster full and open exchange of information between these ministries and institutions with regard to labour laws and its application in each Party's territory.

Article 11-3: Obligations

In order to further these objectives, the Parties' mutual obligations are set out in the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan (LCA) that addresses, inter alia:

a) general commitments, concerning the internationally recognized labour principles and rights that are to be embodied in each Party's labour laws;

b) a commitment not to derogate from domestic labour laws in order to encourage trade or investment;

c) effective enforcement of labour laws through appropriate government action, private rights of action, procedural guarantees, public information and awareness;

d) institutional mechanisms to oversee the implementation of the LCA through such means as a Ministerial Council, national advisory

committees, national offices to receive and review public communications on specified labour law matters and to enable cooperative activities to further the objectives of the LCA;

e) general and ministerial consultations regarding implementation of the LCA and its obligations; and

f) independent review panels to hold hearings and make determinations regarding alleged non-compliance with the terms of the LCA and, if requested, monetary assessments.

Article 11-4: Cooperative Activities

The Parties recognize that labour cooperation plays an important role in advancing the level of compliance with labour principles and rights, and as such the LCA provides for the development of a framework for cooperative labour activities for the promotion of the objectives of the LCA. An indicative list of areas of possible cooperation between the Parties is set out in the LCA.

Chapter 12: Transparency

Section A – Publication, Notification and Administration of Laws

Article 12-1: Publication

1. Each Party shall ensure that its laws, regulations, procedures and administrative rulings of general application respecting any matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable interested persons and the other Party to become acquainted with them.

2. To the extent possible, each Party shall:

(a) publish in advance any such measure that it proposes to adopt; and

(b) provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures.

Article 12-2: Notification and Provision of Information

1. To the maximum extent possible, each Party shall notify the other Party of any proposed or actual measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement.

2. On request of the other Party, a Party shall, to the maximum extent possible, promptly provide information and respond to questions pertaining to any actual or proposed measure, whether or not the other Party has been previously notified of that measure.

3. Any notification or information provided under this Article shall not be determinative without prejudice as to whether the measure is consistent with this Agreement.

Article 12-3: Administrative Proceedings

With a view to administering all measures of general application affecting matters covered by this Agreement in a consistent, impartial and reasonable manner, each Party shall ensure that in its administrative proceedings applying the measures referred to in Article 12-1 (Publication) to particular persons or goods of the other Party in specific cases:

(a) wherever possible, persons of the other Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in dispute;

(b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when permitted by time, the nature of the proceeding, and the public interest; and

(c) its procedures are in accordance with domestic law

Article 12-4: Review and Appeal

1. Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by this Agreement. Such tribunals shall be impartial and independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.

2. Each Party shall ensure that, in any such tribunals or procedures, the parties to the proceeding are provided with the right to:

(a) a reasonable opportunity to support or defend their respective positions; and

(b) a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decisions shall be implemented by, and shall govern the practice of, the offices or authorities with respect to the administrative action at issue.

Article 12-5: Cooperation on Promoting Increased Transparency

The Parties agree to cooperate, to the extent possible, in bilateral, regional and multilateral fora on ways to promote transparency in respect of international trade.

Article 12-6: Definitions

For purposes of this Section:

administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within its ambit and that establishes a norm of conduct but does not include:

(a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person or good of the other Party in a specific case; or

(b) a ruling that adjudicates with respect to a particular act or practice.

Section B- – Anti-Corruption

Article 12-7: Statement of Principles

The Parties affirm their resolve to prevent and combat bribery and corruption in international trade.

Article 12-8: Anti-Corruption Measures

1. The Parties affirm their obligations under the United Nations Convention against Corruption, done at New York, 31 October 2003.

2. Each Party shall adopt or maintain the necessary legislative or other measures to establish, in matters affecting international trade, as criminal offences when committed intentionally:

(a) the solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

(b) the promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

(c) the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in relation to the performance of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business;and

(d) aiding, abetting or conspiring to commit any of the offences described in subparagraphs (a) through (c).

3. Each Party shall adopt such measures as may be necessary to establish its jurisdiction over criminal offences referred to in paragraph 2 that have been committed in its territory.

4. Each Party shall make the commission of an offence covered by this Article liable to sanctions that take into account the gravity of that offence.

5. Each Party shall adopt such measures, as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences covered by this Article. In particular, each Party shall ensure that legal persons convicted for offences established in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

6. Each Party shall consider incorporating in its domestic legal system at the national level appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Article.

7. Subparagraph 2(c) applies without prejudice to any obligations of each of the Parties as to diplomatic immunity under international law.

Article 12-9: Cooperation in International Fora

1. The Parties recognize the importance of regional and multilateral initiatives to prevent and combat bribery and corruption in international trade.

