

CHAPTER THREE RULES OF ORIGIN

Article 3.1: Definitions

For purposes of this Chapter:

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

change in tariff classification means a change at the two-digit, four-digit, or six-digit level of the Harmonized System;

competent authority means:

- (a) for the UAE, the Ministry of Economy or any other agency notified from time to time; and
- (b) for Korea, the Ministry of Economy and Finance, or the Korea Customs Service, or their respective successors;

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 a document, by a single invoice;

customs value means the value as determined in accordance with the Agreement on implementation of Article VII of the Customs Valuation Agreement;

generally accepted accounting principles means the recognized consensus or substantial authoritative support in the territory of a Party, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information and the preparation of financial statements. These standards may encompass broad guidelines of general application as well as detailed standards, practices and procedures;

good means any article of trade including materials and products;

Harmonized System (HS) means the Harmonized Commodity Description and Coding System, including its general rules and legal notes set out in the Annex to the International Convention on the Harmonized Commodity Description and Coding System;

manufacture means any kind of working or processing, including assembly or specific operations;

material means any ingredient, raw material, compound, or part used in the production of a good;

non-originating goods or **non-originating materials** means goods or materials that do not qualify as originating in accordance with this Chapter;

originating goods or **originating material** means goods or materials that qualify as originating in accordance with this Chapter;

product means that which is obtained by growing, raising, mining, harvesting, fishing, aquaculture, trapping, hunting, extracting, or manufactured, even if it is intended for later use in another manufacturing operation; and

production means methods of obtaining a good including growing, raising, mining, harvesting, fishing, aquaculture, trapping, hunting, manufacturing, processing, or assembling.

Section A: Origin Determination

Article 3.2: Originating Goods

1. For the purpose of implementing this Agreement, goods shall be deemed to be originating in territory of a Party, if:
 - (a) goods are wholly obtained there in accordance with Article 3.3;
 - (b) goods are not wholly obtained there, provided that the goods have undergone sufficient working or processing there in accordance with Article 3.4; or
 - (c) goods are produced there exclusively from originating materials.
2. In each case provided in paragraph 1, the goods shall satisfy all other applicable requirements of this Chapter.

Article 3.3: Wholly Obtained Goods

For purposes of Article 3.2.1 (a), the following goods shall be deemed to be wholly obtained or produced in the territory of a Party:

- (a) plants and plant products grown, collected, or harvested there;
- (b) live animals born and raised there;
- (c) products obtained from live animals raised there;
- (d) mineral products or natural resources extracted or taken from that Party's soil, subsoil, waters, seabed, or beneath the seabed;
- (e) products obtained by hunting, trapping, collecting, capturing, fishing, or aquaculture conducted there;
- (f) products of sea fishing and other marine products taken from outside the territorial waters of the Parties by a vessel registered, recorded, listed, or licensed with a Party and flying its flag;
- (g) products made on board a factory ship registered, recorded, listed, or licensed with a Party and flying its flag, exclusively from products referred to in subparagraph (f);
- (h) products, other than products of sea fishing and other marine products, taken or extracted from the seabed, ocean floor, or the subsoil of the continental shelf or the exclusive economic zone of any of the Parties, provided that the Party or a person of the Party has the right to exploit such seabed, ocean floor, or subsoil in accordance with international law;
- (i) used goods collected there, provided that such goods are fit only for disposal, for the recovery of raw materials, or for recycling purposes;
- (j) wastes or scraps resulting from utilization, consumption or manufacturing operations conducted there, provided that such wastes or scraps are fit only for disposal, for the recovery of raw materials, or for recycling purposes; and

- (k) products produced or obtained there exclusively from products referred to in subparagraphs (a) through (j), or from their derivatives, at any stage of production.

Article 3.4: Sufficient Working or Processing

1. For purposes of Article 3.2(b), a good shall be considered to have undergone sufficient working or processing and shall be deemed to be originating in a Party when the good satisfies any of the following:
 - (a) a Change in Tariff Heading (CTH), which means that all non-originating materials used in the production of the good have undergone a change in HS tariff classification at the 4-digit level; or
 - (b) a Qualifying Value Content (QVC) not less than 40% of the FOB Price.
2. Notwithstanding paragraph 1, a good that falls within the classifications included in the list of Product Specific Rules (PSR) in Annex 3-A (Product Specific Rules (PSRs)), shall satisfy the specific rule pertaining to it detailed therein.
3. For the purposes of paragraphs 1 and 2, the QVC shall be calculated as follows:

$$QVC = \frac{(FOB\ Price\ or\ Ex-Works\ Price) - V.N.M}{FOB\ Price\ or\ Ex-Works\ Price} * 100$$

where Ex-Works Price is used, the QVC requirement shall be five percentage points lower than the QVC requirement which is calculated on the basis of FOB Price.

