

**REVAMP OF
EUROPEAN COMMISSIONS' GSP SCHEME**

European Commission has circulated a draft of European Commission Regulation amending Regulation (EEC) No 2454/93 which will contain the new GSP Scheme. Comments are invited on the impact of specific proposals contained therein.

Kindly send your comments before 10th July, 2008.

OR: EN

TAXUD/2046/2007

Draft

COMMISSION REGULATION (EC) No ../..

of [...]

amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ¹, and in particular Article 247 thereof,

Whereas:

- (1) By virtue of Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences² the Community grants trade preferences to developing countries, in the framework of its scheme of generalised tariff preferences (hereinafter "GSP" or "the scheme"). Article 5 of that Regulation provides that the rules of origin, concerning the definition of the concept of originating products, the procedures and the methods of administrative cooperation related thereto, are laid down in Commission Regulation (EEC) No. 2454/93³.
- (2) Following a wide -ranging debate initiated by its Green Paper of 18 December 2003⁴, on 16 March 2005 the Commission adopted a Communication entitled "The rules of origin in preferential trade arrangements: Orientations for the future".⁵ That Communication sets out a new approach to rules of origin in all preferential trade arrangements involving the Community, and in particular in development-orientated arrangements such as the GSP.

¹ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

² OJ L 169, 30.6.2005, p. 1. Regulation as last amended by Commission Regulation (EC) No 606/2007 (OJ L 141, 2.6.2007, p. 4).

³ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 63, 1.3.2007, p. 6).

⁴ COM(2003) 787.

⁵ COM(2005) 100.

- (3) In the context of the Doha Agenda for Development, the need to ensure a better integration of developing countries into the world economy has been recognised, in particular through improved access to the markets of developed countries. To achieve this goal the rules of preferential origin should be simplified and, where appropriate, made less stringent, so that products originating in beneficiary countries can actually benefit from the preferences on offer.
- (4) In order to ensure that the preferences actually benefit those who need them and to protect the own resources of the Community, the changes of the rules of preferential origin should be accompanied by an adaptation of the procedures for their management.
- (5) The Commission's impact assessment carried out pursuant to the Commission's "Better Regulation" initiative demonstrates that GSP rules of origin are perceived as too complex and too restrictive. It further shows that the take-up rate of the preferences on offer is low for certain products, and in particular those products which are of most interest to the least developed countries (hereinafter "LDC"), and that rules of origin are one reason for this.
- (6) In the interests of simplification there should as far as possible be a single, across-the-board criterion for determining the origin of goods which are not wholly obtained in a beneficiary country. This should be based on the value added in the beneficiary country concerned, with originating status being acquired if the value added there exceeds a certain threshold representing sufficient working or processing. Such a method offers simplicity, flexibility and transparency. However, for certain specific products such as agricultural products or fisheries products additional or different conditions are required in order to support development through encouraging the continued use of materials which are wholly obtained in the beneficiary country concerned.
- (7) Sufficient processing thresholds should be set at levels to reflect the features of specific sectors and the need for beneficiary countries to have a real possibility to access the preferential tariff treatment on offer as well as the differing industrial capacities of beneficiary countries. In order to encourage the industrial development of LDC the sufficient processing threshold applicable to products originating in those countries should always be as low as possible while still ensuring that the operations which take place there are genuine and economically justified. However, in the interests of simplicity, the number of different thresholds should be as few as possible. A sufficient processing threshold of 30% for most products should result in increased exports from LDCs.

- (8) In order to ensure that the working or processing which takes place in a beneficiary country is a genuine, economically-justified operation which will be of real economic benefit to that country, it is appropriate to list insufficient working or processing operations which can never confer origin.
- (9) Cumulation of origin is an important facilitation which allows countries to cooperate for the purpose of complying with rules of origin. The qualifying operations may thus take place in the cumulation zone as a whole, instead of in a single country. Cumulation aims at supporting the economic integration of the countries concerned. Consequently, the conditions for cumulation need to offer an incentive to source materials within the region rather than outside. The current conditions for regional cumulation have proven hard to apply in practice. They should be simplified and made less stringent by removing the value condition, retaining only the requirement that an operation going beyond the list of insufficient working or processing operations takes place. However, in order to guard against distortion of trade between countries having different levels of tariff preference, provision should be made to exclude certain sensitive products from cumulation. In view of experience gained with the application of these rules, further reflection should be given in future to the feasibility of further simplifying and making less stringent the conditions for cumulation.
- (10) Beneficiary countries should be permitted to cumulate origin with goods originating in Norway and Switzerland, provided Norway and Switzerland apply the same definition of the concept of origin and grant reciprocal treatment to products imported into them which were made using Community materials.
- (11) Some rules concerning fishery products should be simplified.
- (12) The rules concerning evidence of direct transport to the Community should be simplified and focus on the aim that the goods are the same ones that left the beneficiary country of export and have not been altered or transformed in any way en route.
- (13) At present, the authorities of beneficiary countries certify the origin of products and, where the declared origin proves to be incorrect, importers frequently do not have to pay duty because they acted in good faith and an error was made by the competent authorities. As a result, there is a loss to the Community's own resources and it is ultimately the Community taxpayer who bears the burden. It is therefore appropriate to provide that evidence of origin should be adduced by statements on origin provided directly by exporters. Moreover, exporters are in the best position to know the origin of their products.

- (14) Exporters should be registered with the competent authorities of the beneficiary countries in order to facilitate targeted post-export controls. However such a registration system can not be set up immediately because of the need to establish an electronic record of registered exporters. Its introduction also needs to take account of the capacity of beneficiary countries to set up and manage the registration system. It is therefore appropriate to give beneficiary countries sufficient time to set up such a system and to provide for an additional period for countries which cannot meet the deadline set.
- (15) Access to the scheme should be conditional upon beneficiary countries putting into place and maintaining administrative structures permitting the efficient management of the scheme, and undertaking to provide all necessary support in the event of a request from the Commission for the monitoring of the proper management of the scheme. There needs in particular to be a system of administrative cooperation between the authorities in the Community and in beneficiary countries which provides the framework for the verification of origin. At the same time the responsibility of exporters in declaring origin as well as the role of administrative authorities in managing the system should be set out clearly. The contents of statements on origin should be specified, as well as the cases in which the customs authorities in the Community may refuse to accept a statement or send it for verification.
- (16) The definitions and list of sufficient working or processing operations in the current provisions are common to GSP and preferential tariff measures adopted unilaterally by the Community for certain countries or territories. The existing provisions should continue to apply to the latter.
- (17) Regulation (EEC) No 2454/93 should therefore be amended accordingly.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2454/93 is amended as follows:

- (1) In Part I, Title IV , Chapter 2, the following title is added before Article 66:

"Section 1

Generalised system of preferences

Sub-section 1

General provisions"

- (2) Article 66 is replaced by the following:

Article 66

This section lays down the rules concerning the definition of the concept of 'originating products', the procedures and the methods of administrative cooperation related thereto, for the purposes of the application of the Scheme of generalised tariff preferences granted by the Community to developing countries (GSP), hereinafter 'the scheme'."