2. The Parties agree to work together to advance efforts in regional and multilateral fora to prevent and combat bribery and corruption in international trade, including by encouraging and supporting appropriate initiatives.

Article 12-10: Definitions

For purposes of this Section:

(a) foreign public official means any person holding a legislative, executive, administrative, or judicial office of a foreign country, whether appointed or elected, and any person exercising a public function for a foreign country, including for a public agency or public enterprise;

(b) public official means any person holding a legislative, executive, administrative or judicial office of a Party, whether appointed or elected and whether permanent or temporary.

Chapter 13: Administration of the Agreement

Article 13-1: The Joint Commission

1. The Parties hereby establish the Joint Commission, comprising each Party's Minister primarily responsible for international trade or a designee.
2. The Joint Commission shall:
 - (a) supervise the implementation of this Agreement;
 - (b) review the general functioning of this Agreement, including the overall trade relationship between the Parties;
 - (c) oversee the further elaboration of this Agreement, including proposing amendments to the Agreement;
 - (d) supervise the work of all bodies established under this Agreement;
 - (e) adopt procedural rules that shall apply to dispute settlement proceedings, in addition to the provisions of Chapter 14 (Dispute Settlement); and
 - (f) consider any other matter that may affect the operation of this Agreement.
3. The Joint Commission may:
 - (a) adopt interpretative decisions concerning this Agreement binding on panels composed under Article 14-8;
 - (b) recommend to the Parties an extension of the transition period defined in Article 8-5 of Chapter 8 (Emergency Action);
 - (c) seek the advice of non-governmental persons or groups;
 - (d) take such other action in the exercise of its functions as the Parties may agree;and

(e) propose amendments to the Parties in accordance with the objectives of this Agreement, to the following parts thereof:

(i) the schedule of a Party contained in Annex 2-3, for the purpose of adding one or more goods excluded in the Tariff Elimination Schedule,

(ii) the phase-out periods established in Annex 2-3, for the purpose of accelerating the tariff reduction, and

(iii) the rules of origin established in Annex 4-1;

4. At the request of the Committee on the Environment established under the Agreement on the Environment, the Commission may propose amendments to Annex 1-5 to include other MEAs, to include amendments to any MEAs, or remove any MEAs listed in that Annex.

5. The Commission shall consider the reports and recommendations of the Committee on the Environment, established under the Agreement on the Environment, in respect of any issues related to trade and the environment.

6. The Commission may establish and delegate responsibilities to committees, subcommittees or working groups. Except where specifically provided for in this Agreement, the committees, subcommittees and working groups shall work under a mandate recommended by the Contact Points referred to in Article 13-2 and approved by the Commission.

7. The Commission shall establish its rules and procedures. All decisions of the Commission shall be taken by mutual agreement.

8. The Commission shall convene as agreed, or upon the request in writing of either Party. Unless otherwise agreed by the Parties, meetings of the Commission may be held in person or by any technological means available and shall be held or deemed to be held alternately in the territory of each Party.

Article 13-2: Contact Points

1. Each Party shall promptly appoint a Contact Point and notify the other Party.

2. The Contact Points shall:

(a) monitor the work of all bodies established under this Agreement, referred to in Annex 13-2;

(b) recommend to the Commission the establishment of such bodies as they consider necessary to assist the Commission;

(c) coordinate preparations for Commission meetings;

(d) follow up on any decisions taken by the Commission, as appropriate;

(e) receive all notifications and information provided pursuant to this Agreement, and, as necessary, facilitate communications between the Parties on any matter covered by this Agreement; and

(f) deal with any other matter that may affect the operation of this Agreement, as mandated by the Commission.

3. Regular meetings of the Contact Points may be held; such meetings shall be held as often as requested by one of them.

4. Each Party may request in writing at any time that a special meeting of the Contact Points be held. Such a meeting shall take place within thirty (30) days of receipt of the request.

5. Both regular and special meetings of the Contact Points may be held in person or by any technological means available.

Article 13-3: Trade-Related Cooperation

To realize the objectives of this Agreement and in order to contribute to the implementation of its provisions, and in order to help the Parties to maximize the opportunities and benefits deriving from this Agreement, the Parties declare their readiness to explore, as appropriate and subject to the availability of resources, trade-related technical assistance.

Annex 13-2

Committees, Subcommittees and Working Groups

1. Committees:

Committee on Trade in Goods and Rules of Origin

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Chapter 14: Dispute Settlement

Article 14-1: Co-operation

The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to arrive at a mutually satisfactory resolution of any matter that might affect its operation.

