

**(Translation)**

**(Chilean Proposing Note)**

Santiago, March 12, 2004

His Excellency,  
Mr. Shin Jang-Bum,  
Extraordinary and Plenipotentiary Ambassador  
Republic of Korea

Your Excellency,

I have the honor to address you to refer to the Free Trade Agreement subscribed by the Government of the Republic of Chile and the Government of the Republic of Korea on February 15, 2003 (hereinafter, the "Agreement").

I am honored to propose, on behalf of the Chilean Government and in accordance with Article 5.12 of the Agreement, the English wording of the Uniform Regulations for the Interpretation, Application and Administration of Chapter 3 (National Treatment and Market Access For Goods), Chapter 4 (Rules of Origin) and Chapter 5 (Customs Procedures), of the Agreement, which document is attached to this Note.

I have the honor to suggest that, if the Proposal is acceptable to the Government of the Republic of Korea, this Note and your confirmatory reply thereto shall together constitute the agreement between our Governments.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Illegible signature

María Soledad Alvear Valenzuela

**UNIFORM REGULATIONS FOR THE INTERPRETATION, APPLICATION, AND ADMINISTRATION OF CHAPTER 3 (NATIONAL TREATMENT AND MARKET ACCESS FOR GOODS), CHAPTER 4 (RULES OF ORIGIN) AND CHAPTER 5 (CUSTOMS PROCEDURES) OF THE FREE TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERNMENT OF THE REPUBLIC OF CHILE**

The Government of the Republic of Korea and the Government of the Republic of Chile (hereinafter referred to as “the Parties”), pursuant to paragraph 1 of Article 5.12 (Uniform Regulations) of the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Chile, adopt the following Uniform Regulations regarding the interpretation, application and administration of Chapters 3, 4 and 5 of the Free Trade Agreement between the Republic of Korea and the Republic of Chile.

**Section A – General**

**Article I: General Provisions**

1. Each Party shall ensure that its customs procedures governed by the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Chile (hereinafter “the Agreement”) are consistent with Chapter 5 (Customs Procedures) of the Agreement and these Uniform Regulations.
2. These Uniform Regulations shall be effective on the date of entry into force of the Agreement or at any time thereafter upon agreement of the Parties.
3. For purposes of Chapter 5 of the Agreement and these Uniform Regulations, "completed" means filled, signed and dated.

**Section B - Certificate of Origin and Declaration of Origin**

**Article II: Certificate of Origin**

The Certificate of Origin referred to in Article 5.2.1 of the Agreement shall be:

- (a) equivalent in substance to the Certificate of Origin set out in Annex II(a);
- (b) in a printed format or in such other medium or format including electronic one as may be approved by the customs administration of the Party into whose territory the good is imported; and
- (c) completed by the exporter in accordance with these Uniform Regulations, including any instructions contained in the Certificate of Origin set out in Annex II(c).

**Article III: Declaration of Origin**

The Declaration of Origin referred to in Article 5.2.1 of the Agreement shall be:

- (a) equivalent in substance to the format set out in Annex III(a);
- (b) in a printed format or in such other medium or format as may be approved by the customs administration of the Party into whose territory the good is imported; and

- (c) completed by the producer in accordance with these Uniform Regulations, including any instructions contained in the Declaration of Origin set out in Annex III(c).

#### **Article IV: Obligations Regarding Importations**

1. For purposes of paragraph 1(a) of Article 5.3 of the Agreement, a "valid Certificate of Origin" means a Certificate of Origin that the exporter of the good in the territory of a Party completes in accordance with the requirements set out in Article II of these Uniform Regulations.
2. For purposes of paragraph 1(c) of Article 5.3 of the Agreement where the customs administration of the Party into whose territory the good is imported determines that a Certificate of Origin is illegible, defective on its face or has not been completed in accordance with Article II of these Uniform Regulations, the importer shall be granted a period of not less than five working days to provide the customs administration with a copy of the corrected certificate.
3. In accordance with paragraph 1(d) of Article 5.3 of the Agreement, the importer submitting a modified declaration within 90 days from the date on which the importer has reason to believe that the declaration is incorrect and before the customs administration has initiated functions of verification or control of any kind and paying the corresponding duties, if applicable, shall not be imposed by penalties.

#### **Article V: Obligations Regarding Exportations**

1. For purposes of Article 5.4.2 of the Agreement, "promptly" means "immediately".
2. For purposes of Article 5.4.2 of the Agreement, no Party may impose civil or administrative penalties on an exporter or producer of a good in its territory where the exporter or producer, prior to the commencement of an investigation by officials of that Party with authority to conduct an investigation regarding the Certificate or Declaration of Origin, provides the written notification referred to in Article 5.4.2 of the Agreement.
3. For purposes of Article 5.4.2 of the Agreement, where the customs administration of a Party provides an exporter or producer of a good with a determination under Article 5.8.12 of the Agreement that the good is a non-originating good, the exporter or producer shall notify immediately all persons to whom it gave a Certificate or Declaration of Origin in respect of the good affected by the determination.