- (3) In Part I, Title IV, Chapter 2, Section 1 is replaced by the following:

"Article 67

For the purposes of this Section the following definitions shall apply:

- (a) 'beneficiary country' means a country or territory listed in Council Regulation (EC) No 980/2005*; the term 'beneficiary country' shall also cover and cannot exceed the limits of the territorial sea of that country or territory within the meaning of the United Nations Convention on the Law of the Sea (Montego Bay Convention, 10 December 1982);
- (b) 'manufacture' means any kind of working or processing including assembly or specific operations;
- (c) 'cumulation' means a system that allows materials which according to this Regulation originate in a country in the area covered by the cumulation, to be considered as originating in a beneficiarycountry when they are further processed or incorporated into a product in that beneficiarycountry;

- (d) 'regional group' means a group of countries between which regional cumulation applies;
- (e) 'material' means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (f) 'product' means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (g) 'goods' means both materials and products;
- (h) 'customs value' means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);
- (i) 'ex-works price' means the price paid for the product ex-works to the manufacturer in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;
- (j) 'local value content' means the value added in the beneficiary country, being the difference between the ex-works price and the value of the non-originating materials used, expressed as a percentage of ex-works price;
- (k) 'sufficient processing threshold' means the minimum local value content required to consider a manufacture as working or a processing sufficient to confer originating status on the product, expressed as a percentage of the ex-works price;
- (l) 'chapters' and 'headings' mean the chapters and the headings (four -digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System (hereinafter "Harmonized System" or 'HS');

- (m) 'classified' refers to the classification of a product or material under a particular heading or subheading of the HS;
 - (n) 'consignment' means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such document, by a single invoice.
 - (o) 'exporter' means the person exporting the goods to the Community, whether or not he is the manufacturer.
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* OJ L 169, 30.6.2005, p. 1. *

Article 68

1. In order to ensure the proper application of the scheme beneficiary countries shall undertake:
 - (a) to put in place and to maintain the necessary national and, where appropriate, regional administrative structures and systems required for the implementation and management in that country of the rules and procedures laid down in this section, including where appropriate the arrangements necessary for the application of regional cumulation;
 - (b) that their competent authorities will assist the Commission and the customs authorities of the Member States.
2. The assistance referred to in point (b) of paragraph 1 shall consist in:
 - (a) providing all necessary support in the event of a request by the Commission for the monitoring by it of the proper management of the scheme in the country concerned, including Community verification visits on the spot;
 - (b) without prejudice to Articles 97e and 97f, verifying the originating status of products and the compliance with the other conditions laid down in this section, including visits on the spot, where requested by the Commission in the context of control of origin investigations.

3. The beneficiary countries shall submit to the Commission the undertaking referred to in paragraph 1.

Article 69

1. Beneficiary countries shall notify the Commission of the names and addresses of the authorities situated in their territory which are:
 - (a)- part of the governmental authorities of the country concerned, or act under the authority of the government, and empowered to register exporters and to withdraw them from the record of registered exporters;
 - (b)- part of the governmental authorities of the country concerned and empowered to assist the Commission and the customs authorities of the Member States through the administrative co-operation as provided for in this section.
2. Beneficiary countries shall inform the Commission immediately of any changes to the information notified under paragraph 1.

Article 70

1. Products originating within the meaning of this section in a beneficiary country shall benefit, on release for free circulation in the Community, from the scheme only on condition that they were exported on or after the date on which the beneficiary country complies with Articles 68 and 69.
2. The beneficiary country shall be considered to comply with Articles 68 and 69 on the date on which it has submitted the undertaking referred to in Article 68(1) and made the notification referred to in Article 69(1).
3. The Commission will publish in the *Official Journal of the European Union (C Series)*, the list of beneficiary countries and the date on which they are considered to meet the conditions referred to in Articles 68 and 69.
4. Where a beneficiary country fails to comply with the undertaking referred to in Article 68(1), or inform the Commission in accordance with Article 69(2), the Commission may, until the beneficiary country complies, withdraw it from the list referred to in paragraph 3.

Sub-section 2

DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS

Article 71

The following products shall be considered as originating in a beneficiary country:

- (a) products wholly obtained in that country within the meaning of Article 74;
- (b) products obtained in that country in the manufacture of which goods other than those referred to in point (a) are used, provided that the obtained products have undergone sufficient working or processing within the meaning of Article 75.

Article 72

The conditions set out in this sub-section for acquiring originating status shall be fulfilled in the beneficiary country or, where appropriate regional group, concerned.

If originating products exported from the beneficiary country or from the Community to another country are returned, they must be considered as non-originating unless they comply with Article 73.

Article 73

The products declared for release for free circulation shall be the same products as exported from the beneficiary country in which they are considered to originate. They shall not have been altered or transformed in any way, other than operations to preserve them in good condition, prior to being declared for release for free circulation.

Article 74

1. The following shall be considered as wholly obtained in a beneficiary country:
 - (a) mineral products extracted from its soil or from its seabed;
 - (b) vegetable products harvested there;
 - (c) live animals born and raised there;

- (d) products from live animals raised there;
 - (e) products obtained by hunting or fishing conducted there;
 - (f) products of sea fishing and other products taken from the sea outside its territorial sea by its vessels;
 - (g) products made on board its factory ships exclusively from the products referred to in point (f);
 - (h) used articles collected there fit only for the recovery of raw materials;
 - (i) waste and scrap resulting from manufacturing operations conducted there;
 - (j) products extracted from the seabed or below the seabed which is situated outside its territorial sea but where it has exclusive exploitation rights;
 - (k) goods produced there exclusively from products specified in points (a) to (j).
2. The terms 'its vessels' and 'its factory ships' in paragraph 1(f) and (g) shall apply only to vessels and factory ships:
- (a) which are registered in the beneficiary country or in a Member State,
 - (b) which sail under the flag of the beneficiary country or of a Member State,
 - (c) of which at least 75 % of the crew are nationals of the beneficiary country or of the Member States,
 - (d) which meet one of the following conditions:
 - (i) they are at least 50 % owned by nationals of the beneficiary country or a Member State or
 - (ii) they are owned by companies
 - which have their head office and their main place of business in the beneficiary country or a Member State and
 - which are at least 50% owned by the beneficiary country, public entities of that country, nationals of that country or a Member State.

