

INTERNATIONAL TRADE NOTICE

Certificate of Origin Guidelines - Update

Date: 1st July 2019

With the importance of Certificates of Origin within international trade never been greater and with the advancement of technology, the International Chambers of Commerce along with the World Customs Organisation and the World Trade Organisation, with contributions from the British Chambers of Commerce, the Netherlands Chambers of Commerce and the Singapore Chambers of Commerce have moved to make sure that the current guidelines are up-to-date. The ultimate aim is to help bring all Chambers of Commerce that issue Certificates of Origin across the world, in line with these regulations based on each countries capabilities.

The International Chambers of Commerce (ICC) have since issued their latest guidelines governing Certificates of Origin and whilst, the majority of the guidelines remain the same as current practice, there have been some updates and clarifications to previous edition (2012) that may affect your business.

We have highlighted the changes or clarifications to the guidelines that have come into force with immediate effect.

It is important to remind you that it is the responsibility of the APPLICANT to supply substantial evidence of origin when applying for Certificates of origin, whether this is UK origin or Non-UK origin and therefore, we strongly recommend that all businesses make sure that they have suitable procedures in place on how they obtain origin evidence for their products, especially from their overseas suppliers and manufacturers.

Copies of the International Certificate of Origin 2019 Guidelines are available to purchase from the ICC Website.

If you do have any questions, please feel free to contact us.

Kind Regards



Gary Hayes
International Trade Manager

Certificate of Origin Guidelines – Update

Box 1 – Consignor

If you are applying for the COO on behalf of another party, the Chamber may request for the applicant to supply an explanation of the connection between the two parties, especially if there is no clear or logical connection between the two parties.

Freight Forwarders, Couriers and logistic providers that are applying for COO's on behalf of a client must;

- Obtain a letter of authorisation from their client and submit this with their application,
- Must place their full business name and address in box 9 on the application (pink) copy.

Box 3 – Country of origin

Origin will be declared as being of a particular country if it is;

- Wholly obtained,
- Substantially transformed in that country.

Determination of Wholly Obtained Origin

Goods produced wholly in a given country shall be taken as originating in that country. Only the following shall be taken to be produced wholly in a given country:

1. Mineral Products extracted from its soil, from its territorial waters or from its seabed
2. Vegetable Products harvested or gathered in that country
3. Live animals born and raised in that country
4. Products obtained from live animals in that country
5. Products obtained from hunting or fishing conducted in that country
6. Products obtained by maritime fishing and other products taken from the seas by a vessel of that country
7. Products obtained aboard a factory ship of that country solely from products of the kind covered by paragraph (6) above
'The country of the vessel is determined either by the country in which the vessel is registered, or the country under whose flag the vessel sails'
8. Products extracted from marine soil or subsoil outside that country's territorial waters, provided that the country has sole rights to work that soil or subsoil
9. Scrap and waste from manufacturing and processing operations, and used articles, collected in that country and fit only for the recovery of raw materials
10. Goods produced in that country solely from the products referred to in paragraph (1) to (9) above.

Determination of Last substantial transformation

Goods whose production involves more than one country shall be deemed to originate in the country where they underwent their last, substantial economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture.

Operations which do not contribute or which contribute to only a small extent to the essential characteristics or properties of the goods, and in particular operations confined to one or more of those listed below, should not be regarded as constituting substantial manufacturing or processing;

1. Operations necessary for preservation of goods during transportation or storage
2. Operations to improve the packaging or the marketable quality of the goods or to prepare them for shipment, such as braking bulk, grouping of packages, sorting and grading, repacking
3. Simple assembly operations
4. Mixing of goods from different origins,, provided that the characteristics of the resulting product are not essentially different from the characteristics of the goods which have been mixed
5. Putting up of goods in sets or ensembles of putting up for sale
6. Affixing of marks, labels or other similar distinguishing signs on products or their packaging
7. Disassembly or change of use
8. A combination of two or more operations specified in point (1) to (7)

All country names must be in full. No abbreviations are acceptable except USA and UAE.

For goods of non-UK origin, supporting evidence of the origin must be submitted with the application in the form of:

1. Certificate of Origin issued in the Country of Manufacturer or,
2. Commercial Invoice issued by the Manufacturer to applicant or,
3. Commercial Invoice issued by the supplier to the applicant that includes the name and address of the manufacturer or,
4. Declaration of Origin issued by the Manufacturer

Special Notice – Goods “originating” from Hong Kong, Macau or Taiwan

For goods where the supporting evidence states that the origin is either Hong Kong, Macau or Taiwan, additional evidence may be requested by the Chamber to prove this. This is because very little manufacturing takes place in Hong Kong, Macau and Taiwan with majority of manufacturing taking place in mainland China. You can easily find this out if the Hong Kong/Macau/Taiwan consignor has ‘Import/Export’ in their name.