Article 14-2: Scope of Application

1. Except as provided in paragraphs 3 and 4, the dispute settlement provisions of this Chapter shall apply with respect to the avoidance or settlement of all disputes between the Parties regarding the interpretation or application of this Agreement or wherever a Party considers that:

(a) an actual or proposed measure of the other Party is or would be inconsistent with the obligations of this Agreement;

(b) the other Party has otherwise failed to carry out its obligations under this Agreement; or

(c) any benefit that the Party could reasonably have expected to accrue to it under any provision of Chapters 2 (National Treatment and Market Access for Goods), 3 (Electronic Commerce), 4 (Rules of Origin), 5 (Customs Procedures) or 6 (Trade Facilitation) is being nullified or impaired as a result of the application of any measure of the other Party that is not inconsistent with this Agreement.

2. In any dispute in respect of subparagraph 1(c), a panel established under this Chapter shall take into consideration the jurisprudence interpreting Article XXIII:1(b) of the GATT 1994. A Party may not invoke subparagraph 1(c) with respect to any measure subject to an exception under Article 15-1 nor with respect to any measure subject to the exception under Article 15-5.

3. This Chapter does not apply to any matters arising in relation to any one of the following: Articles 1-3 and 1-4; and Chapters 7 (Sanitary and Phytosanitary Measures), 10 (Environment) and 11 (Labour).

4. Neither Party may request the establishment of an arbitral panel under this Chapter regarding any proposed emergency action pursuant to Chapter 8 (Emergency Action).

Article 14-3: Choice of Forum

1. Subject to paragraph 2, disputes regarding any matter arising under both this Agreement and the WTO Agreement or any other free trade agreement to which both Parties are party, may be settled in either forum at the discretion of the complaining Party.

2. In any dispute referred to in paragraph 1 where the Party complained against claims that its measures are subject to Article 1-5 and requests in writing that the

matter be considered under this Agreement, the complaining Party may, in respect of that matter, thereafter have recourse to dispute settlement procedures solely under this Agreement.

3. Where the complaining Party requests the establishment of a dispute settlement panel under an agreement referred to in paragraph 1, the forum selected shall be used to the exclusion of the others, unless the Party complained against makes a request pursuant to paragraph 2.

Article 14-4: Consultations

1. A Party may request in writing consultations with the other Party regarding any matter referred to in Article 14-2.

2. The requesting Party shall deliver the request to the other Party, and shall set out the reasons for the request, including the identification of the measure or other matter at issue under Article 14-2 and an indication of the legal basis for the complaint.

3. Subject to paragraph 4, the Parties shall, unless otherwise agreed, enter into consultations within 30 days of the date of receipt of the request by the other Party.

4. In cases of urgency, including those involving goods that rapidly lose their trade value, such as perishable goods, consultations shall commence within 15 days of the date of receipt of the request by the other Party.

5. The requesting Party may request the other Party to make available personnel of its government agencies or other regulatory bodies who have expertise in the matter subject to consultations.

6. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of any matter through consultations under this Article. To this end, each Party shall:

(a) provide sufficient information that is reasonably available to it to the other party to enable a full examination of the measure or other matter at issue; and

(b) treat any confidential or proprietary information received in the course of consultations on the same basis as the Party providing the information.

7. Consultations are confidential and without prejudice to the rights of the Parties in proceedings under this Chapter.

8. Consultations may be held in person or by any other means agreed to by the Parties.

Article 14-5: Good Offices, Conciliation and Mediation

1. The Parties may agree to undertake an alternative method of dispute resolution, such as good offices, conciliation or mediation.
2. Such alternative methods of dispute resolution shall be conducted according to procedures agreed to by the Parties.
3. Procedures established under this Article may begin at any time and be suspended or terminated at any time by either Party. Once procedures for good offices, conciliation or mediation are terminated, the requesting party may then proceed with a request for the establishment of a panel or in case of a suspension of proceedings before a panel, resume such proceedings.
4. Proceedings involving good offices, conciliation and mediation are confidential and without prejudice to the rights of the Parties in any other proceedings.

Article 14-6: Referral to a Panel

1. Unless the Parties agree otherwise, if a matter referred to in Article 14-4 has not been resolved within:
 - (a) forty-five (45) days of the date of receipt of the request for consultations; or
 - (b) twenty-five (25) days of the date of receipt of the request for consultations for matters referred to in paragraph 4 of Article 14-4;the complaining Party may refer the matter to a dispute settlement panel by providing written notice to the other Party.
2. In the notice referred to in paragraph 1, the complaining Party shall identify the specific measures or other matter at issue and provide a brief summary of the legal basis of the complaint sufficient to present the problem clearly.
3. A dispute settlement panel may not be established to review a proposed measure.
4. The term “date of receipt” in paragraph 1 refers to the date on which the request for consultations was received by the other Party.