- 3 The conditions of paragraph 2 may be fulfilled in different beneficiary countries insofar as they belong to the same regional group. In this case, the products shall be deemed to have the origin of the country of the regional group by whose nationals or by a company of which the vessel or factory ship is owned in accordance with point (d) of paragraph 2.

In the event of a vessel being owned by nationals or companies of different countries of the regional group, the products shall be deemed to have the origin of the country of the regional group whose nationals or companies have the highest share of the ownership.

4. Vessels operating outside the territorial waters of the beneficiary country, including factory ships on which fish caught is worked or processed, shall be considered as part of the beneficiary country in which the products are considered to originate, provided that they satisfy the conditions set out in paragraph 2.

Article 75

1. Without prejudice to Article 77, products which are not wholly obtained in the beneficiary country concerned shall be considered to originate there, where the sufficient processing threshold or specific condition laid down in Annex 13a is attained and, where applicable, the additional conditions specified in this annex for certain products are also met.
2. If a product which has acquired originating status in accordance with paragraph 1 is used in the manufacture of another product, no account shall be taken of the non-originating materials which may have been used in its manufacture.

Article 76

1. The calculation to determine whether the requirements of Article 75(1) are met, shall be carried out for each consignment.

However, in order to take into account fluctuations in costs and currency rates, the local value content may be calculated on an average basis as set out in the paragraph 2.

2. In the case referred to in the paragraph 2 the sum of the ex-works prices paid for and the sum of the non-originating materials used in the manufacture of products shall be calculated over the preceding fiscal year.

The sums referred to in second subparagraph of paragraph 1 shall be used as the ex-works price and the value of non-originating materials, respectively.

Article 77

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 75 are satisfied:
 - (a) preserving operations to ensure that the products remain in good condition during transport and storage;
 - (b) breaking-up and assembly of packages;
 - (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
 - (d) ironing or pressing of textiles;
 - (e) simple painting and polishing operations;
 - (f) husking, partial or total bleaching, polishing and glazing of cereals and rice;
 - (g) operations to colour sugar or form sugar lumps; partial or total milling of sugar;
 - (h) peeling, stoning and shelling, of fruits, nuts and vegetables;
 - (i) sharpening, simple grinding or simple cutting;
 - (j) sifting, screening, sorting, classifying, grading, matching; (including the making-up of sets of articles);
 - (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
 - (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;

- (m) simple mixing of products, whether or not of different kinds; mixing of sugar with any other material;
 - (n) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
 - (o) a combination of two or more of the operations specified in points (a) to (n);
 - (p) slaughter of animals.
2. All the operations carried out in either a beneficiary country or the Community on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

Article 78

1. The unit of qualification for the application of the provisions of this section shall be the particular product which is considered as the basic unit when determining classification using the Harmonised System.
2. When a consignment consists of a number of identical products classified under the same heading of the Harmonised System, each product shall be taken individually when applying the provisions of this section.
3. Where, under general rule 5 of the Harmonised System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

Article 79

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment thereof, shall be regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

Article 80

Sets, as defined in general rule 3 of the Harmonised System, shall be regarded as originating when all the component products are originating products.

When a set is composed of originating and non-originating products, the set as a whole may be regarded as originating, provided that the local value content amounts to at least 85% of ex-works price of the set.

Article 81

In order to determine whether a product is an originating product, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) any other goods which do not enter, and which are not intended to enter, into the final composition of the product.

Sub-section 3

CUMULATION

Article 82

Materials originating in the Community within the meaning of Article 71 shall be considered as materials originating in a beneficiary country when incorporated into a product obtained there, provided that they are subject to working or processing going beyond that described in Article 77 in that beneficiary country.

Article 83

1. In so far as Norway and Switzerland grant generalised tariff preferences to products originating in the beneficiary countries referred to in Article 67 and apply a definition of the concept of origin corresponding to that set out in this section, products originating in the Community, Norway or Switzerland which are subject to working or processing going beyond that described in Article 77 in a beneficiary country shall be considered as originating in that beneficiary country.

The first subparagraph shall apply only to products originating in the Community, Norway or Switzerland (according to the rules of origin relative to GSP) which are exported directly to the beneficiary country.

The first subparagraph shall not apply to products falling within Chapters 1 to 24 of the Harmonised System.

The Commission will publish in the *Official Journal of the European Union (C series)* the date from which the first and second subparagraphs shall apply.

2. Paragraph 1 shall apply on condition that Norway and Switzerland grant, by reciprocity, the same treatment to Community products.

Article 84

1. Subject to paragraphs 2, 3, 4 and 5, materials originating in a country which is a member of a regional group shall be considered as materials originating in another country of the same regional group when incorporated in a product obtained there, provided that they are subject to working or processing going beyond that described in Article 77 in the latter beneficiary country.
2. Where the condition laid down in paragraph 1 is not fulfilled, the materials shall have the origin of the country in the group which accounts for the highest customs value of the originating materials coming from the countries of the regional group.
3. Regional cumulation between countries within the same group shall apply only where:
 - (a) the rules of origin applicable to regional cumulation between the countries of the regional group are identical to those laid down in this section;
 - (b) the countries of the regional group have undertaken to comply or ensure compliance with this section and to provide the administrative cooperation necessary to ensure the correct implementation of this section both with regard to the Community and also between the mselves;
 - (c) The undertakings referred to in point (b) have been notified to the Commission by the Secretariat of the regional group concerned.

4. Regional cumulation shall be permitted only for products for which the sufficient processing threshold specified in Annex 13a is the same for all countries involved⁶
5. For products for which the market access conditions into the Community are not the same among the member countries of a regional group, the Commission may establish a list of these products excluded from the cumulation within all or certain members of the regional group.
6. The Commission will publish in the *Official Journal of the European Union* (C series) the list of regional groups, the countries participating in each group and the date on which regional cumulation applies to the group concerned.

Article 85

Where bilateral cumulation is used in combination with regional cumulation, the product obtained shall acquire the origin of one of the countries of the regional group concerned, determined in accordance with Article 84(1) and (2).

