

Annex 4
Operational Certification Procedures

Rule 1
Definitions

For the purposes of this Annex, the term:

- (a) “competent governmental authority” means the authority that, according to the laws and regulations of each Party, is responsible for the issuing of a certificate of origin (hereinafter referred to as “CO”) or for the designation of entities or bodies issuing a CO; and
- (b) “relevant authority” means the authority of the importing Party, other than the customs authority of that Party, that is responsible for verification and verification visit in the importing Party.

Rule 2
Issuance of Certificate of Origin

1. The competent governmental authority of the exporting Party shall, upon request made in writing by the exporter or its authorised agent, issue a CO or, under the authorisation given in accordance with the applicable laws and regulations of the exporting Party, may designate other entities or bodies (hereinafter referred to as “designees”) to issue a CO.
2. Each Party shall provide the other Parties with a list of names and addresses, and a list of specimen signatures and specimen of official seals or impressions of stamps for the issuance of a CO, of its competent governmental authority and, if any, its designees.
3. Any CO bearing a signature not included in the list referred to in paragraph 2 shall not be valid.
4. Where the exporter of a good is not the producer of the good in the exporting Party, the exporter may request a CO on the basis of:
 - (a) a declaration provided by the exporter to the competent governmental authority or its designees based on the information provided by the producer of the good to that exporter; or

附件4 运营认证程序

规则1 定义

根据本附件的目的, 术语:

- (a) “主管当局”是指根据各方的法律法规负责签发原产地证书（以下简称“原产地证书”）或指定签发原产地证书的实体或机构的当局；以及
- (b) “相关当局”是指进口方的当局, 不包括该方的海关当局, 该当局负责在进口方进行核查和核查访问。

规则2
原产地证书签发

1. 出口方主管当局应根据出口商或其授权代理的书面请求签发原产地证书, 或根据出口方适用法律法规的授权, 可指定其他机构或实体（以下简称“指定机构”）签发原产地证书。
2. 各方应向其他方提供其主管当局签发原产地证书的名称和地址清单, 以及其主管当局（如有）及其指定机构的样本签名和官方印章或印章样本清单。
3. 任何签发原产地证书的签名若未包含在第二段所述清单中, 均无效。
4. 当出口方商品的生产商非出口方商品的生产商时, 出口商可基于以下基础申请原产地证书:
 - (a) 出口商根据商品生产商向其提供的信息, 向主管当局或其指定机构提供的声明; 或

(b) a declaration voluntarily provided by the producer of the good directly to the competent governmental authority or its designees by the request of the exporter.

5. A CO shall be issued only after the exporter who requests for its issuance, or the producer of the good in the exporting Party referred to in subparagraph 4(b), proves to the competent governmental authority or its designees that the good to be exported qualifies as an originating good of the exporting Party.

6. If, after the issuance of the CO, the exporter or producer referred to in paragraph 5 knows that such a good does not qualify as an originating good of the exporting Party, they shall notify the competent governmental authority or its designees in writing and without delay, subject to the applicable laws and regulations of the exporting Party.

7. The competent governmental authority of the exporting Party or its designees shall, if they receive notification in accordance with paragraph 6, or if they have knowledge after the issuance of the CO that the good does not qualify as an originating good of the exporting Party, cancel the CO and promptly notify the cancellation to the exporter to whom the CO has been issued, and to the customs authority of the importing Party, except in the case where the exporter has returned the CO to the competent governmental authority of the exporting Party.

8. The format of the CO and its contents shall be in the English language and shall include minimum data specified in the Attachment to this Annex.

Rule 3 Presentation of Certificate of Origin

1. For the purposes of claiming preferential tariff treatment, the following shall be submitted to the customs authority of the importing Party by the importer:

- (a) a valid CO; and
- (b) other documents as required in accordance with the laws and regulations of the importing Party (e.g. invoices, including third country invoices, and a through bill of lading issued in the exporting Party).

(b) 商品生产商根据出口商的要求，直接向主管当局或其指定机构自愿提供的声明。

5. 原产地证书应当仅在请求签发该证书的出口商，或第4(b)款所述出口方商品的生产商，向主管当局或其指定机构证明拟出口的商品符合出口方原产地货物要求后签发。

6. 如果在原产地证书签发后，第5款所述出口商或生产商知道该商品不符合出口方原产地货物要求，则应立即以书面形式通知主管当局或其指定机构，并遵守出口方的适用法律法规。

7. 出口方主管当局或其指定机构如果根据第6款收到通知，或如果在原产地证书签发后得知该商品不符合出口方原产地货物要求，应当撤销原产地证书，并及时通知已签发原产地证书的出口商和进口方海关当局，但出口商已将原产地证书退回出口方主管当局的情况除外。