#### **Article VI: Exceptions**

1. The "statement" referred to in Article 5.5(a) of the Agreement shall, where required by the customs administration of the Party into whose territory the good is imported, be attached to, handwritten, stamped or typed on the commercial invoice covering the good.
2. For purposes of Article 5.5 of the Agreement, "one or more importations" means, in the case of
  - (a) Korea, where there are two or more import declarations covering same goods arriving the same day or covered by one invoice or one bill of lading; and
  - (b) Chile, where there are two or more import declarations covering same goods arriving the same day or released the same day or covered by one invoice.

### **Section C - Administration and Enforcement**

## **Article VII: Records**

1. The documentation and records required to be maintained under Articles 5.3.4 and 5.4.5 of the Agreement shall be kept in such a manner as to enable an officer of the customs administration of a Party, in conducting a verification of origin under Article 5.8 of the Agreement, to perform detailed verifications of the documentation and records to verify the information on the basis of which:

- (a) in the case of an importer, a claim for preferential tariff treatment was made with respect to a good imported into its territory; and
- (b) in the case of an exporter or producer, a Certificate or Declaration of Origin was completed with respect to a good exported to the territory of the other Party.

2. Importers, exporters and producers in the territory of a Party that are required to maintain documentation or records under Articles 5.3.4 and 5.4.5 of the Agreement shall be permitted, in accordance with that Party's law, to maintain such documentation and records in machine-readable form, provided that the documentation or records can be retrieved and printed.

3. Exporters and producers that are required to maintain records pursuant to Article 5.4.5 of the Agreement shall, subject to the notification and consent requirements provided for in Article 5.8.5 of the Agreement, make those records available for inspection by an officer of the customs administration of a Party conducting a verification visit and provide facilities for inspection thereof.

4. A Party may deny preferential tariff treatment to a good that is the subject of an origin verification where the exporter, producer or importer of the good that is required to maintain records or documentation under Articles 5.3.4 and 5.4.5 of the Agreement:

- (a) fails to maintain records or documentation relevant to determine the origin of the good in accordance with the requirements of the Agreement or these Uniform Regulations; or
- (b) denies access to the records or documentation.

## **Article VIII: Origin Verifications**

1. For purposes of and according to paragraph 2(c) of Article 5.8 of the Agreement, the customs administration of a Party may, in addition to conducting a verification of origin by means of written questionnaires and verification visits pursuant to paragraphs 2(a) and (b) of Article 5.8 of the Agreement, conduct a verification of origin with respect to a good that is imported into its territory by means of:

- (a) a verification letter that requests information from the exporter or producer of the good in the territory of the other Party, provided that it contains specific reference to the good that is the subject of the verification; or
- (b) any other method of communication customarily used by the customs administration of the Party in conducting a verification.

2. Where the customs administration of a Party conducts a verification under paragraph 1(b), it may, on the basis of a response of an exporter or producer to a communication referred to in paragraph 1(b), issue a determination under Article 5.8.12 of the Agreement:

- (a) that the good does not qualify as an originating good, provided that the response is in writing and is signed by that exporter or producer; or
- (b) that the good qualifies as an originating good.

3. The common standards for the written questionnaires referred to in paragraph 2(a) of Article 5.8 of the Agreement are set out in Annex VIII.3.
4. The customs administration of a Party, in conducting a verification under paragraph 2(a) of Article 5.8 of the Agreement, shall send the verification questionnaires referred to in paragraph 8 by certified or registered mail, or any other method including electronic mail or fax message that produces a confirmation of receipt by the exporter or producer of the good that is subject to the verification.
5. For purposes of Article 5.8.3 of the Agreement, a notice of postponement of answering the questionnaire shall be made in writing and shall be sent, by certified mail or registered mail, or any other method including electronic mail or fax message that produces a confirmation of receipt, to the address of the customs office that requested the information within 15 days of receiving the questionnaire.
6. The customs administration of a Party, in conducting a verification visit under paragraph 2(b) of Article 5.8 of the Agreement, shall send the notice referred to in paragraph 5(a) of Article 5.8 of the Agreement by certified or registered mail, or any other method that produces a confirmation of receipt by the exporter or producer whose premises are to be visited.
7. For purposes of Article 5.8.10 of the Agreement, an exporter or producer of a good shall identify to the customs administration conducting a verification visit any observers designated to be present during such visit.
8. Each Party shall identify to the other Party, on or before the date the Agreement enters into force, the office to which notice shall be sent under subparagraph (a)(ii) of Article 5.8.5 of the Agreement.
9. For purposes of Article 5.8.8 of the Agreement, a notice of postponement of a verification visit shall be made in writing and shall be sent to the address of the customs office that sent the notice of intention to conduct a verification visit.
10. The customs administration of a Party may, for purposes of verifying the origin of a good, request that the importer of the good voluntarily obtain and supply written information voluntarily provided by the exporter or producer of the good in the territory of the other Party, provided that the failure or refusal of the importer to obtain and supply such information shall not be considered as a failure of the exporter or producer to supply the information or as a ground for denying preferential tariff treatment.
11. Where the customs administration of a Party determines, as a result of an origin verification, that a good that is the subject of the verification does not qualify as an originating good, the written determination provided for under Article 5.8.12 of the Agreement shall:
  - (a) include a notice of intent to deny preferential tariff treatment with respect to that good that specifies the date after which preferential tariff treatment will be denied and the period during which the exporter or producer of the good may provide written comments or additional information regarding the determination; and
  - (b) if requested by the competent authorities of the Party from whose territory the good is exported, be sent by certified or registered mail or by any other method that produces confirmation of receipt by the exporter or producer of the good.
12. Where the customs administration of a Party determines on the basis of information obtained during a verification that a good does not qualify as an originating good:
  - (a) the date on which preferential tariff treatment may be denied pursuant to the notice referred to in paragraph 11, shall be no earlier than 30 days from the date on which:
    - (i) receipt of the written determination is confirmed by the exporter or producer, if a request has been made under subparagraph 11(b), and