Article 86

1. Sub-sections 2, 5, 6 and 7 shall apply *mutatis mutandis* to:
 - (a) exports from the Community to a beneficiary country for the purposes of bilateral cumulation.
 - (b) exports from a country which is a member of a regional group to another country of the same regional group for the purposes of regional cumulation.
2. Where a Community exporter already has the status of 'approved exporter' under the provisions of another preferential arrangement, he shall be considered as meeting the conditions for being a registered exporter for the purposes of the scheme, insofar as this status allows him to comply with the conditions of this section.

⁶ Further consideration is needed on how to address the maintenance of current regional Cumulation possibilities for regional cumulation groups I, II and III.

Sub-section 4

DEROGATIONS

Article 87

1. The Commission, on its own initiative or in response to a request from a beneficiary country may grant a beneficiary country a temporary derogation from the provisions of this section where:
 - (a) internal or external factors temporarily deprive it of the ability to comply with the rules for the acquisition of origin provided for in Article 71 where it could do so previously, or
 - (b) it requires time to prepare itself to comply with the rules for the acquisition of origin provided for in Article 71.
2. The temporary derogation shall be limited to the duration of the effects of the internal or external factors giving rise to it or the length of time needed for the beneficiary country to achieve compliance with the rules.
3. A request for a derogation shall be made in writing to the Commission. It shall state the reasons as indicated in paragraph 1 why a derogation is required and shall contain appropriate supporting documents.

Sub-section 5

PROCEDURES AT EXPORT IN THE BENEFICIARY COUNTRY

Article 88

The scheme shall apply in the following cases:

- (a) in cases of goods satisfying the requirements of this section exported by a registered exporter within the meaning of Article 90.
- (b) in cases of any consignment of one or more packages containing originating products exported by any exporter, the total value of which does not exceed EUR 6 000.

Article 89

1. The competent authorities of the beneficiary country shall establish and keep up to date at all times an electronic record of registered exporters located therein. In particular, the record shall be immediately updated where an exporter is withdrawn from the register in accordance with Article 91(2).
2. The record shall contain the following information:
 - (a) Name and full address of Registered Exporter;
 - (b) Number of Registered Exporter;
 - (c) Product coverage, where appropriate;
 - (d) Period of validity, where appropriate.
3. The competent authorities of the beneficiary countries shall notify the Commission of the national numbering system used for designating registered exporters. The number shall begin with the ISO-alpha code of the country concerned.

Article 90

To be registered, exporters shall lodge an application with the competent authorities of the beneficiary country referred to in Article 69 in accordance with the form a specimen of which is set out in Annex 13b.

The application shall be accepted by the competent authorities only if it is complete.

Article 91

1. Exporters who no longer meet the conditions for exporting goods under the scheme shall inform the competent authorities in the beneficiary country and be immediately removed from the record of registered exporters in the beneficiary country concerned.

2. Without prejudice to the system of penalties and sanctions applicable in the beneficiary country, exporters who knowingly draw up, or cause to be drawn up, a statement on origin or any supporting document which contains incorrect information where it leads to irregularly or fraudulently obtaining the benefit of preferential tariff treatment, shall be sanctioned by withdrawal from the record of registered exporters in the beneficiary country concerned. Where the exporter is a legal person, the withdrawal shall also concern its manager or managers.

Article 92

Failure to comply with Article 89, 90 or 91 may, in accordance with Article 17 of Regulation (EC) No. 980/2005, entail temporary withdrawal of preferences under the scheme.

Article 93

1. Exporters shall maintain appropriate commercial accounting records for production and supply of goods qualifying for preferential treatment. They shall keep available all statements of origin relating to the material used in the manufacture as well as all related customs documentation.

They shall keep for at least three years, or more if required by national law, records of the statements on origin they made out and of their originating and non-originating materials, production and stock accounts, allowing the materials used in the manufacture of the exported products to be traced and confirmation of their originating status.

2. The obligations provided for in paragraph 1 shall also apply to producers which provide exporters with written statements certifying the originating status of the goods they supply.

Article 94

1. A statement on origin shall be made out by the exporter when the products to which it relates are exported.
2. By derogation from paragraph 1, a statement on origin may exceptionally be made out after exportation ('retrospective statement') on condition that it is presented in the importing Member State no longer than two years after the import.

3. The statement on origin shall be made out and signed by the exporter on a form, a specimen of which is set out in Annex 13c, if the goods concerned can be considered as originating in the beneficiary country concerned.

The form may be replaced by any commercial document, as far as it allows the identification of the exporter and the same information as would be required for the form at Annex 13c.

The statement on origin may be made out by means of a data processing technique, as far as it allows the identification of the exporter and the transmission of the same information as would be required for the form set out in Annex 13c.

4. The statement on origin shall be provided by the exporter to the declarant in the Community. It may be transmitted by electronic means, as far as it allows the identification of the exporter.

Article 95

1. A statement on origin shall be made out for each single consignment to be declared for release for free circulation at importation in the Community.
2. A statement on origin shall be valid for twelve months from the date of its making out by the exporter.
3. At the request of the declarant, a single statement on origin can cover several importations, provided that the following conditions are met:
 - (a) the goods are imported within the framework of frequent and continuous trade flows of a significant commercial value;
 - (b) the goods are the subject of the same contract of sale;
 - (c) the parties of the contract are established in the exporting country or in the Community;
 - (d) the goods are classified in the same code (eight digits) of the Combined Nomenclature;
 - (e) the goods come exclusively from the same exporter;

- (f) the goods are destined for the same declarant in the Community; and
 - (g) the goods are made the subject of entry formalities at the same customs office in the Community.
4. At the request of the declarant, a single statement on origin can also cover several importations if the goods are dismantled or non assembled products within the meaning of general rule 2(a) of the Harmonised system, they are falling within Section XVI or XVII or heading 7308 or 9406 of the Harmonised System and they are imported by instalments.

Article 96

1. The procedure referred to in Article 95(3) and (4) shall apply for the quantities and a period determined by the competent authorities of the beneficiary country.

The period shall begin on the date of importation of the first consignment and cannot, in any circumstances, exceed twelve months from that date.

2. The customs office of importation shall verify that the successive imports under the scheme correspond to the products and do not exceed the quantities covered by the statement.

Sub-section 6

PROCEDURES AT RELEASE FOR FREE CIRCULATION IN THE COMMUNITY

Article 97

1. The customs declaration for release for free circulation shall bear a reference to the statement on origin. The statement on origin shall accompany the customs declaration or be kept at the disposal of the customs authorities, which may request its submission for the verification of the declaration. Those authorities may also require a translation of the statement into the official language, or one of the official languages, of the Member State concerned

2. Where the application of the scheme is requested by the declarant, without a statement on origin being in his possession at the time of the acceptance of the customs declaration for release for free circulation, that declaration shall be considered as being incomplete within the meaning of Article 253(1) and treated accordingly.
3. Before declaring goods for free circulation, the declarant shall take due care that the goods comply with the rules in this section by, in particular,
 - (a) checking that the exporter is registered to make statements on origin regarding the products concerned and that the statement on origin contains the information referred to in Annex 13c, and
 - (b) obtaining, where appropriate, from the exporter written confirmation that the goods declared meet the conditions for preferential treatment laid down in Articles 71 and 72.