where:

QVC is the qualifying value content of a good expressed as a percentage;

FOB Price is the price of the good free on board, inclusive of the cost of transportation to the port or site of final shipment abroad, regardless of the mode of transportation;

Ex-Works Price is the price paid or payable for the good ex-works to the manufacturer in the Party in whose undertaking the last working or processing is carried out, provided the price includes the value of all the

materials used, minus any internal taxes which are, or may be, repaid when the good obtained is exported;

V.N.M means:

- (a) the customs value at the time of importation of the non-originating materials used including freight and insurance costs incurred in transporting the material to the importation port in the territory of the Party where the producer of the good is located or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the exporting Party;
- (b) where the producer of a good acquires non-originating materials in the territory of the Party where the producer is located, the value of such materials shall not include freight, insurance, packing costs and any other costs incurred in transporting the material from the supplier's warehouse to the producer's location; or
- (c) in the case of a self-produced material or where the relationship between the producer of the good and the seller of the material influences the price actually paid or payable for the material, the sum of all costs incurred in the production of the material, including general expenses. Additionally, it will be possible to add an amount for profit equivalent to the profit added in the normal course of trade.

Article 3.5: Intermediate Goods

When an originating good is used in the subsequent production of another good, no account shall be taken of the non-originating materials contained in the originating good for purposes of determining the originating status of the subsequently produced good.

Article 3.6: Accumulation

1. An originating good of a Party which is used in the processing or production in the territory of the other Party as material for a finished good shall be deemed as a material originating in the territory of the latter Party where the working or processing of the finished good has taken place.

2. Notwithstanding paragraph 1, an originating good of a Party that does not undergo processing beyond the insufficient working or processing operations listed in Article 3.8 in the other Party shall retain its originating status of the former Party.
3. The Joint Committee may agree to review this Article with a view to providing for other forms of accumulation for the purpose of qualifying goods as originating goods under this Agreement.

Article 3.7: Tolerance

1. Notwithstanding Article 3.4, a good will be considered to have undergone a change in tariff classification if the value of all non-originating materials that are used in the production of the good and that do not undergo the applicable change in tariff classification does not exceed 15% of the Ex-Works Price of the good.
2. Notwithstanding paragraph 1, a good provided for in Chapters 50 through 63 of the HS will be considered to have undergone a change in tariff classification if the weight or value of all non-originating materials that are used in the production of the good and that do not undergo the applicable change in tariff classification does not exceed 10% of the weight or the Ex-Works Price of the good.
3. The good specified in paragraphs 1 and 2 shall meet all other applicable criteria set forth in this Chapter for qualifying as an originating good.
4. The value of non-originating materials referred to in paragraph 1 shall be included in the value of the non-originating materials for any applicable QVC requirement.

Article 3.8: Insufficient Working or Processing

1. Whether or not the requirements of Article 3.4 are satisfied, a good shall not be considered to be originating in the territory of a Party if the following operations are undertaken exclusively by itself or in combination in the territory of that Party:
 - (a) slaughter of animals;
 - (b) operations to ensure the preservation of products in good condition during transport and storage such as drying, freezing, ventilation, chilling, and like operations;

- (c) sifting, washing, cutting, slitting, bending, coiling or uncoiling, sharpening, simple grinding, slicing;
- (d) cleaning, including removal of dust, oxide, oil, paint, or other coverings;
- (e) simple painting and polishing operations;
- (f) testing or calibration;
- (g) placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards, and packaging operations;
- (h) simple mixing of goods, whether or not of different kinds;
- (i) simple assembly of parts of products to constitute a complete good or disassembly of products into parts;
- (j) simple peeling, stoning, or un-shelling;
- (k) operations to color sugar or form sugar lumps;
- (l) ironing or pressing of textiles;
- (m) changes of packing, unpacking, or repacking operations, and breaking up and assembly of consignments;
- (n) affixing or printing marks, labels, logos, and other like distinguishing signs on goods or their packaging;
- (o) husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (p) mere dilution with water or another substance that does not materially alter the characteristics of the goods; or
- (q) a combination of two or more operations specified in subparagraphs (a) through (p).

2. For the purposes of paragraph 1 above, the term “simple” will be defined as follows:

- (a) “Simple” generally describes an activity which does not need special skills, machines, apparatus, or equipment especially produced or installed for carrying out the activity.

- (b) “Simple mixing” generally describes an activity which does not need special skills, machine, apparatus, or equipment especially produced or installed for carrying out the activity. However, simple mixing does not include chemical reaction. Chemical reaction means a process (including a biochemical process) which results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds, or by altering the spatial arrangement of atoms in a molecule. Nevertheless, the following are not considered to be chemical reactions for the purposes of this definition:
 - (i) dissolving in water or other solvents;
 - (ii) the elimination of solvents, including solvent water; or
 - (iii) the addition or elimination of water of crystallization.