- (ii) the customs administration sends the written determination, if no such request has been made; and
- (b) before denying preferential tariff treatment, the customs administration shall take into account any comments or additional information provided by the exporter or producer during the period referred to in subparagraph (a).

13. For purposes of Article 5.8.13 of the Agreement, "pattern of conduct" means repeated instances of false or unsupported representations by an exporter or producer of a good in the territory of a Party that are established by the customs administration of the other Party on the basis of not fewer than two origin verifications of two or more importations of the goods that result in not fewer than two written determinations being sent to that exporter or producer pursuant to Article 5.8.12 of the Agreement that conclude, as a finding of fact, that certificates of origin completed by that exporter or producer with respect to identical goods contain false or unsupported representations.

14. For purposes of Article 5.8.15 of the Agreement, "consistent treatment" means the established application by the customs administration of a Party that can be substantiated by the continued acceptance by that customs administration of the tariff classification or value of identical materials on importations of the materials into its territory by the same importer over a period of not less than two years immediately prior to the date that the Certificate of Origin for the good that is the subject of the determination under Article 5.8.13 of the Agreement was completed, provided that with respect to those importations:

- (a) such materials had not been accorded a different tariff classification or value by one or more district, regional or local offices of that customs administration on the date of such determination; and
- (b) the tariff classification or value of such materials is not the subject of a verification, review or appeal by that customs administration on the date of such determination.

15. For purposes of Article 5.8.15 of the Agreement, a person shall be entitled to rely on a ruling or advanced ruling of the Party into whose territory a good is imported in accordance with Annex VIII.15

16. A ruling or advanced ruling referred to in paragraph 15 shall remain in force until modified or revoked.

17. No modification or revocation of a ruling referred to in paragraph 15, other than an advanced ruling, may be applied to a good that was the subject of the ruling and that was imported prior to the date of such modification or revocation unless:

- (a) the person to whom the ruling was issued has not acted in accordance with its terms and conditions; or
- (b) there has been a change in the material facts or circumstances on which the ruling was based.

18. For purposes of Article 5.8.14 of the Agreement, reference to the phrase, "one or more materials used in the production of the good" means materials that are used in the production of the good or that are used in the production of a material that is used in the production of the good.

19. Paragraph 15(a) of Article 5.8 of the Agreement in relation to Article 5.8.14 of the Agreement includes:

- (a) a ruling or advanced ruling that is issued with respect to a material that is used in the production of the good or that is used in the production of a material that is used in the production of the good; or
- (b) the consistent treatment given on the entry of a material that is used in the production of the good or that is used in the production of a material used in the production of the good.

20. Where the customs administration of a Party, in conducting a verification of origin of a good imported into its territory under Article 5.8 of the Agreement, conducts a verification of the origin of a material that is used in the production of the good, the verification of the material shall be conducted in accordance with the procedures set out in Article 5.8 of the Agreement and this Article.

21. The customs administration of a Party, in conducting a verification of a material that is used in the production of a good pursuant to paragraph 20, may consider the material to be non-originating in determining whether the good is an originating good where the producer or supplier of that material does not allow the customs administration access to information required to make a determination of whether the material is an originating material by the following or other means:

- (a) denial of access to its records;
- (b) failure to respond to a verification questionnaire or letter; or
- (c) refusal to consent to a verification visit within 30 days of receipt of notification under Article 5.8.5 of the Agreement, as made applicable by paragraph 20.

22. A Party shall not consider a material that is used in the production of a good to be a non-originating material solely on the basis of a postponement of a response to verification questionnaire or a verification visit under Articles 5.8.3 and 5.8.8 of the Agreement as made applicable by paragraph 20.