Article 97a

1. The following products are exempted from the obligation to make out and produce a statement on origin:
 - (a) products sent as small packages from private persons to private persons, the total value of which does not exceed EUR 500;
 - (b) products forming part of travellers personal luggage, the total value of which does not exceed EUR 1200;
2. The products referred to in paragraph 1 must meet the following conditions:
 - (a) they must not be imported by way of trade;
 - (b) they must have been declared as meeting the conditions for benefiting from the scheme;
 - (c) there must be no doubt as to the veracity of the declaration referred to in point (b).

3. For the purposes of point (a) of paragraph 2, imports shall not be considered as imports by way of trade if all the following conditions are met:
 - (a) the imports are occasional;
 - (b) the imports consist solely of products for the personal use of the recipients or travellers or their families;
 - (c) it is evident from the nature and quantity of the products that no commercial purpose is in view.

Article 97b

1. A statement on origin may be replaced by one or more replacement statements, made out by any person established in the Community, for the purpose of sending all or some of the products elsewhere within the Community.
2. Where a statement on origin is replaced, the original statement shall indicate the number(s) and references(s) of the replacement statement(s) and the names and addresses of the consignor and the consignee(s) in the Community. The original statement on origin shall be marked as "Replaced".

All particulars of the re-consigned products on the statement of origin shall be indicated on the replacement statement. The person making out the replacement statement may also attach a copy of the initial statement to the replacement statement.

3. Replacement statements shall be filled in using the form to be used for the statement of origin set out in Annex 13c. In addition to the information provided for in that form, they shall indicate the name and address of the consignor of the products in the Community, the name and address of the consignee in the Community and the date and place of the replacement. They shall also contain a reference to the initial statement on origin, the date of its validity and the name and address of the exporter in the beneficiary country.
4. Paragraphs 1, 2 and 3 shall apply *mutatis mutandis* to statements replacing statements that are themselves replacement statements.

Article 97c

1. The customs authorities shall, where they have doubts with regard to the originating status of the products request the declarant to produce, within a reasonable time period, any pertinent documents or evidence for the purpose of verifying the accuracy of the indication on origin of the declaration or the compliance with the conditions under Articles 72 and 73.

2. Where the information provided by the declarant is not sufficient to confirm the originating status of the products or the compliance with the conditions laid down in Articles 72 and 73, or where the declarant does not reply within the time period allowed, the customs authorities shall suspend the application of the preferential tariff measure for the duration of the verification procedure laid down in Article 97f.
3. While awaiting either the information requested from the declarant, referred to in paragraph 1, or the results of the verification procedure, referred to in paragraph 2, Article 248 shall apply.

Article 97d

1. The customs authorities of the Member State of importation shall refuse entitlement to the scheme, without being obliged to request any additional evidence or send a request for verification to the beneficiary country where:
 - (a) the goods are not the same as those mentioned in the statement on origin;
 - (b) the declarant fails to submit a statement on origin for the products concerned, where such a statement is required;
 - (c) without prejudice to point (b) of Article 88, the statement on origin in possession of the declarant, has not been made out by an exporter registered in the beneficiary country;
 - (d) the statement on origin does not contain the information referred to in Annex 13c;
 - (e) the declarant is unable to show that the goods comply with the conditions of Articles 72 and 73.
2. The customs authorities of the Member State of importation shall refuse entitlement to the scheme, following a request for verification within the meaning of Article 97f addressed to the competent authorities of the beneficiary country, where the customs authorities of the Member State of importation:
 - (a) have received a reply according to which the exporter was not entitled to make out the statement on origin;

- (b) have received a reply according to which the products concerned are not originating in the beneficiary country or the conditions of Article 72 or Article 73 were not met;
- (c) have received no reply within the time period imposed;
- (d) have received a reply not providing adequate answers to the questions raised in the request.

Sub-section 7

CONTROL OF ORIGIN

Article 97e

1. For the purpose of ensuring compliance with the rules concerning the originating status of products, the competent authorities of the beneficiary country shall carry out
 - (a) verifications of the originating status of products at the request of the customs authorities of the Member States
 - (b) regular controls on exporters on their own initiative.
2. The controls referred to in point (b) of paragraph 1 shall ensure the continued compliance of exporters with their obligations. They shall be carried out at intervals determined on the basis of appropriate risk analysis criteria. For that purpose, the competent authorities of the beneficiary countries may require exporters to provide copies or a list of the statements on origin they have made out.
3. The competent authorities of the beneficiary countries shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts, including at the premises, or any other check considered appropriate.
4. Failure to comply with paragraphs 1, 2 or 3 may, in accordance with Article 17 of Regulation (EC) No 980/2005, entail temporary withdrawal of preferences under the scheme.

Article 97f

1. Where the customs authorities of a Member State request the assistance of the competent authorities of a beneficiary country to carry out a verification of the validity of statements on origin, the originating status of products, or of both, it shall indicate on its request the reasons why it has doubts on the validity of the statement on origin or the originating status of the products.

A copy of the statement on origin and any additional information or documents suggesting that the information given on that statement is incorrect shall be forwarded in support of the request for verification.

2. The procedure for verification shall be completed within six months of the date of the verification request. Where the competent authorities of the beneficiary country concerned cannot meet that deadline, they may request a prolongation, which shall not exceed a further six months.
3. Systematic failure to comply with paragraph 2 may, in accordance with Article 17 of Regulation (EC) No 980/2005, entail temporary withdrawal of preferences under the scheme.

Sub-section 8

OTHER PROVISIONS

Article 97g

1. Sub-sections 2, 3, 5, 6 and 7 shall apply to products exported from a beneficiary country to Ceuta or Melilla and to products exported from Ceuta and Melilla to a beneficiary country for the purposes of bilateral cumulation.

The Spanish customs authorities shall be responsible for the application of these sub-sections in Ceuta and Melilla.