Article 3.9: Indirect Materials

In order to determine whether a good is an originating good, the following material used in its production shall be treated as originating material, irrespective of the origin of such material.

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools; or
- (d) other materials or goods used in the production, testing, or inspection of a good and do not enter and which are not intended to enter into the final composition of the good.

Article 3.10: Accessories, Spare Parts, Tools

1. Accessories, spare parts, tools, and instructional or other information materials delivered with a good that form part of the good’s standard accessories, spare parts, tools, and instructional or other information materials shall be regarded as a part of the good, and shall be disregarded in determining whether or not all the non-originating materials used in the production of the originating goods undergo the applicable change in tariff classification provided that:

- (a) the accessories, spare parts, tools, and instructional or other information materials are classified with and not invoiced separately from the good; and
 - (b) the quantities and value of the accessories, spare parts, tools, and instructional or other information materials presented with the good are customary for the good.
2. Notwithstanding paragraph 1, for goods that are subject to QVC requirement, the value of the accessories, spare parts, tools, and instructional or other information materials shall be taken into account as originating or non-originating materials, as the case may be, in calculating the QVC of the goods.

Article 3.11: Packaging Materials and Containers for Retail Sale

1. Each Party shall provide that packaging materials and containers in which a good is packaged for retail sale, if classified with the good, according to Rule 5 of the General Rules for the interpretation of the HS, shall be disregarded in determining whether all the non-originating materials used in the production of the good undergo the applicable change in tariff classification.
2. If the good is subject to QVC requirement, the value of such packaging materials and containers shall be taken into account as originating or non-originating materials, as the case may be, in calculating the QVC of the good.

Article 3.12: Unit of Qualification

The unit of qualification for the application of the provisions of this Chapter shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the HS. Accordingly, it follows that:

- (a) when a product composed of a group or assembly of articles is classified under a single heading, the whole constitutes the unit of qualification; and
- (b) when a consignment consists of a number of identical products classified under the same heading, each product shall be taken individually into account when in determining whether it qualifies as an originating good.

Article 3.13: Packaging Materials and Containers for Transportation and Shipment

Each Party shall provide that packing materials and containers for transportation and shipment are disregarded in determining whether a good is originating.

Article 3.14: Fungible Goods and Materials

1. Each Party shall provide that the determination of whether fungible goods or materials are originating shall be made through physical segregation of each good or material, or, in case of any difficulty, through the use of any inventory management method, such as averaging, last-in, first-out, or first-in, first-out, recognized in the generally accepted accounting principles of the Party in which the production is performed, or otherwise accepted by the Party in which the production is performed.
2. Each Party shall provide that an inventory management method selected under paragraph 1 for particular fungible goods or materials shall continue to be used for those fungible goods or materials throughout the fiscal year of the Party that selected the inventory management method.

Article 3.15: Sets of Goods

Sets, as defined in General Rule 3 of the HS, shall be regarded as originating when all component goods are originating. However, when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating, provided that the value of non-originating products does not exceed 15% of the Ex-Works Price of the set.

Section B: Territoriality and Transit

Article 3.16: Principle of Territoriality

1. The conditions for acquiring originating status set out in Article 3.2 must be fulfilled without interruption in the territory of the Party concerned.

2. Where originating goods exported from the territory of a Party to a non-Party, return to the exporting Party, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:
 - (a) the returning goods are the same as those exported; and
 - (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that non-Party or while being exported.
3. The acquisition of originating status set out in Article 3.2 shall not be affected by working or processing done outside a Party on materials exported from this Party and subsequently re-imported there, provided:
 - (a) the said materials are wholly obtained in the exporting Party or have undergone working or processing beyond the operations referred to in Article 3.8 prior to being exported; and
 - (b) it can be demonstrated to the satisfaction of the customs authorities that:
 - (i) the re-imported goods have been obtained by working or processing the exported materials; and
 - (ii) the total added value acquired outside a Party by applying this Article does not exceed 15% of the Ex-Works Price of the end product for which originating status is claimed.
4. For purposes of paragraph 3, the conditions for obtaining originating status set out in Section A shall not apply to working or processing done outside the exporting Party. However, where a QVC rule is applied in determining the originating status of the end product, the total added value acquired in the territory of the exporting Party shall not be less than the stated QVC percentage for the end product.
5. Paragraphs 3 and 4 shall not apply to products which do not fulfil the conditions set out in Article 3.4 or which can be considered sufficiently worked or processed only if the general tolerance of Article 3.7 is applied.
6. Factual information relevant to this Article will be indicated in the Certificate of Origin, in accordance with Annex 3-B.