Article 14-7: Qualifications of Panel Members

1. Each panel member shall:
 - (a) have expertise or experience in international law, international trade, other matters covered by this Agreement, or in the settlement of disputes arising under international trade agreements;
 - (b) be chosen strictly on the basis of objectivity, reliability and sound judgement;
 - (c) be independent of, and not be affiliated with or take instructions from either Party, nor have dealt with the matter in dispute in any capacity;

(d) not be a national of either Party, nor have his or her usual place of residence in the territory of either of the Parties, nor be employed by either of them; and

(e) comply with a code of conduct for dispute settlement that the Commission shall establish no later than one year following the entry into force of this Agreement or in any event no later than the commencement of any dispute settlement proceedings, whichever comes first.

2. If a Party believes that a panel member does not satisfy a qualification in paragraph 1, the Parties shall consult and may remove the panel member by consensus.

Article 14-8: Panel Composition

1. The panel shall comprise three members.

2. Each Party shall, within 30 days of the Receipt Date, appoint one panel member, propose up to four candidates to serve as chair of the panel and notify the other Party in writing of the appointment and its proposed candidates to serve as the chair. If a Party fails to appoint a panel member in accordance with this paragraph, the panel member shall be selected by lot from the candidates proposed for the chair.

3. The Parties shall endeavour to appoint by consensus the chair from among the candidates proposed, within 60 days of the Receipt Date. If the Parties fail to agree on the chair within this time period, the chair shall be selected by lot from the candidates proposed within a further seven days.

4. If a panel member appointed by a Party withdraws, is removed, or is unable to serve, a replacement shall be appointed by that Party within 30 days, failing which the replacement shall be appointed in accordance with paragraph 3. If the chair of the panel withdraws, is removed or becomes unable to serve, the Parties shall endeavour to appoint a replacement by consensus, failing which the replacement shall be appointed by a selection by lot within 30 days from among the remaining candidates previously proposed for the chair. If there are no remaining candidates, the Parties shall each propose up to three additional candidates and the chair shall be selected by lot from among them. In any such case, any time period applicable to the proceeding shall be suspended for a period beginning on the date the panel member or chair withdraws, is removed, or is unable to serve, and ending on the date the replacement is selected.

5. In this Article, the "Receipt Date" refers to the date on which the notice referring an issue to a dispute settlement panel pursuant to paragraph 1 of Article 14-6 is received by the other Party.

Article 14-9: Rules of Procedure

1. Any panel established under this Chapter shall follow the provisions of this Chapter, including Annex 14-9 (Detailed Rules pertaining to Dispute Settlement Proceedings) ("Detailed Rules"), as well any additional procedural rules adopted by the Joint Commission pursuant to subparagraph 2(e) of Article 13-1. A panel may establish, in consultation with the Parties, supplementary rules of procedure that do not conflict with the provisions of this Chapter or with any additional procedural rules adopted by the Joint Commission.

2. Unless the Parties determine otherwise, the rules of procedure of a panel shall ensure:

(a) an opportunity for each Party to provide initial and rebuttal written submissions;

(b) subject to subparagraph (f), that each Party's written submissions, written versions of its oral statements, and written responses to requests or questions from the panel may be made public;

(c) the right to at least one hearing before the panel and that, subject to subparagraph (f), such hearings shall be open to the public;

(d) that the panel allow a non-governmental person of a Party the opportunity to provide written views regarding the dispute that may assist the panel in evaluating the submissions and arguments of the Parties;

(e) that all submissions and comments made to the panel be available to the other Party; and

(f) the protection of confidential information, in accordance with Articles 15- 2 and 15-5.

3. Unless the Parties determine otherwise, the terms of reference of the Panel shall be:

"To examine, in the light of the relevant provisions of the Agreement, the matter referred to in the notification of referral to a panel and to make findings, determinations and recommendations as provided in Article 14- 10."

4. If a complaining Party claims that there is nullification or impairment of benefits in the sense of subparagraph 1(c) of Article 14-2, the terms of reference shall so indicate.

5. If a Party requests the panel to make findings regarding the degree of adverse effects of any measure found not to conform to the obligations of the Agreement or regarding the degree of nullification or impairment in the sense of subparagraph 1(c) of Article 14-2, the terms of reference shall so indicate.

6. On request of a Party, or on the panel's own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, in accordance with paragraph 14 of the Detailed Rules and subject to any terms and conditions agreed by the Parties. Any information obtained in this manner must be disclosed to each Party and submitted for their comments.