2. Ceuta and Melilla shall be regarded as a single territory."

(4) In Part I, Title IV, Chapter 2, Section 2, the following Article 97h is inserted::

"Article 97h

For the purposes of this section:

- (a) 'manufacture' means any kind of working or processing including assembly or specific operations;
- (b) 'material' means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (c) 'product' means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (d) 'goods' means both materials and products;
- (e) 'customs value' means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);
- (f) 'ex-works price' in the list in Annex 15 means the price paid for the product ex-works to the manufacturer in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;
- (g) 'value of materials' in the list in Annex 15 means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the Community or in the beneficiary republic within the meaning of Article 98(1). Where the value of the originating materials used needs to be established, this subparagraph shall be applied *mutatis mutandis*;
- (h) 'chapters' and 'headings' mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonised System;
- (i) 'classified' refers to the classification of a product or material under a particular heading or subheading of the Combined Nomenclature ;
- (j) 'consignment' means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such document, by a single invoice."

- (5) In Notes 1 and 3.1 of Annex 14 the words "Articles 69 and 100" are replaced by "Article 100".
- (6) Annex 16 is deleted.
- (7) Annex 17 is deleted.
- (8) Annex 18 is deleted.
- (9) Annex 13a, the text of which is set out in Annex I o this Regulation, is inserted
- (10) Annex 13b, the text of which is set out in AnnexII to this Regulation, is inserted.
- (11) Annex 13c, the text of which is set out in AnnexIII to this Regulation, is inserted.

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

However, point (3) of Article 1, insofar as it relates to Articles 69 and 88 to 97g, and points (7), (8) (10) and (11) shall apply from 1 January 2012.

From 1 January 2012 until 31 December 2016 beneficiary countries which are not in a position to implement the registered exporter system provided for in this Regulation, may continue to benefit from the scheme pursuant to Articles 80 to 94 and Annexes 17 and 18 of Regulation (EC) No. 2454/93, subject to their making a written request to the Commission specifying the period for which this is required.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

For the Commission
[...]
Member of the Commission

ANNEX I

"ANNEX [13a]

(referred to in Article 75)

SUFFICIENT PROCESSING THRESHOLDS AND SPECIFIC RULES; PRODUCTS FOR WHICH DIFFERENT OR ADDITIONAL CONDITIONS SHALL APPLY

A. INTRODUCTION

This annex lays down the sufficient processing thresholds or specific rules for sufficient processing, the products for which additional conditions apply as well as the sufficient processing threshold.

B. SUFFICIENT PROCESSING THRESHOLDS

Except where otherwise specified in point [C] below, the sufficient processing threshold for products which are not wholly obtained in a beneficiary country shall be:

30 % of the ex-works price of the product.

C. PRODUCTS FOR WHICH A DIFFERENT THRESHOLD AND/OR OTHER CONDITIONS APPLY

1. The first two columns in the tables below describe the product obtained. Column (1) gives the code used in the Harmonised System and column (2) gives the description of goods used in that system for that position.

2. Table 1 concerns agricultural, processed agricultural and fishery products and is applicable to all beneficiary countries including LDC. For all other agricultural, processed agricultural and fishery products, the 30% threshold applies as indicated in point B.

Table 2 concerns industrial products only. It is a list of exceptions to the general 30% rule for countries other than LDC. Accordingly, the LDC benefit from the normal threshold of 30% mentioned in point B for these products.

3. For the products contained in the lists below, the threshold or specific condition shown in column (3) shall apply with regard to specific non-originating materials used in the manufacture. Where, in Table 1, an additional condition is shown in column (4), this applies in addition to the rule in column (3).

Table 1: Agricultural, processed agricultural and fishery products: rules applicable to all beneficiary countries, including countries benefiting from the Special arrangement for least developed countries

HS heading	Description of product	Threshold or specific condition	Additional conditions
(1)	(2)	(3)	(4)
Chapter 1	Live animals	All the animals of Chapter 1 shall be wholly obtained	
Chapter 2	Meat and edible meat offal	30%	Manufacture in which: - the number of non-originating animals of Chapter 1 used does not exceed 15% of the total number of animals of Chapter 1 used; and - the weight of non-originating materials of Chapter 2 used does not exceed 15% of the total weight of materials of Chapter 2 used
ex Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates ; except for:	All the products of Chapter 3 used must be wholly obtained	
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen	Manufacture in which the value of any non-originating materials of Chapter 3 used does not exceed 15% of the ex-works price of the product	
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption	Manufacture in which the value of any non-originating materials of Chapter 3 used does not exceed 15% of the ex-works price of the product	
Ex 0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption;	Manufacture in which the value of any non-originating materials of Chapter 3 used does not exceed 15% of the ex-works price of the product	
Ex 0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption	Manufacture in which the value of any non-originating materials of Chapter 3 used does not exceed 15% of the ex-works price of the product	
Chapter 4	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included		

	- containing 20 % or less by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 4 used does not exceed 15% of the total weight of materials of Chapter 4 used
	- containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which: - the weight of non-originating materials of Chapter 4 used does not exceed 15% of the total weight of materials of Chapter 4 used; and - the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
Chapter 7	Edible vegetables and certain roots and tubers		
	- containing 20 % or less by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 7 used does not exceed 15% of the total weight of materials of Chapter 7 used
	- containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which: - the weight of non-originating materials of Chapter 7 used does not exceed 15% of the total weight of materials of Chapter 7 used; and - the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
Chapter 8	Edible fruit and nuts; peel of citrus fruits or melons		
	- containing 20 % or less by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 8 used does not exceed 15% of the total weight of materials of Chapter 8 used
	- containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which: - the weight of non-originating materials of Chapter 8 used does not exceed 15% of the total weight of materials of Chapter 8 used; and - the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
1006	Rice	30%	Manufacture in which the weight of non-originating materials of heading 1006 used does not exceed 15% of the total weight of materials of heading 1006 used
ex Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten;		
	- produced from materials of headings 0701, 0714 and 1001 to 1006 or its derivatives, and containing 20% or less by weight of materials of Chapter 17	30%	Manufacture in which: - the weight of non-originating materials of headings 0701, 0714 and 1001 to 1006 or its derivatives used does not exceed 15% of the total weight of materials of headings 0701, 0714 and 1001 to 1006 or their derivatives used