## **Section D - Advanced Rulings**

### **Article IX: Advanced Rulings**

1. For purposes of Article 5.9 of the Agreement, the customs administration of a Party shall issue an advanced ruling to a producer in the territory of the other Party of a material that is used in the production of a good in the territory of that other Party, provided that the good is to be subsequently imported into the territory of the Party issuing the ruling, concerning any matter covered by paragraphs 1(a) through (e) of Article 5.9 of the Agreement with respect to that material.

2. The common standards regarding the information to be submitted in an application for an advanced ruling are set out in Annex IX.2.

3. For purposes of Article 5.9 of the Agreement, an application to the customs administration of a Party for an advanced ruling shall be completed in the language of that Party or English

4. Subject to paragraphs 5 and 6, the customs administration to which the application is made shall issue an advanced ruling within 90 days of its receipt of all information reasonably required to process the application, including any supplemental information that may be requested.

5. Each Party may provide that, where an application for an advanced ruling is made to its customs administration that involves an issue that is the subject of:

- (a) a verification of origin;
- (b) a review by or appeal to the customs administration; or
- (c) judicial or quasi-judicial review in its territory,

the customs administration may decline to issue the ruling.

6. For purposes of Article 5.9.3 of the Agreement, where the customs administration of a Party determines that an application for an advanced ruling is incomplete, it may decline to further process the application provided that:

- (a) it has notified the applicant of any supplemental information required and of the period, which shall not be less than 30 days, within which the applicant must provide the information; and
- (b) the applicant has failed to provide the information within the period specified.

7. Nothing in paragraph 5 or 6 shall be construed so as to prevent a person from reapplying for an advanced ruling.

8. For purposes of Article 5.9.7 of the Agreement, "importations of a good" is defined in Annex IX.8.

9. For purposes of Article 5.9.12 of the Agreement, "such measures" includes retroactive application of modification or revocation of an advanced ruling from the date on which the advanced ruling was rendered.

## **Section E - Review and Appeal**

### **Article X: Review and Appeal**

1. A denial of preferential tariff treatment to a good by the customs administration of a Party under these Uniform Regulations may be appealed under Article 5.10 of the Agreement by the exporter or producer of the good who completed the Certificate of Origin for the good in respect of which a claim for preferential tariff treatment was denied, including a denial of preferential tariff treatment under Articles 5.8.4 and 5.8.7 of the Agreement.

2. Where an advanced ruling is issued under Article 5.9 of the Agreement or Article IX.2 of these Uniform Regulations, a modification or revocation of the advanced ruling shall be subject to review and appeal under Article 5.10 of the Agreement.

## **Section F - Denial of Preferential Tariff Treatment**

### **Article XI: Denial of Preferential Tariff Treatment**

For purposes of Annex 3.4 of the Agreement, each Party may notwithstanding that the requirements of Article 5.3.2 of the Agreement and any other legal requirements imposed under its law have been satisfied, deny the applicable preferential tariff rate of duty set out in that Annex to an originating good imported into its territory,

- (a) if, where contrary to the laws of that Party, the claim for preferential tariff treatment for the good is not supported by documentary evidence such as invoices, bills of lading or waybills that indicate the shipping route and all points of shipment and transshipment prior to the importation of the good into its territory; and
- (b) if, where the good is shipped through or transshipped in the territory of a country that is not a Party under the Agreement, the importer of the good does not provide, on the request of that Party's customs administration, a copy of the customs control documents that indicate, to the satisfaction of the customs administration, that the goods remained under customs control while in the territory of such country.



## **Section G - Rules of Origin**

### **Article XII: Inventory Management Methods**

For the purposes of Article 4.7.1 of the Agreement, the determination of whether a good or the materials are originating, shall be made on the basis of any of the inventory management methods applicable under laws or regulations of each Party from whose territory the good is exported.

**Annex II (a)**

**KOREA-CHILE FREE TRADE AGREEMENT  
CERTIFICATE OF ORIGIN**

Issuing Number:

1: <b>Exporter</b> (Name and Address)					
Tax ID No:					
2: <b>Producer</b> (Name and Address)			3: <b>Importer</b> (Name and Address)		
Tax ID No:					
4. <b>Description of Good(s)</b>	5. <b>HS No.</b>	6. <b>Preference Criterion</b>	7. <b>Producer</b>	8. <b>Regional Value Content</b>	9. <b>Country of Origin</b>
10. <b>Remarks:</b>					
11: <b>Certification of Origin</b>					
I certify that:					
<ul style="list-style-type: none"> <li>● The information on this document is true and accurate and I assume the responsibility for providing such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document</li> <li>● I agree to maintain and present upon request, documentation necessary to support this certificate, and to inform, in writing, all persons to whom the certificate was given of any changes that could affect the accuracy or validity of this certificate.</li> <li>● The goods originated in the territory of the Parties, and comply with the origin requirements specified for those goods in KOREA-CHILE FREE TRADE AGREEMENT, and there has been no further production or any other operation outside the territories of the Parties in accordance with Article 4.12 of the Agreement.</li> </ul>					
<b>Authorized Signature</b>			<b>Company Name</b>		
Name (Print or Type)			Title		
Date (MM/DD/YY)			Telephone / Fax /E-mail		