7. The panel may rule on its own jurisdiction.
8. Findings, determinations and recommendations of the panel under Article 14-10 shall be made by a majority of its members. Panel members may furnish separate opinions on matters not unanimously agreed. A panel shall not disclose which panellists are associated with majority or minority opinions. The panel may delegate to the chair authority to make administrative and procedural decisions.
9. The Parties shall bear the expenses of a panel, including the remuneration of its members, in accordance with additional procedural rules that will be adopted by the Joint Commission.

Article 14-10: Panel Reports

1. Unless the Parties determine otherwise, the panel shall issue reports in accordance with the provisions of this Chapter.
2. The panel shall base its reports on: the provisions of this Agreement, applied and interpreted in accordance with the rules of interpretation of public international law; the submissions and arguments of the Parties; and any information and technical advice put before it pursuant to the provisions of this Chapter.
3. The panel shall, within 90 days after the appointment or selection of the panel members is completed, present to the Parties an initial report containing its findings of fact and its determinations as to:
 - (a) whether the measure at issue is inconsistent with a Party's obligations under this Agreement; or
 - (b) any other issue included in the terms of reference.
4. On request by a Party, the panel shall include in its initial report recommendations for resolution of the dispute.
5. A Party may submit written comments to the panel on its initial report. After considering any such comments, the panel, on its own initiative or on the request of either Party, may:
 - (a) request the views of either Party;
 - (b) reconsider its report; and
 - (c) make any further examination that it considers appropriate.
6. The panel shall present to the Parties a final report within 60 days of presentation of the initial report.
7. Notwithstanding any other provision of this Article, the initial report of the panel shall be confidential. The final report of the panel may be published by either Party or the panel 15 days after it is presented to the Parties, or such longer period as the Parties may agree, subject to the protection of confidential information.

Article 14-11: Clarification of panel report

1. Within 10 days after the presentation of the final report, a Party may submit a written request to the panel for clarification of any determinations or recommendations in the report that the Party considers ambiguous. The panel shall respond to the request within 10 days after the presentation of such request.
2. The submission of a request pursuant to paragraph 1 shall affect the time periods referred to in paragraphs 3 and 4 of Article 14-12 and paragraph 1 of Article 14-13, unless the panel decides otherwise.

Article 14-12: Implementation of the Final Report

1. On receipt of the final report of the panel, the Parties shall mutually agree on the resolution of the dispute, which shall be in conformity with the determinations and recommendations, if any, of the panel, unless the Parties otherwise reach a mutually satisfactory solution.
2. Wherever possible, the resolution shall be removal of any measure found to be inconsistent with the obligations of this Agreement or removal of the nullification or impairment in the sense of subparagraph 1(c) of Article 14-2.
3. If the Parties are unable to reach a mutually satisfactory solution within 60 days of presentation of the final report, or such other period as the Parties may agree, the Party complained against shall, with the consent of the complaining Party, propose an action plan to bring the Party complained against into compliance with the obligations in this Agreement. If the complaining Party accepts the proposed action plan, the Party complained against shall comply with the plan.
4. If the Parties are unable to agree to a mutually satisfactory solution or an action plan within 90 days of presentation of the final report, or such other period as the Parties may determine, the Party complained against shall, if so requested by the complaining Party, enter into negotiations regarding compensation.

Article 14-13: Non-Implementation – Suspension of Benefits

1. The complaining Party may suspend the application of the benefits of the Party complained against of equivalent effect, following notice to that Party specifying the level of benefits that the complaining Party proposes to suspend and until such time as they have reached a mutually satisfactory solution of the dispute, if:
 - (a) no satisfactory compensation has been agreed pursuant to paragraph 4 of Article 14-12 within 30 days from the date of the complaining Party's request;
 - (b) ninety days have passed since the presentation of the final report, where compensation is not requested pursuant to paragraph 4 of Article 14-12; or

(c) the Parties have agreed to a mutually satisfactory solution of the dispute, an action plan, or compensation, and the complaining Party considers that the Party complained against has failed to observe the terms of such an agreement.

2. The suspension of benefits shall be temporary and be applied by the complaining Party only until the measure found to be inconsistent with the obligations of this Agreement or otherwise nullifying or impairing benefits in the sense of subparagraph 1(c) of Article 14-2 has been withdrawn or amended so as to bring it into conformity with this Agreement, including as a result of the panel process described in Article 14-14, or until such time as the Parties have otherwise reached agreement on a resolution of the dispute.

Article 14-14: Compliance and Suspension of Benefits

1. A Party may, by a written notice to the other Party, request that the panel established under Article 14-6 be reconvened to make a determination with respect to:

(a) whether the level of benefits suspended by a Party pursuant to paragraph 1 of Article 14-12 is manifestly excessive; or

(b) any disagreement as to the existence or consistency with this Agreement of measures taken to comply with the determinations or recommendations of the panel made pursuant to Article 14-10.