	- produced from materials of headings 0701, 0714 and 1001 to 1006 or their derivatives and containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which: - the weight of non-originating materials of headings 0701, 0714 and 1001 to 1006 or their derivatives used does not exceed 15% of the total weight of materials of headings 0701, 0714 and 1001 to 1006 or their derivatives used; and - the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
1509 and 1510	- other, containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
	Olive oil and its fractions, whether or not refined, but not chemically modified; Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading 1509	30%	Manufacture in which the weight of non-originating materials of headings 1509 and 1510 used does not exceed 15% of the total weight of materials of headings 1509 and 1510 used
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading 1516	30%	Manufacture in which: - the weight of non-originating materials of headings 1509 and 1510 used does not exceed 15% of the total weight of materials of headings 1509 and 1510 used; and - the weight of non-originating materials of Chapter 4 used does not exceed 15% of the total weight of materials of Chapter 4 used
ex Chapter 16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates; except for:	30%	Manufacture in which the weight of non-originating materials of Chapter 2 used does not exceed 15% of the total weight of materials of Chapter 2 used
1604 and 1605	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs; Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	Manufacture in which the value of any non-originating materials of Chapter 3 used does not exceed 15% of the ex-works price of the product	
ex Chapter 17	Sugars and sugar confectionery; except for products of Heading 1704 containing less than 20 % by weight of materials of Chapter 17 , and :	30%	Manufacture in which the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
	- products of Heading 1702	30 %	Manufacture in which the weight of non-originating materials of Chapter 11 and 17 used does not exceed 15% of the total weight of materials of Chapter 11 and 17 used.
ex Chapter 18	Cocoa and cocoa preparations:		
	- containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used

	- containing more than 20 % by weight of materials of Chapter 4	30%	Manufacture in which the weight of non-originating materials of Chapter 4 used does not exceed 15% of the total weight of materials of Chapter 4 used
ex Chapter 19	Preparations of cereals, flour, starch or milk; pastrycooks' products:		
	- containing more than 20 % by weight of materials of Chapters 2 and 4	30%	Manufacture in which the weight of non-originating materials of Chapters 2 and 4 used does not exceed 15% of the total weight of materials of Chapters 2 and 4 used
	- containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
ex Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants; except for:	30%	Manufacture in which the weight of non-originating materials of sub-heading 0711 51 and of headings 2002, 2003, 2008 and 2009 used does not exceed 15% of the total weight of materials of sub-heading 0711 51 and of headings 2002, 2003, 2008 and 2009 used
	- products containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which: - the weight of non-originating materials of sub-heading 0711 51 and of headings 2002, 2003, 2008 and 2009 used does not exceed 15% of the total weight of materials of sub-heading 0711 51 and of headings 2002, 2003, 2008 and 2009 used; and - the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
	- products containing more than 20 % by weight of materials of heading 0409	30%	Manufacture in which: - the weight of non-originating materials of sub-heading 0711 51 and of headings 2002, 2003, 2008 and 2009 used does not exceed 15% of the total weight of materials of sub-heading 0711 51 and of headings 2002, 2003, 2008 and 2009 used; and - the weight of non-originating materials of heading 0409 used does not exceed 15% of the total weight of materials of heading 0409 used
ex Chapter 21	Miscellaneous edible preparations:		
	- containing more than 20 % by weight of materials of headings 0401 to 0409	30%	Manufacture in which the weight of non-originating materials of headings 0401 to 0409 used does not exceed 15% of the total weight of materials of headings 0401 to 0409 used
	- containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used

ex 2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009; containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
2204 to 2209	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009; Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances; Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included; Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength; Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages; Vinegar and substitutes for vinegar obtained from acetic acid;	30%	Manufacture in which: - the weight of non-originating materials of heading 0806 used does not exceed 15% of the total weight of materials of heading 0806 used; and - the weight of non-originating materials of headings 2204 to 2209 used does not exceed 15% of the total weight of materials of headings 2204 to 2209 used; and - the weight of non-originating materials of heading 2307 and grape-marc of heading 2308 used does not exceed 15% of the total weight of materials of heading 2307 and grape-marc of heading 2308 used;
2303 11	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content calculated on the dry product exceeding 40% by weight	30%	Manufacture in which the weight of non-originating materials of headings 1005, 1102, 1103 and 1104 used does not exceed 15% of the total weight of materials of headings 1005, 1102, 1103 and 1104 used
ex 2307 and ex 2308	Wine lees and grape marc, of an alcoholic strength by mass exceeding 4.3% mass	30%	Manufacture in which: - the weight of non-originating materials of heading 0806 used does not exceed 15% of the total weight of materials of heading 0806 used; and - the weight of non-originating materials of heading 2307 and grape-marc of heading 2308 used does not exceed 15% of the total weight of materials of heading 2307 and grape-marc of heading 2308 used;
ex 2309	Preparations of a kind used in animal feeding:		
	- containing more than 20 % by weight of materials of Chapter 2	30%	Manufacture in which the weight of non-originating materials of Chapter 2 used does not exceed 15% of the total weight of materials of Chapter 2 used
	- containing more than 20 % by weight of materials of Chapter 4	30%	Manufacture in which the weight of non-originating materials of Chapter 4 used does not exceed 15% of the total weight of materials of Chapter 4 used

	- containing more than 20 % by weight of materials of heading 1006	30%	Manufacture in which the weight of non-originating materials of heading 1006 used does not exceed 15% of the total weight of materials of heading 1006 used
	- containing more than 20 % by weight of materials of Chapter 17	30%	Manufacture in which the weight of non-originating materials of Chapter 17 used does not exceed 15% of the total weight of materials of Chapter 17 used
Chapter 24	Tobacco and manufactured tobacco substitutes	30%	Manufacture in which the weight of non-originating materials of heading 2401 used does not exceed 30% of the total weight of materials of heading 2401 used
29054300	Mannitol	50%	
29054411	D-glucitol (sorbitol) in aqueous solution containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	50%	
29054419	D-glucitol (sorbitol) in aqueous solution: other	50%	
29054491	D-glucitol (sorbitol) in aqueous solution, other: containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	50%	
29054499	D-glucitol (sorbitol) in aqueous solution, other: other	50%	
29054500	Glycerol	50%	
33021010	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages: of a kind used in the food or drink industries	50%	
35011010	Casein: for the manufacture of regenerated textile fibres	50%	
35011050	Casein: for industrial uses other than the manufacture of foodstuffs or fodder	50%	
35011090	Casein: other	50%	
35019090	Casein, other: other	50%	
35051010	Dextrins	50%	
35051090	Dextrins: others	50%	
35052010	Glues: containing, by weight, less than 25 % of starches or dextrins or other modified starches	50%	