## Annex II (c)

### KOREA-CHILE FREE TRADE AGREEMENT CERTIFICATE OF ORIGIN INSTRUCTIONS

For purposes of obtaining preferential tariff treatment, this document must be completed legibly and in full by the exporter and be in the possession of the importer at the time the declaration is made. Please print or type:

**Issuing Number:** Fill in the serial number of the certificate of origin.

**Field 1:** State the full legal name, address (including country) and legal tax identification number of the exporter. Legal tax identification number is: in Korea, Taxpayer Identification Number; in Chile, the Unique Tax Number ("Rol Unico Tributario").

**Field 2:** If one producer, state the full legal name, address (including country, telephone number, fax number and email address) and legal tax identification number, as defined in Field 1, of said producer. If more than one producer is included on the Certificate, state "Various" and attach a list of all producers, including their legal name, address (including country, telephone number, fax number and email address) and legal tax identification number, cross referenced to the good or goods described in Field 4. If you wish this information to be confidential, it is acceptable to state "Available to Customs upon request". If the producer and the exporter are the same, complete field with "SAME". If the producer is unknown, it is acceptable to state "UNKNOWN".

**Field 3:** State the full legal name, address (including country) as defined in Field 1, of the importer; if the importer is not known, state "UNKNOWN"; if multiple importers, state "VARIOUS".

**Field 4:** Provide a full description of each good. The description should be sufficient to relate it to the invoice description and to the Harmonized System (HS) description of the good. If the Certificate covers a single shipment of a good, include the invoice number as shown on the commercial invoice. If not known, indicate another unique reference number, such as the shipping order number, purchase order number or any other number that is capable of identifying the goods.

**Field 5:** For each good described in Field 4, identify the HS tariff classification to six digits.

**Field 6:** For each good described in Field 4, state which criterion (A through D) is applicable. The rules of origin are contained in Chapter 4 and Annex 4 of the Agreement. NOTE: In order to be entitled to preferential tariff treatment, each good must meet at least one of the criteria below.

#### Preference Criteria

**A** The good is "wholly obtained or produced entirely" in the territory of one or both of the Parties, as referred to in paragraph 1(a) of Article 4.2 of the Agreement. NOTE: The purchase of a good in the territory does not necessarily render it "wholly obtained or produced". (*Reference: Article 4.1 and paragraph 1(a) of Article 4.2 of the Agreement*)

**B** The good is produced entirely in the territory of one or both of the Parties and satisfies the specific rule of origin set out in Annex 4 of the Agreement that applies to its tariff classification. The rule may include a tariff classification change, regional value-content requirement and a combination thereof, or specific process requirement. The good must also satisfy all other applicable requirements of Chapter 4 of the Agreement. (*Reference: paragraph 1(b) of Article 4.2 of the Agreement*)

**C** The good is produced entirely in the territory of one or both of the Parties exclusively from originating materials. Under this criterion, one or more of the materials may not fall within the definition of "wholly produced or obtained", as set out in paragraph 1(c) of Article 4.2 of the Agreement. All materials used in the production of the good must qualify as "originating" by meeting the rules of paragraphs 1(a) through 1(d) of Article 4.2 of the Agreement. (*Reference: paragraph 1(c) of Article 4.2 of the Agreement*)

**D** Goods are produced in the territory of one or both of the Parties but do not meet the applicable rule of origin, set out in Annex 4 of the Agreement, because certain non-originating materials do not undergo the

required change in tariff classification. The goods do nonetheless meet the regional value-content requirement specified in paragraph 1(d) of Article 4.2 of the Agreement. This criterion is limited to the following two circumstances:

1. the good was imported into the territory of one of the Parties in an unassembled or disassembled form but was classified as an assembled good, pursuant to HS General Rule of Interpretation 2(a); or
2. the good incorporated one or more non-originating materials, provided for as parts under the HS, which could not undergo a change in tariff classification because the heading provided for both the good and its parts and was not further subdivided into subheadings, or the subheading provided for both the good and its parts and was not further subdivided.

NOTE: This criterion does not apply to Chapters 61 through 63 of the HS. (*Reference: paragraph 1(d) of Article 4.2 of the Agreement*)

Field 7: For each good described in Field 4, state "YES" if you are the producer of the good. If you are not the producer of the good, state "NO" followed by (1), (2) or (3), depending on whether this certificate was based upon: (1) your knowledge of whether the good qualifies as an originating good; (2) your reliance on the producer's written representation (other than a Certificate of Origin) that the good qualifies as an originating good; or (3) the Declaration of Origin, which is completed and signed by the producer and voluntarily provided to the exporter by the producer.