2. In interpreting the terms “the existence or consistency with” and “measures taken to comply”, the panel acting pursuant to paragraph 1 shall take into account the relevant jurisprudence under the Dispute Settlement Understanding of the WTO Agreement.

3. A complaining Party may continue to suspend benefits during proceedings under paragraph 1.

4. In the written notice referred to in paragraph 1, a Party shall identify the matter at issue and provide a brief summary of the legal basis of the complaint sufficient to present the problem clearly.

5. The panel shall be reconvened either:

(a) upon receipt by the other Party of a written notice referred to in paragraph 1; or

(b) in the event that any original panel member is unable to serve on the panel, on the date on which a replacement panel member is appointed in accordance with the provisions of Article 14-8.

6. The provisions of Articles 14-9 and 14-10 apply to procedures adopted and reports issued by the panel reconvened under this Article, with the exception that the panel shall:

(a) present a final report within 45 days of being reconvened where the request concerns subparagraph 1(a) only, and otherwise within 90 days; and

(b) present an interim report 15 days prior to presenting a final report.

7. A panel reconvened under this Article may include in its final report a recommendation, where appropriate, that any suspension of benefits be terminated or that the amount of benefits suspended be modified.

Article 14–15: Referrals of Matters from Judicial or

Administrative Proceedings

1. If an issue of interpretation or application of this Agreement arises in any domestic judicial or administrative proceeding of a Party that either Party considers would merit its intervention, or if a court or administrative body solicits the views of a Party, that Party shall notify the other Party. The Joint Commission shall endeavour to determine an appropriate response as expeditiously as possible.

2. The Party in whose territory the court or administrative body is located shall submit any agreed interpretation of the Joint Commission to the court or administrative body in accordance with the rules of that forum.

3. If the Joint Commission is unable to act, each Party may submit its own views to the court or administrative body in accordance with the rules of that forum.

Article 14–16: Private Rights

No Party may provide for a right of action under its domestic law against another Party on the ground that a measure of the other Party is inconsistent with this Agreement.

Annex 14–9

Detailed Rules Pertaining to Dispute Settlement Proceedings

Application

1. The following detailed rules shall apply to dispute settlement proceedings under Chapter 14 (Dispute Settlement).

Definitions

2. For the purposes of this Annex:

- (a) adviser means a person retained by a Party to advise or assist that Party in connection with the panel proceeding;
- (b) complaining Party means a Party that refers a matter to a panel under Article 14-6;
- (c) legal holiday means every day designated by a Party as a holiday for the purposes of these rules;
- (d) panel means the panel established under Article 14-8;
- (e) Party complained against means the Party that has received the notice of referral to the panel pursuant to Article 14-6;
- (f) representative means an employee of a government department or agency or of any other government entity of a Party; and
- (g) court reporter means a designated note-taker.

3. Any reference made in these rules to an Article is a reference to the appropriate Article in Chapter 14 (Dispute Settlement).

Written Submissions and Other Documents

4. Each Party shall deliver the original and no less than four (4) copies of any written submission to the panel and one (1) copy to the Embassy of the other Party. Delivery of submissions and any other document related to the panel proceedings may be made by facsimile or other means of electronic transmission if the Parties so agree. Where a Party delivers physical copies of written submissions or any other document related to the panel proceedings, that Party shall deliver at the same time an electronic version of such submissions or other document.

5. The complaining Party shall deliver an initial written submission no later than ten- (10) days after the date on which the last panel member is appointed. The Party complained against shall, in turn, deliver a written counter-submission no later than twenty (20) days after the date on which the initial written submission of the complaining Party is due.

6. The panel shall establish, in consultation with the Parties, dates for the delivery of the subsequent written rebuttal submissions of the Parties and any other written submissions that the panel and the Parties agree are appropriate.

7. A Party may at any time correct minor errors of a clerical nature in any written submission or other document related to the panel proceeding by delivering a new document clearly indicating the changes.

8. If the last day for delivery of a document falls on a legal holiday observed by a Party or on any other day on which the government offices of that Party are closed by order of the government or by force majeure, the document may be delivered on the next business day.

Burden of Proof

9. A Party asserting that a measure of the other Party is inconsistent with the provisions of this Agreement shall have the burden of establishing such inconsistency.

10. A Party asserting that a measure is subject to an exception under this Agreement shall have the burden of establishing that the exception applies.