8. 原产地证书（CO）的格式及其内容应以英文书写，并应包括本附件附件中规定的最低数据。

规则2 原产地证书的提交

1. 为申请优惠关税待遇，进口商应向进口方海关当局提交以下文件：

(a) 有效的原产地证书；以及 (b) 根据进口方（进口方）的法律法规要求的其他文件（例如：发票，包括第三国发票，以及由出口方签发的联运提单）。

2. A CO shall not be required for an importation of a consignment of originating goods of the exporting Party whose aggregate customs value does not exceed two hundred United States dollars (USD200) or its equivalent amount in the Party's currency, or such higher amount as the importing Party may establish.

3. Where an originating good of the exporting Party is imported through one or more of the Parties other than the exporting Party and the importing Party, or non-Parties, the importing Party may require importers who claim preferential tariff treatment for the good to submit:

- (a) a copy of through bill of lading; or
 - (b) a certificate or any other information given by the customs authorities of such one or more Parties or non-Parties, or other relevant entities, which proves that the good has not undergone operations other than unloading, reloading and any other operation to preserve it in good condition in those Parties or non-Parties.
4. (a) Notwithstanding paragraph 5 of Rule 2, where an originating good, for which a CO (hereinafter referred to in this paragraph as "original CO") was issued by the competent governmental authority or its designees of the exporting Party, is to be exported from the importing Party to another Party, the competent governmental authority or its designees of the importing Party may issue a back-to-back CO as a new CO for the originating good, if a request is made by the exporter in the importing Party or its authorised agent with presentation of the valid original CO.
- (b) Where a back-to-back CO is issued in accordance with subparagraph (a), "an originating good of the exporting Party" referred to in Chapter 3 and this Annex shall be construed as an originating good of the Party whose competent governmental authority or its designees has issued the original CO.

Rule 4
Validity of Certificate of Origin

1. A CO shall be submitted to the customs authority of the importing Party within one (1) year from the date of issuance by the competent governmental authority of the exporting Party or its designees.

2. 对于出口方原产地货物的总关税价值不超过二百美元（USD200）或其等值货币的货物，不得要求提供原产地证书，或者进口方可设立的更高金额。

3. 当出口方的原产地货物通过出口方和进口方以外的其他方或非缔约方进口时，进口方可以要求声称该货物享受优惠关税待遇的进口商提交：

(a) 联运提单的副本；或 (b) 由该一个或多个其他方或非缔约方的海关当局或相关实体提供的证书或任何其他信息，证明该货物未在该一个或多个其他方或非缔约方进行除卸货、重新装载以及任何其他保持货物良好状态的操作以外的其他操作。

4. (a) 不论第2条第5段的规定如何，当原产地货物（以下简称本段中称为“原始原产地证书”）由出口方的主管当局或其指定机构签发原产地证书时，如果出口商在进口方或其授权代理提出请求并提交有效的原始原产地证书，进口方的主管当局或其指定机构可以签发背对背原产地证书作为该原产地货物的新原产地证书。

(b) 如果根据第 (a) 款签发背对背原产地证书，则第 3 章和本附件中提到的“出口方的原产地货物”应解释为：由签发原始原产地证书的主管当局或其指定机构签发的该方的原产地货物。

C 的有效期 规则 4
 ertific 原产地

1. 原产地证书应于出口方主管当局或其指定机构签发之日起一年内提交给进口方海关当局。

2. Where the CO is submitted to the customs authority of the importing Party after the expiration of the period for its submission provided for in paragraph 1, that CO shall be accepted when the failure to observe such a requirement results from force majeure or other valid causes beyond the control of the exporter or importer.

3. An issued CO shall be applicable to a single importation of an originating good of the exporting Party into the importing Party.

Rule 5 Record Keeping

1. Each Party shall, in accordance with its laws and regulations, ensure that the exporter to whom a CO has been issued or the producer of a good in the exporting Party referred to in subparagraph 4(b) of Rule 2 keeps records relating to the origin of the good. For the purposes of this Agreement, the exporter or producer shall keep these records for three (3) years after the date on which the CO was issued.

2. Each Party shall ensure that its competent governmental authority or its designees shall keep a record of the issued CO for a period of three (3) years after the date on which the CO was issued. Such record includes all supporting documents presented to prove the qualification as an originating good of the exporting Party.

Rule 6 Verification

1. For the purposes of determining whether a good imported from another Party and claimed for preferential tariff treatment qualifies as an originating good of that Party under this Agreement, the customs authority or the relevant authority of the importing Party may request information relating to the origin of the good, provided that such a request is made to the competent governmental authority of the exporting Party on the basis of the CO.