Field 8 For each good described in Field 4, where the good is subject to a regional value content (RVC) requirement, indicate "BD" if the RVC is calculated according to the build-down method, or "BU" if the RVC is calculated according to the build-up method. (*Reference: Articles 4.3 of the Agreement*). If you are not a producer, indicate "NO".

Field 9: Identify the name of the country ("CL" for all originating goods exported to Korea; "KR" for all originating goods exported to Chile).

Field 10: Remarks. If a good to be traded is invoiced by a non-Party operator, state that the goods subject to declaration are to be invoiced from the non-Party operator and indicate the name, corporate name and address of that operator, if known.

Field 11: This field must be completed, signed and dated by the exporter. The date must be the date the Certificate was completed and signed.

**Annex III (a)**

**KOREA-CHILE FREE TRADE AGREEMENT  
DECLARATION OF ORIGIN**

Issuing Number:

1: <b>Producer</b> (Name and Address)				
Tax ID No:				
2: <b>Exporter</b> (Name and Address)			3: <b>Importer</b> (Name and Address)	
Tax ID No:				
4. <b>Description of Good(s)</b>	5. <b>HS No.</b>	6. <b>Preference Criterion</b>	7. <b>Regional Value Content</b>	8. <b>Country of Origin</b>
9. <b>Remarks:</b>				
10: <b>Certification of Origin</b>				
I certify that:				
<ul style="list-style-type: none"> <li>● The information on this document is true and accurate and I assume the responsibility for providing such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document</li> <li>● I agree to maintain and present upon request, documentation necessary to support this declaration of origin, and to inform, in writing, all persons to whom the declaration was given of any changes that could affect the accuracy or validity of this declaration of origin.</li> <li>● The goods originated in the territory of the Parties, and comply with the origin requirements specified for those goods in KOREA-CHILE FREE TRADE AGREEMENT, and there has been no further production or any other operation outside the territories of the Parties in accordance with Article 4.12 of the Agreement.</li> </ul>				
<b>Authorized Signature</b>			<b>Company Name</b>	
<b>Name (Print or Type)</b>			<b>Title</b>	
<b>Date (MM/DD/YY)</b>			<b>Telephone / Fax /E-mail</b>	

### Annex III (c)

#### **KOREA-CHILE FREE TRADE AGREEMENT DECLARATION OF ORIGIN INSTRUCTIONS**

For purposes of obtaining preferential tariff treatment, this document must be completed legibly and signed in full voluntarily by the producer of the goods for use by the exporter. Please print or type:

**Issuing Number:** Fill in the serial number of the declaration of origin.

Field 1: State the full legal name, address (including country) and legal tax identification number of the producer. Legal tax identification number is: in Korea, Taxpayer Identification Number; in Chile, the Unique Tax Number ("Rol Unico Tributario").

Field 2: State the full legal name, address (including country, telephone number, fax number and email address) and legal tax identification number, as defined in Field 1, of the exporter.

Field 3: State the full legal name, address (including country), as defined in Field 1, of the importer; if importer is not known, state "UNKNOWN"; if multiple importers, state "VARIOUS".

Field 4: Provide a full description of each good. The description should be sufficient to relate it to the invoice description and to the Harmonized System (HS) description of the good. If the Declaration covers a single shipment of a good, include the invoice number as shown on the commercial invoice. If not known, indicate another unique reference number, such as the shipping order number, purchase order number or any other number that is capable of identifying the goods.

Field 5: For each good described in Field 4, identify the HS tariff classification to six digits.

Field 6: For each good described in Field 4, state which criterion (A through D) is applicable. The rules of origin are contained in Chapter 4 and Annex 4 of the Agreement. NOTE: In order to be entitled to preferential tariff treatment, each good must meet at least one of the criteria below.

#### **Preference Criteria**

A The good is "wholly obtained or produced entirely" in the territory of one or both of the Parties, as referred to in paragraph 1(a) of Article 4.2 of the Agreement. NOTE: The purchase of a good in the territory does not necessarily render it "wholly obtained or produced". (*Reference: Article 4.1 and paragraph 1(a) of Article 4.2 of the Agreement*)

B The good is produced entirely in the territory of one or both of the Parties and satisfies the specific rule of origin set out in Annex 4 of the Agreement that applies to its tariff classification. The rule may include a tariff classification change, regional value-content requirement and a combination thereof, or specific process requirement. The good must also satisfy all other applicable requirements of Chapter 4 of the Agreement. (*Reference: paragraph 1(b) of Article 4.2 of the Agreement*)

C The good is produced entirely in the territory of one or both of the Parties exclusively from originating materials. Under this criterion, one or more of the materials may not fall within the definition of "wholly produced or obtained", as set out in paragraph 1(c) of Article 4.2 of the Agreement. All materials used in the production of the good must qualify as "originating" by meeting the rules of paragraphs 1(a) through 1(d) of Article 4.2 of the Agreement. (*Reference: paragraph 1(c) of Article 4.2 of the Agreement*)

D Goods are produced in the territory of one or both of the Parties but do not meet the applicable rule of origin, set out in Annex 4 of the Agreement, because certain non-originating materials do not undergo the required change in tariff classification. The goods do nonetheless meet the regional value-content requirement specified in paragraph 1(d) of Article 4.2 of the Agreement. This criterion is limited to the following two circumstances:

1. the good was imported into the territory of one of the Parties in an unassembled or disassembled form but was classified as an assembled good, pursuant to HS General Rule of Interpretation 2(a); or
2. the good incorporated one or more non-originating materials, provided for as parts under the HS, which could not undergo a change in tariff classification because the heading provided for both the good and its parts and was not further subdivided into subheadings, or the subheading provided for both the good and its parts and was not further subdivided.