Written Submission by a Non-Governmental Person

11. A panel may, on application, grant leave to a non-governmental person to file a written submission. In making its decision to grant leave, the panel shall consider, inter alia:

- (a) whether there is a public interest in the proceeding;
- (b) whether the non-governmental person has a substantial interest in the proceeding;
- (c) whether a written submission from that non-governmental person would assist the panel in the determination of a factual or legal issue related to the proceeding by bringing a perspective, particular knowledge or insight that is different from that of the Parties; and
- (d) any submissions by the Parties on the application for leave.

12. An interest in the development of trade law jurisprudence, the interpretation of the Agreement, or in the subject matter of the dispute does not alone suffice in establishing the presence of a substantial interest in the proceeding by a Non-Governmental Person.

13. Where the panel has granted leave to a non-governmental person to file a written submission, it shall ensure that:

- (a) the written submission does not introduce new issues to the dispute and is within the terms of reference of the dispute as defined by the Parties;
- (b) the non-governmental person follows any rules adopted by the Commission for the filing of such written submissions;
- (c) the written submission avoids disrupting the proceeding and preserves the equality of the Parties; and
- (d) the Parties have the opportunity to respond to the written submission in the proceedings.

Role of Experts

14. On request of a disputing party, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate subject to paragraphs 15 and 16 and such additional terms and conditions as the disputing Parties may agree upon. The requirements set out in paragraph 6 of Article 14-9 shall apply to the experts or bodies, as appropriate.

15. Before the panel seeks information or technical advice, it shall:

(a) notify the disputing Parties of its intention to seek information or technical advice under paragraph 14 and provide them with an adequate period of time to submit comments; and

(b) provide the Parties with a copy of any information or technical advice received under paragraph 14 and provide them with an adequate period of time to submit comments.

16. When the panel takes into consideration the information or technical advice received under paragraph 14 for the preparation of its report, it shall also take into consideration any comments or observations submitted by the Parties with respect to such information or technical advice.

Operation of Panels

17. The chair of the panel shall preside at all of its meetings.

18. The panel may conduct its business by any appropriate means, including by telephone, facsimile transmission and video or computer links.

19. Only panel members may take part in the deliberations of the panel. The panel may, in consultation with the Parties, employ such number of assistants, interpreters or translators, or court reporters as may be required for the proceeding and permit them to be present during such deliberations. The panel member and the persons employed by the panel shall maintain the confidentiality of the panel's deliberations and any information that is protected pursuant to subparagraph 2(f) of Article 14-9.

20. The panel may, in consultation with the Parties, modify any time-period applicable in the panel proceedings and make other procedural or administrative adjustments as may be required in the proceeding.

Hearings

21. The chair of the panel shall fix the date and time of any hearing in consultation with the Parties and the other panel members, and then notify the Parties in writing of such date and time.

22. The location of hearings shall alternate between the territories of the Parties with the first hearing to take place in the territory of the Party complained against.

23. No later than five (5) days before the date of a hearing, each Party shall deliver to the other Party and the panel a list of the names of representatives or advisers who will be attending the hearing.

24. A hearing shall be conducted by the panel in a manner that ensures that the complaining Party and the Party complained against are afforded equal time for arguments, replies and counter-replies.

25. Further to subparagraph 2(c) of Article 14-9, the panel shall, in consultation with the Parties, adopt appropriate logistical arrangements and procedures to ensure that hearings are not disrupted by the attendance of the public. Such procedures may include, inter alia, the use of live web-broadcasting or of closed-circuit television.

26. The panel shall arrange the preparation of transcripts of the hearing, if any, and shall, as soon as possible after any such transcripts are prepared, deliver a copy to each Party.

Ex Parte Contacts

27. No Party shall communicate with the panel without notifying the other Party. The panel shall not communicate with a Party in the absence of, or without notifying, the other Party.

28. No panel member may discuss any aspect of the substantive subject matter of the proceeding with the Parties in the absence of the other panel members.

Remuneration and Payment of Expenses

29. The panel shall keep a record and render to the Parties a final account of all general expenses incurred in connection with the proceedings, including those paid to the assistants, court reporters or other individuals that it retains in a panel proceeding, in consultation with the Parties.

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Chapter 15: Exceptions

Article 15-1: General Exceptions

For the purposes of Chapters 2 (National Treatment and Market Access for Goods), 4 (Rules of Origin), 5 (Customs Procedures), 6 (Trade Facilitation) and 8 (Emergency Action), Article XX of GATT 1994 is incorporated into and made part of this Agreement. The Parties understand that the measures referred to in Article XX(b) of GATT 1994 include environmental measures necessary to protect human, animal or plant life or health. The Parties further understand that Article XX(g) of GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

Article 15-2: National Security

Nothing in this Agreement shall be construed:

(a) to require either Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests;

(b) to prevent either Party from taking any actions that it considers necessary for the protection of its essential security interests:

(i) relating to the traffic in arms, ammunition and implements of war and to such traffic and transactions in other goods, materials, services and technology undertaken directly or indirectly for the purpose of supplying a military or other security establishment,

(ii) taken in time of war or other emergency in international relations,
or

(iii) relating to the implementation of national policies or
international agreements respecting the non-proliferation of nuclear
weapons or other nuclear explosive devices; or

(c) to prevent either Party from taking action in pursuance of its
obligations under the United Nations Charter for the maintenance of
international peace and security.