2. 如原产地证书在第一条规定提交期限届满后提交给进口方海关当局，若未遵守该要求是由于不可抗力或其他出口商或进口商无法控制的正当原因造成的，则该原产地证书应予接受。

3. 已签发的原产地证书应适用于出口方原产地货物向进口方的一次性进口。

规则6 记录保存

1. 各方应根据其法律法规，确保已签发原产地证书的出口商或根据规则2第4(b)款所指出口方的货物生产商，保存与货物原产地相关的记录。根据本协定，出口商或生产商应在原产地证书签发之日起三年内保存这些记录。

2. 各方应确保其主管当局或其指定机构在原产地证书签发之日起三年内保存已签发原产地证书的记录。该记录包括所有用以证明出口方为原产地货物的支持性文件。

规则6验证

1. 为了确定从另一方进口并声称享受优惠关税待遇的货物是否符合本协定规定的该方原产地货物，海关当局或进口方相关当局可依据原产地证书，要求与货物原产地有关的信息。

2. For the purposes of paragraph 1, the competent governmental authority of the exporting Party shall, in accordance with its laws and regulations, provide the information requested in a period not exceeding three (3) months after the date of receipt of the request. If the customs authority or the relevant authority of the importing Party considers necessary, it may request additional information relating to the origin of the good. If additional information is requested by the customs authority or the relevant authority of the importing Party, the competent governmental authority of the exporting Party shall, in accordance with its laws and regulations, provide the information requested in a period not exceeding three (3) months after the date of receipt of the request for additional information.

3. For the purposes of paragraph 2, the competent governmental authority of the exporting Party may request the exporter to whom the CO has been issued, or the producer of the good in the exporting Party referred to in subparagraph 4(b) of Rule 2, to provide the former with the information requested.

4. The request for information in accordance with paragraph 1 shall not preclude the use of a verification visit provided for in Rule 7.

5. During the procedures provided for in this Rule and Rule 7, the customs authority of the importing Party may suspend the preferential tariff treatment while awaiting the result of verification, and shall not wait for the procedures to be completed before it releases the good to the importer unless subject to appropriate administrative measures.

6. Each Party shall provide the other Parties with the names of its relevant authority, if any.

Rule 7 Verification Visit

1. The customs authority or the relevant authority of the importing Party may request the exporting Party:

2. 为此目的，出口方主管当局应根据其法律法规，在收到请求之日起不超过三个月的期限内提供所要求的信息。如果海关当局或进口方相关当局认为有必要，它可以要求与货物原产地有关的其他信息。如果海关当局或进口方相关当局要求提供其他信息，出口方主管当局应根据其法律法规，在收到要求提供其他信息的请求之日起不超过三个月的期限内提供所要求的信息。

3. 根据第2段的规定，出口方主管当局可以要求已签发原产地证书的出口商，或根据第2条第4(b)款所指的出口方商品的生产商，向前者提供所要求的信息。

4. 根据第1段的规定提出的提供信息的要求，不应妨碍使用第7条规定的核查访问。

5. 在本条和第7条规定的程序期间，进口方海关当局在等待核查结果时，可以暂停优惠关税待遇，除非受适当的行政措施约束，否则不得在程序完成前将商品放行给进口商。

6. 各方应向其他各方提供其相关当局的名称，如有。

Rule 7 Verification Visit

1. 海关当局或进口方相关当局可以要求出口方：

- (a) to collect and provide information relating to the origin of the good and check, for that purpose, the facilities used in the production of the good, through a visit by the competent governmental authority of the exporting Party along with the customs authority or the relevant authority of the importing Party to the premises of the exporter to whom the CO has been issued, or the producer of the good in the exporting Party referred to in subparagraph 4(b) of Rule 2; and
- (b) during the visit pursuant to subparagraph (a), to provide information relating to the origin of the good in the possession of the competent governmental authority of the exporting Party or its designees.

2. When requesting the exporting Party to conduct a visit pursuant to paragraph 1, the customs authority or the relevant authority of the importing Party shall deliver a written communication with such request to the exporting Party at least sixty (60) days in advance of the proposed date of the visit, the receipt of which is to be confirmed by the exporting Party. The competent governmental authority of the exporting Party shall request the written consent of the exporter, or the producer of the good in the exporting Party whose premises are to be visited.