35052030	Glues: containing, by weight, 25 % or more but less than 55 % of starches or dextrins or other modified starches	50%	
35052050	Glues: containing, by weight, 55 % or more but less than 80 % of starches or dextrins or other modified starches	50%	
35052090	Glues: containing, by weight, 80 % or more of starches or dextrins or other modified starches	50%	
38091010	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included, with a basis of amylaceous substances: containing by weight of such substances less than 55 %	50%	
38091030	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included, with a basis of amylaceous substances: containing by weight of such substances 55 % or more but less than 70 %	50%	
38091050	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included, with a basis of amylaceous substances: containing by weight of such substances 70 % or more but less than 83 %	50%	
38091090	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included, with a basis of amylaceous substances: containing by weight of such substances 83 % or more	50%	
38246011	Sorbitol other than that of subheading 2905 44, in aqueous solution: containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	50%	

38246019	Sorbitol other than that of subheading 2905 44, in aqueous solution: other	50%	
38246091	Sorbitol other than that of subheading 2905 44, other: containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	50%	
38246099	Sorbitol other than that of subheading 2905 44, other: other	50%	

Table 2: Industrial products: sufficient processing thresholds applicable to all beneficiary countries other than countries benefiting from the Special arrangement for least developed countries

HS heading	Description of product	Threshold
(1)	(2)	(3)
Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes	50%
ex Chapter 29	Organic chemicals; except for products mentioned in Table 1	50%
Chapter 31	Fertilisers	50%
Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks	50%
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for products mentioned in Table 1	50%
ex Chapter 35	Albuminoidal substances; modified starches; glues; enzymes; except for products mentioned in Table 1:	50%
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	50%
Chapter 37	Photographic or cinematographic goods	50%
Chapter 38	Miscellaneous chemical products; except for products mentioned in Table 1	50%
Chapter 39	Plastics and articles thereof	50%
ex Chapter 50	Silk; except for:	50%
5007	Woven fabrics of silk or of silk waste:	[50%] or [52,5%]*
ex Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric; except for:	50%
5111 to 5113	Woven fabrics of wool, of fine or coarse animal hair or of horsehair	[50%] or [52,5%]*
ex Chapter 52	Cotton; except for:	50%

5208 to 5212	Woven fabrics of cotton	[50%] or [52,5%]*
ex Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; except for:	50%
5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn	[50%] or [52,5%]*
5401	Sewing thread of man-made filaments, whether or not put up for retail sale	[50%] or [55%]*
5402 to 5406	Yarn, monofilament and thread of man-made filaments (other than sewing thread)	50%
5407 and 5408	Woven fabrics of man-made filament yarn	[50%] or [52,5%]*
ex Chapter 55	Man-made staple fibres; except for:	50%
5512 to 5516	Woven fabrics of man-made staple fibres	[50%] or [52,5%]*
Chapter 56	Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof	[50%] or [55%]*
Chapter 57	Carpets and other textile floor coverings	[50%] or [55%]*
Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery	[50%] or [55%]*
Chapter 59	Impregnated, coated, covered or laminated textile fabrics; textile articles of a kind suitable for industrial use	[50%] or [55%]*
Chapter 60	Knitted or crocheted fabrics	[50%] or [52,5%]*
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted	[50%] or [60%]*
Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted	[50%] or [52,5%]*
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags; except for:	[50%] or [60%]*
6302 to 6304	Bedlinen, table linen, toilet linen and kitchen linen; Curtains (including drapes) and interior blinds; curtain or bed valances; Other furnishing articles, excluding those of heading 9404	[50%] or [55%]*
Chapter 69	Ceramic products	50%
Chapter 76	Aluminium and articles thereof	50%
8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading 8208, and blades therefor	50%
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	50%
8482	Ball or roller bearings	50%
8513	Portable electric lamps designed to function by their own source of energy (for example, dry batteries, accumulators, magnetos), other than lighting equipment of heading 8512	50%
8519	Sound recording or sound reproducing apparatus	50%

8521	Video recording or reproducing apparatus, whether or not incorporating a video Tuner	50%
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	50%
8528	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio -broadcast receivers or sound or video recording or reproducing apparatus	50%
8701	Tractors (other than tractors of heading 8709)	50%
8702	Motor vehicles for the transport of ten or more persons, including the driver	50%
8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars	50%
8704	Motor vehicles for the transport of goods	50%
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars	50%
8712	Bicycles and other cycles (including delivery tricycles), not motorised	50%

* The choice between the two figures will be made after further analysis of the imp act assessment .

ANNEX III

"ANNEX [13b]

(referred to in Article 90)

APPLICATION TO BECOME A REGISTERED EXPORTER

1. Exporter's name, full address and country. Contact details including telephone and fax number as well as e-mail address where available should be supplied.
2. Description of commercial activity and industrial process.
3. Description of goods produced / supplied which qualify for preferential treatment.
4. Basis for acquisition of origin Wholly obtained Sufficient processing Bilateral cumulation Regional cumulation
5. Indication of commercial accounting records for production / supply of goods qualifying for preferential treatment.
6. Details of office holders
7. Undertaking by exporter / producer The undersigned hereby declares that the above details are correct and undertakes: - to issue statements on origin only for goods which qualify for preferential treatment and comply with the origin rules specified for those goods in the Generalised System of Preferences; - to maintain appropriate commercial accounting records for production / supply of goods qualifying for preferential treatment. - to accept any control on the accuracy of his statements on origin, including verification of accounting records and visits to his premises by Community or Member State authorities _____ Place, date and signature of authorised signatory; designation and/or title
8. Box for official use by governmental authority The applicant is registered under the following number:

Registered Number: _____

Date of registration _____

Period of validity from _____ **to** _____

Signature and stamp _____

ANNEX III

ANNEX [13c]

(Referred to in Article 94(3))

STATEMENT ON ORIGIN

1. Exporter's name, full address and country.	Validity period (if required for more than one consignment – Art. 91 (3)) From: _____ To: _____ <i>(Period not to exceed 12 months)</i>	
2. Number of Registered Exporter (if applicable)	Producer name, full address and country (if required)	
3. Consignee's name, full address and country.		
		Competent control authority
4. Description of goods.	HS Number	Basis for acquisition of origin status. <i>(Indicate as appropriate)</i> Wholly obtained. Sufficient processing. Bilateral cumulation. Regional cumulation.
<p>I certify that:</p> <ul style="list-style-type: none">• The above details and statements are correct; that all goods as listed above qualify for preferential treatment and comply with the origin rules specified for those goods in the Generalised System of Preferences;• The goods originate in _____;• I will maintain and present upon request, all documentation necessary to support this statement and to inform all persons to whom the statement is given (including the competent authorities responsible for registration), of all changes that could affect its accuracy and validity. <p>Signed: _____</p> <p>Company: _____</p> <p>Date: _____</p>		