NOTE: This criterion does not apply to Chapters 61 through 63 of the HS. (*Reference: paragraph 1(d) of Article 4.2 of the Agreement*)

**Field 7** For each good described in Field 4, where the good is subject to a regional value content (RVC) requirement, indicate "BD" if the RVC is calculated according to the build-down method, or "BU" if the RVC is calculated according to the build-up method. (*Reference: Articles 4.3 of the Agreement*)

**Field 8:** Identify the name of the country ("CL" for all originating goods exported to Korea; "KR" for all originating goods exported to Chile).

**Field 9:** Remarks. If a good to be traded is invoiced by a non-Party operator, state that the goods subject to declaration is to be invoiced from the non-Party operator and indicate the name, corporate name and address of that operator, if known.

**Field 10:** This field must be completed, signed and dated by the producer. The date must be the date the Declaration of Origin was completed and signed.

### **Annex VIII.3**

#### **Common Standards for Written Questionnaires**

1. For purposes of Article VIII.3 of these Uniform Regulations, the Parties will seek to agree on uniform questions to be included in a general questionnaire.
2. Subject to paragraph 3, where the customs administration of a Party conducts a verification under paragraph 2(a) of Article 5.8 of the Agreement, it shall send the general questionnaire referred to in paragraph 1 of this Annex.
3. For purposes of paragraph 2(a) of Article 5.8 of the Agreement, where the customs administration of a Party requires specific information not reflected in the general questionnaire, it may send a more specific questionnaire, according to the information required to determine whether the good that is the subject to the verification is an originating good.
4. For purposes of Article VIII of these Uniform Regulations, the verification questionnaires should be completed in the English language.
5. Nothing in this Annex shall be interpreted to constrain the customs administration of a Party from requesting additional information in accordance with paragraph 2(a) of Article 5.8 of the Agreement and these Uniform Regulations.



## **Annex VIII.15**

### **Rulings and Advanced Rulings**

A person shall be entitled to rely on a ruling or advanced ruling that is issued, in the case of:

- (a) Korea, in accordance with the provisions established in the Special Law on Customs Act for the implementation of Free Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Chile;
- (b) Chile, in accordance with the provisions established in the Compendium of Customs Regulations (Resolution No. 2.400, of 1985); other resolutions issued by the National Customs Service; Customs Ordinance (D.F.L. No 30, of 30.04.83); and other complementary rules and laws.

## Annex IX.2

### Common Standards for Information Required in the Application for an Advanced Ruling

1. For purposes of Article 5.9.2 of the Agreement, each Party shall provide that a request for an advanced ruling contain:

- (a) the name and address of the exporter, producer or importer of the good requesting the issuance of the ruling, as the case may be hereinafter referred to as the applicant,
- (b) where the applicant is
  - (i) the exporter of the good, the name and address of the producer and importer of the good, if known,
  - (ii) the producer of the good, the name and address of the exporter and importer of the good, if known, or
  - (iii) the importer of the good, the name and address of the exporter and, if known, the producers of the good;
- (c) where the request is made on behalf of an applicant, the name and address of the person requesting the issuance of the advanced ruling and either
  - (i) a written statement from the person requesting the issuance of the advance ruling, or
  - (ii) upon the request of the customs administration of that Party, such person provide, in accordance with its laws, evidence from the applicant on whose behalf the ruling is being requested,that indicates that the person is duly authorized to transact business as the agent of the applicant;
- (d) a statement, on the basis of the applicant's knowledge, as to whether the issue that is the subject of the request for an advance ruling is, or has been the subject of
  - (i) a verification of origin,
  - (ii) an administrative review or appeal,
  - (iii) a judicial or quasi-judicial review, or
  - (iv) a request for an advanced ruling

in the territory of either Party, and if so, a brief statement setting forth the status or disposition of the matter;

- (e) a statement, on the basis of the applicant's knowledge, as to whether the good that is the subject of the request for an advanced ruling has previously been imported into the territory of the Party to whom the request for the advanced ruling has been made;
- (f) a statement that the information presented is accurate and complete, and
- (g) a complete description of all relevant facts and circumstances relating to the issue that is the subject of the request for the advance ruling, including
  - (i) a concise statement, within the scope of Article 5.9.1 of the Agreement, setting forth the

issue on which the advanced ruling is sought, and

- (ii) a general description of the good.