3. The communication referred to in paragraph 2 shall include:

- (a) the identity of the customs authority or the relevant authority issuing the communication;
- (b) the name of the exporter, or the producer of the good in the exporting Party whose premises are requested to be visited;
- (c) the proposed date and places of the visit;
- (d) the object and scope of the proposed visit, including specific reference to the good subject of the verification referred to in the CO; and
- (e) the names and titles of the officials of the customs authority or the relevant authority of the importing Party to be present during the visit.

(a) 通过主管当局陪同海关当局或进口方相关当局对已签发原产地证书的出口商的场所或出口方商品的生产商（根据第2条4(b)款小项所述）进行访问，以收集和提供与货物原产地有关的信息，并为此目的检查用于生产该货物的设施；以及 (b) 在根据(a)款小项进行的访问期间，提供主管当局或其指定机构持有的与货物原产地有关的信息。

2. 当根据第1段要求出口方进行访问时，海关当局或进口方相关当局应至少在访问建议日期前六十（60）天向出口方发出书面通知，要求其进行访问，并应确认出口方收到该通知。出口方主管当局应要求出口商，或要求访问其场所的出口方商品的生产商提供书面同意。

3. 第2段所述的通信应包括：

(a) 发出通知的海关当局或相关当局的身份；(b) 出口商的名称，或出口方商品的生产商，其场所被要求进行访问；(c) 拟议访问的日期和地点；(d) 拟议访问的目的和范围，包括对原产地证书中所述验证对象的特定提及；以及 (e) 海关当局或进口方相关当局在访问期间将出席的官员的姓名和职务。

4. The exporting Party shall respond in writing to the importing Party, within thirty (30) days from the receipt of the communication referred to in paragraph 2, whether it accepts or refuses to conduct the visit requested pursuant to paragraph 1.

5. The competent governmental authority of the exporting Party shall, in accordance with the laws and regulations of the Party, provide within forty-five (45) days or any other mutually agreed period from the last day of the visit, to the customs authority or the relevant authority of the importing Party any additional information obtained pursuant to paragraph 1.

Rule 8

Determination of Origin and Preferential Tariff Treatment

1. The customs authority of the importing Party may deny preferential tariff treatment to a good for which an importer claims preferential tariff treatment where the good does not qualify as an originating good of the exporting Party or where the importer fails to comply with any of the relevant requirements of this Annex.

2. In cases where the verification procedures outlined in Rule 6 or 7 are undertaken, the customs authority of the importing Party may determine that a good does not qualify as an originating good of the exporting Party and may deny preferential tariff treatment, under any of the following conditions:

- (a) the competent governmental authority of the exporting Party fails to respond to the request within the period referred to in paragraph 2 of Rule 6 or paragraph 5 of Rule 7;
- (b) the exporting Party refuses to the conduct of the verification visit as requested by the customs authority or the relevant authority of the importing Party, or that Party fails to respond to the communication referred to in paragraph 2 of Rule 7 within the period referred to in paragraph 4 of Rule 7; or
- (c) the information provided to the customs authority or the relevant authority of the importing Party pursuant to Rule 6 or 7 is not sufficient to prove that the good qualifies as an originating good of the exporting Party.

4. 出口方应在收到第 2 段所述通知之日起三十 (30) 天内, 以书面形式向进口方表明是否接受或拒绝根据第 1 段进行所要求的访问。

5. 出口方主管当局应根据该方的法律法规, 在访问最后一天起四十五 (45) 天内或任何其他双方同意的期限内, 向进口方海关当局或进口方相关当局提供根据第1段获得任何补充信息。

第8条

原产地确定 a

nd Pref 优惠关税待遇

1. 进口方海关当局可对进口商声称享受优惠关税待遇但不符合出口方原产地货物资格或未遵守本附件任何相关要求的货物, 拒绝给予优惠关税待遇。

2. 当根据规则6或7规定采取核查程序时, 进口方海关当局可在以下任何一种情况下判定某货物不符合出口方原产地货物资格, 并拒绝给予优惠关税待遇:

- (a) 出口方主管当局未在规则6第2段或规则7第5段所述期限内答复请求;
- (b) 出口方拒绝进行
核查访问, 应海关当局或进口方相关当局的要求进行, 或该方未
在第七条第2款所述的期限内回复第七条第4款所述的通信; 或
- (c) 向海关当局提供的信息
或根据规则6或7, 进口方相关当局不足以证明该货物符合出口方原
产地货物标准。

3. In cases where the verification procedures outlined in Rule 6 or 7 are undertaken, the customs authority of the importing Party shall provide the competent governmental authority of the exporting Party with a written determination of whether or not the good qualifies as an originating good of the exporting Party, including findings of fact and the legal basis for the determination, in a period, unless otherwise agreed upon by the importing Party and the exporting Party, not exceeding thirty (30) days after the date of the receipt of the information last provided by the competent governmental authority of the exporting Party in accordance with Rule 6, or sixty (60) days after the last day of the visit referred to in Rule 7.