BOX 4 – Transport Details

If your shipment is being carried by multi-modal transport, you are permitted to put ‘Mixed Transport’ in box 4. This should be evident within your supporting documentation e.g. packing list. Please note: The term ‘Mixed Transport’ relates to the movement between two or more customs authorities for example: shipment leaving the UK destined for Mexico being flown to the US and driven across the Mexican-US Border.

BOX 6 – Marks and Numbers

It is now a requirement for marks and numbers to be stated on the COO. This relates to the actual marks and numbers that are stencilled or affixed to the packages being shipped.

Usually these are marks that:

- Identify the consignor or consignee port
- Identify the port, airport or place of destination
- Reference numbers or order numbers
- Actual package numbers (e.g. 1 of 1, 1 of 10 etc)

If the packages are addressed to the final consignee, you are permitted to use ‘As addressed’. If there is no markings or numbers on the packages, you are permitted to use ‘Unmarked’. If the packages are containerised, you are permitted to use the Container number and type of container.

Evidence of the marks and numbers must be present within your supporting evidence e.g. Commercial Invoice, Packing List.

BOX 6 – Number and Type of Packages

It is now a requirement for the number and type of packages to be stated on the COO. This must relate to the number of cartons, pallets, boxes, bales, rolls etc that make up the consignment.

Evidence of the number and type of packages that comprise of the consignment must be evident within your supporting evidence e.g. Commercial Invoice, Packing List.

Retrospective Issuance of COO

It is now mandatory for any COO that is being issued retrospectively to include:

- A statement detailing the reason why the COO is being issued retrospectively,
- A letter of indemnity stating that the no previous COO has been issued that cover this shipment

If a COO has already been issued for the shipment previously, a replacement COO must be applied for.

Issuance of Replacement COO

For a Replacement COO to be issued, we may request the following information to supply;

- A statement detailing the reason why the COO is being replaced,
- A copy of the original or copy pages of the COO that is being replaced.

The Issuing Chamber is only permitted to replace COO that it has issued themselves. If a COO have been issued by another Chamber of Commerce within the UK, the applicant must return to this Chamber to obtain the replacement COO.

Sample for Letter of Indemnity for Retrospective Issuance of COO

(To be typed on applicant company's origin letterhead)

Date of Issue

To: The CEO of Issuing Body

Dear Sir/Madam;

We hereby request that a Certificate of Origin be issued retrospectively for the following reason

.....
.....
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1. In consideration of your issuing, endorsing or certifying at our request such certificates of origin and all other documents whatever required of you by us during the date of issue listed above, we hereby undertake to fully indemnify you and to keep you fully indemnified against all actions, suits, proceeding, claims, expenses, loss, damage, costs, charges and liabilities whatsoever, which may be taken or made against you, or incurred or become payable by you, by reason of, or on account of, or arising, out of your issuing, endorsing or certifying the aforesaid documents.
2. We are members / We are not members of your Chamber of Commerce
Our Chamber Membership number is
(The membership number can be found on your Chamber Membership Certificate)
3. We hereby declare that the information contained in all our applications for such certificates or certifications are true and correct.
4. We hereby declare that no Certificate of origin has been requested, obtained, endorsed or certified that covers this shipment with any other Chamber of Commerce or issuing body.

Yours Sincerely

.....
Signature of authorised signatory

.....
Name of authorised signatory

.....
Position of authorised Signatory

Sample for Letter of Indemnity for Replacement Issuance of COO

(To be typed on applicant company’s origin letterhead)

Date of Issue

To: The CEO of Issuing Body

Dear Sir/Madam;

We hereby request that a replacement Certificate of Origin be issued for the following reason

.....
.....
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1. In consideration of your issuing, endorsing or certifying at our request such certificates of origin and all other documents whatever required of you by us during the date of issue listed above, we hereby undertake to fully indemnify you and to keep you fully indemnified against all actions, suits, proceeding, claims, expenses, loss, damage, costs, charges and liabilities whatsoever, which may be taken or made against you, or incurred or become payable by you, by reason of, or on account of, or arising, out of your issuing, endorsing or certifying the aforesaid documents.
2. We are members / We are not members of your Chamber of Commerce
Our Chamber Membership number is
(The membership number can be found on your Chamber Membership Certificate)
3. We hereby declare that the information contained in all our applications for such certificates or certifications are true and correct.
4. We hereby declare that provide evidence of the previous issued Certificate of origin at the request of the Chamber of Commerce or issuing body.

Yours Sincerely

.....
Signature of authorised signatory

.....
Name of authorised signatory

.....
Position of authorised Signatory