2. Where relevant to the issue that is the subject of the request for an advanced ruling, the request shall include, in addition to the information referred to in paragraph 1:

- (a) a copy of any advanced ruling or other ruling with respect to the tariff classification of the goods that has been issued to the applicant by the Party to whom the request for an advance ruling is made; and
- (b) if no previous advanced ruling or other ruling with respect to the tariff classification of the good has been issued by the Party to whom the request for the advance ruling is made, sufficient information to enable the customs administration of that Party to classify the good, including
  - (i) a full description of the good, including, where relevant, the composition of the good, a description of the process by which the good is manufactured, a description of the packaging in which the good is contained, the anticipated use of the good and its commercial, common or technical designation, product literature, drawings, photographs, or schematics, and
  - (ii) where practical and useful, a sample of the good.

3. Where the request for the advanced ruling involves the application of a rule of origin that requires an assessment of whether materials used in the production of the good undergo an applicable change in tariff classification, the request shall include:

- (a) a listing of each material that is used in the production of the good;
- (b) with respect to each material referred to in paragraph (a) that is claimed to be an originating material, a complete description of the material, including the basis on which it is considered that the material originates;
- (c) with respect to each material referred to in paragraph (a) that is a non-originating material or the origin of which is unknown, a complete description of the material, including its tariff classification, if known; and
- (d) a description of all processing operations employed in the production of the good, the location of each operation, and the sequence in which the operation occur.

4. Where the request for an advanced ruling involves the application of a regional value-content requirement, the applicant shall indicate whether the request is based on the use of the build-down method or build-up method, or both.

5. Where the request for an advanced ruling involves the use of the build-down method, the request shall include:

- (a) information sufficient to calculate the adjusted value of the good in accordance with Article 4.1 of the Agreement with respect to the transaction of the producer of the good;
- (b) information sufficient to calculate the value of each material that is a non-originating material or the origin of which is unknown that is used in the production of the good in accordance with Article 4.1 of the Agreement; and
- (c) with respect to each material that is a non-originating material or the origin of which is unknown, a complete description of material including its tariff classification, if known.

6. Where the request for an advanced ruling involves the use of the build-up method, the request shall include:
  - (a) information sufficient to calculate the adjusted value of the good in accordance with Article 4.1 of the Agreement with respect to the transaction of the producer of the good;
  - (b) information sufficient to calculate the value of each material that is an originating material in accordance with Article 4.1 of the Agreement; and
  - (c) with respect to each material that is claimed to be an originating material that is used in the production of the good, a complete description of the material including the basis on which it is considered that the material originates.
7. Where the request for an advanced ruling involves an issue of whether, with respect to a good or a material that is used in the production of a good, the adjusted value of the good or the material is acceptable, the request shall include information sufficient to permit an examination of the factors enumerated in Article 4.1 of the Agreement and the Customs Valuation Agreement, as applicable.
8. Where the request for an advanced ruling involves an issue of whether, with respect to an intermediate material under Article 4.4 of the Agreement, the origin and value of the intermediate material is acceptable, the request shall contain sufficient information to determine the origin and value of the intermediate material in accordance with Article 4.1 of the Agreement.
9. Where the request for an advanced ruling is limited to the calculation of an element of a regional value content formula, in addition to the information required under paragraph 1, only that information set out under paragraphs 4, 5, and 6 which is relevant to the issue that is the subject of the request for an advanced ruling need be contained in the request.
10. Where the request for an advanced ruling is limited to the origin of a material that is used in the production of a good in accordance with Article IX.1 of these Uniform Regulations, in addition to the information required under paragraph 1, only that information, set out under paragraphs 2 and 3, which is relevant to the issue that is the subject of the advanced ruling need be contained in the request.

## **Annex IX.8**

### **Country-Specific Definitions of "Importations of a Good"**

For purposes of Article 5.9.7 of the Agreement, "importations of a good" means importations of a good:

- (a) which, in the case of Korea, has been released pursuant to Chapter 9 of the Customs Act; and
- (b) which, in the case of Chile, has cleared customs in accordance with Book II, Title I, of the Customs Ordinances of Chile ("Ordenanza General de Aduana") (DFL 30(83-04-13)).

**(Korean Reply Note)**

Santiago, , 2004

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note March 12, 2004, which reads as follows:

"..... (Chilean Proposing Note) ....."

I have further the honour to confirm that the foregoing proposal is acceptable to the Government of the Republic of Korea, and that Your Excellency's Note together with its Annex and this reply shall constitute an agreement between our two Governments, which shall enter into force on the date of this Note.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Enclosure: The text of the Uniform Regulations

Shin Jang-bum  
Ambassador Extraordinary and  
Plenipotentiary of the Republic of Korea  
to the Republic of Chile

Her Excellency  
María Soledad Alvear Valenzuela  
Minister of Foreign Affairs of  
the Republic of Chile