4. The competent governmental authority of the exporting Party shall notify the determination by the customs authority of the importing Party referred to in paragraph 3, to the exporter, or the producer of the good in the exporting Party whose premises were subject to the visit referred to in Rule 7. In the event that a determination is made that the good qualifies as an originating good of the exporting Party, any suspended preferential tariff treatment shall be reinstated.

Rule 9 Confidentiality

1. Where a Party provides information to another Party pursuant to this Annex and designates the information as confidential, the Party receiving the information shall maintain the confidentiality of the information, protect that information from disclosure that could prejudice the competitive position of the persons providing the information, use the information only for the purposes specified by the Party providing it, and not disclose the information without the specific written permission of the Party providing it.

2. Information obtained by the customs authority or the relevant authority of the importing Party pursuant to this Annex:

- (a) shall only be used by such authority for the purposes of the verification of a CO under this Annex; and
- (b) shall not be used by the importing Party in any criminal proceedings carried out by a court or a judge, in the absence of a specific written permission of the exporting Party that provided the information.

3. 在根据规则6或7实施核查程序的情况下，进口方海关当局应向出口方主管当局提供书面

确定该货物是否合格为出口方原产地货物，包括事实认定和法律依据，在一段时间内，除非进口方和出口方另有约定，自出口方主管当局根据规则6提供的最后信息收到之日起不超过三十 (30) 天，或自规则7所述访问的最后一天起不超过六十 (60) 天。

4. 出口方主管当局应将第3段所述进口方海关当局的确定通知出口商，或出口方商品的生产商，其场所曾受规则7所述访问的管辖。在作出该货物合格为出口方原产地货物的确定时，任何暂停的优惠关税待遇应予恢复。

规则9 保密

1. 当一方根据本附件向另一方提供信息，并将该信息指定为机密时，接收信息的另一方应维持该信息的机密性，保护该信息免受可能损害提供信息者竞争地位泄露，仅将该信息用于提供信息的方指定的目的，并在未经提供信息的方具体书面许可的情况下不得披露该信息。

2. 海关当局或进口方相关当局根据本附件获得的资讯：

(a) 应仅由该主管当局根据本附件的规定，用于验证原产地证书；以及 (b) 未经提供信息的出口方出具的具体书面许可，不得由进口方在法院或法官进行的任何刑事程序中使用。

Rule 10
Appropriate Penalties or Other Measures against
Fraudulent Acts

Each Party shall establish or maintain, in accordance with its laws and regulations, appropriate penalties or other measures against its exporters or producers who have committed fraudulent acts in connection with a CO, including submission of false declarations or documents to its competent governmental authority or its designees.

Rule 11
Implementing Regulations

The Joint Committee shall, upon the date of entry into force of this Agreement pursuant to paragraph 1 of Article 79, adopt the Implementing Regulations that provide detailed regulations pursuant to which the customs authorities, competent governmental authorities and other authorities concerned of the Parties shall implement their functions under this Annex.

规则10 对欺诈行为的适当处罚或其他措施

每一方应根据其法律法规，对其就原产地证书作出欺诈行为的出口商或生产商建立或维持适当的处罚或其他措施，包括向其主管当局或其指定机构提交虚假申报或文件。

规则11 实施条例

根据第79条第1款，联合委员会应在本协定生效之日起，制定实施条例，该条例提供详细规定，根据这些规定，各方的海关当局、主管当局和相关当局应执行本附件项下的职能。

Attachment to Annex 4 Minimum Data Requirement for Certificate of Origin	
1. Exporter's name, address and country	
2. Importer's or, if applicable, consignee's name, address and country	
3. Certification number	
4. Origin of good(s)	
5. Invoice number and date	
6. Transport details (if known)	
7. HS tariff classification number	
8. Marks, numbers, number and kind of packages; Description of good(s)	
9. Quantity (Unit)	
10. Preference criterion (including information on CTC, RVC and accumulation)	
11. Declaration by the exporter	1
12. Certification	1

附件4 最低数据要求 原产地证书 出口商名称、地址和国家 2. 进口商或, 如适用, 收货人名称、地址和国家 3. 认证编号 4. 货物原产地 5. 发票号码和日期 6. 运输细节 (如知晓) 7. HS关税分类号 8. 标志、编号、包装数量和种类; 货物描述 9. 数量 (单位) 10. 优惠标准 (包括CTC、RVC和累积信息) 1. 出口商声明 2. 认证	