Article 15-3: Taxation

1. Except as provided in this Article, nothing in this Agreement shall
apply to taxation measures.

2. Nothing in this Agreement shall affect the rights and obligations of
any Party under any tax convention. In the event of any inconsistency
between this Agreement and any such convention, the convention
shall prevail to the extent of the inconsistency.

3. Notwithstanding paragraph 2, Article 2-2 and such other
provisions of this Agreement as are necessary to give effect to that
Article shall apply to taxation measures to the same extent as does
Article III of the GATT 1994.

Article 15-4: Disclosure of Information

1. Nothing in this Agreement shall be construed to require a Party to furnish or allow access to information the disclosure of which would impede law enforcement or would be contrary to the Party's law protecting the deliberative and policy-making processes of the executive branch of government at the cabinet level, personal privacy or the financial affairs and accounts of individual customers of financial institutions.

2. Nothing in this Agreement shall be construed to require, during the course of any dispute settlement procedure under this Agreement, a Party to furnish or allow access to information protected under its competition laws, or a competition authority of a Party to furnish or allow access to any other information that is privileged or otherwise protected from disclosure.

Article 15-5: Cultural Industries

Nothing in this Agreement shall be construed to apply to measures adopted or maintained by either Party with respect to cultural industries except as specifically provided in Article 2-3.

Article 15-6: World Trade Organization Waivers

To the extent that there are overlapping rights and obligations in this Agreement and the WTO Agreement, the Parties agree that any

measures adopted by a Party in conformity with a waiver decision adopted by the World Trade Organization pursuant to paragraph 3 of Article IX of the WTO Agreement, shall be deemed to be also in conformity with the present Agreement.

Article 15-7: Definitions

For purposes of this Chapter:

(a) competition authority means

(i) For Canada, the Commissioner of Competition or any successor notified in writing to the other Party, and

(ii) For Jordan, the Competition Directorate at the Ministry of Industry and Trade or any successor notified in writing to the other Party.

(b) information protected under its competition laws means

(i) For Canada, information within the scope of section 29 of the Competition Act, R.S.C. 1985, c. C-34, as amended, and

(ii) For Jordan, information protected under any of its following laws:

- Competition Law No. 33 of 2004, as amended;
- Unfair Competition and Trade Secrets Law No. 15 of 2000, as amended; or

- *Protection of State's Secrets and Documents Law No. 50 of 1971, as amended.*

(c) tax convention means a convention for the avoidance of double taxation or other international taxation agreement or arrangement; and

(d) taxes and taxation measures do not include:

(i) a customs duty,

(ii) an antidumping or countervailing duty that is applied pursuant to a Party's domestic law,

(iii) a fee or other charge in connection with importation commensurate with the cost of services rendered, or

(iv) a premium offered or collected on an imported good arising out of any tendering system in respect of the administration of quantitative import restrictions, tariff rate quotas or tariff preference levels.

Chapter 16: Final Provisions

Article 16-1: Annexes and Appendices

The Annexes and Appendices of this Agreement constitute integral parts thereof.

Article 16-2: Interpretative and Explanatory Notes

Where this Agreement refers to or incorporates by reference other agreements or specific provisions therein, such references include related interpretative and explanatory notes. Such references also include successor agreements or specific equivalent provisions therein, provided that both Parties are party to such successor agreements.

Article 16-3: Amendments

The Parties shall agree in writing to any amendment of this Agreement. Each Party shall notify the other Party in writing of the completion of the domestic procedures required for the entry into force of the amendment. Unless the Parties agree otherwise, the amendment shall enter into force from the date of the second of these notifications.

Article 16-4: Entry into Force

Each Party shall notify the other Party in writing through diplomatic channels of the completion of the domestic procedures required for the entry into force of this Agreement. Unless the Parties agree

otherwise, this Agreement shall enter into force 30 days from the date of the second of these notifications.

Article 16-5: Termination

This Agreement shall remain in force unless terminated by either Party by written notification to the other Party. This Agreement shall terminate six months after the date of such notification.

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done in duplicate at Amman, this 28th day of June 2009 in the English, French and Arabic languages, each version being equally authentic.

For Canada

For the Hashemite Kingdom of Jordan