7. For the purposes of applying paragraph 3(b)(ii), “total added value” shall be taken to mean all costs arising outside the exporting Party, including the value of the materials incorporated there.
8. Any working or processing of the kind covered by this Article and done outside the exporting Party shall be done under the Inward and Outward Processing Procedures in line with the guidelines of the World Customs Organization (WCO).
9. Upon the request of a Party, the Parties shall enter into discussions on the treatment for certain goods under this Article through the Joint Committee and conclude such discussions within three years from the start of the discussions.

Article 3.17: Transit and Transshipment

1. Each Party shall provide that an originating good retains its originating status if the good has been transported directly to the importing Party without passing through the territory of a non-Party.
2. Notwithstanding paragraph 1, each Party shall provide that an originating good retains its originating status if transited or stored in a temporary warehousing through one or more intermediate non-Parties, provided that the good:
 - (a) remained under customs control in the territory of the non-Party(ies) of transit or storage; and
 - (b) have not undergone any operation there other than unloading, reloading, adding, or affixing labels to ensure compliance with specific domestic requirements of the importing Party, split from bulk carried out under customs supervision in the non-Party(ies) of transit or storage or any operation required to keep them in good condition.
3. An importer shall upon request supply appropriate evidence to the customs authorities of the importing Party demonstrating that the goods remained under customs supervision in the country(ies) of transit or storage.

Article 3.18: Free Zones

1. Both Parties shall take all necessary steps to ensure that originating goods traded under cover of a Proof of Origin which in the course of transport use a

free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.

2. By means of an exemption to the provisions contained in paragraph 1, when products originating in a Party enter into a free zone under cover of a Proof of Origin and undergo treatment or processing, another Proof of Origin can be made out if the treatment or processing undergone is in conformity with the provisions of this Chapter.
3. Goods produced or manufactured in a free zone situated within a Party shall be considered as originating goods in that Party when exported to the other Party provided that the treatment or processing is in conformity with the provisions of this chapter and supported by a proof or origin.

Section C: Origin Certification

Article 3.19: Proof of Origin

1. Goods originating in a Party shall, on importation into the other Party, benefit from preferential tariff treatment under this Agreement on the basis of a Proof of Origin.
2. Any of the following shall be considered as a Proof of Origin:
 - (a) a paper or electronic format Certificate of Origin issued by a competent authority as per Article 3.20;
 - (b) an Electronic Certificate of Origin (E-Certificate) issued by a competent authority and exchanged by a mutually developed electronic system as per Article 3.21; or
 - (c) an Origin Declaration made out by an approved exporter as per Article 3.22.
3. A Proof of Origin may apply to a single shipment of one or more goods into the territory of the other Party.
3. Each Party shall provide that a Proof of Origin shall be completed in the English language and shall remain valid for one year from the date on which it is issued or made out.

Article 3.20: Certificate of Origin

1. Certificates of Origin shall be issued by the competent authority¹ of the exporting Party, upon an application by an exporter, a producer, or their authorized representative, in accordance with the domestic regulations of the exporting Party.
2. Certificates of Origin shall be in a format referred to in Annex 3-B.
3. The producer or exporter of goods, or its authorized representative applying for the issuance of a Certificate of Origin shall be prepared to submit at any time, at the request of the competent authority, of the exporting Party, all appropriate documents proving the originating status of the goods concerned, as well as the fulfillment of the other requirements of this Chapter.
4. Certificates of Origin shall be issued by the competent authority of the exporting Party prior to or at the time of shipment or within five working days after the date of shipment. In exceptional cases where a Certificate of Origin has not been issued prior to or at the time of shipment, or within five working days after shipment due to involuntary errors or omissions or other valid causes, the Certificate of Origin may be issued retroactively but with a validity no longer than one year from the date of shipment, in which case it is necessary to indicate “Issued Retroactively” in the appropriate field as detailed in Annex 3-B.
5. The provisions of this Article shall be applied to goods which comply with the provisions of this Agreement, and which on the date of its entry into force, are either in transit or are in the territory of the Parties in temporary storage in bonded warehouse under customs control or in free zones. This shall be subject to the submission to the customs authorities of the importing Party, within 12 months from the said date, of a Certificate of Origin issued retrospectively by the competent authority of the exporting Party together with documents, showing that the goods have been transported directly in accordance with the provisions of Article 3.17.
6. Where, at the request of the importer and on the conditions laid down by the customs authority of the importing Party, dismantled or non-assembled products within the meaning of General Rule 2(a) of the Harmonized System are imported by installments, a single Certificate of Origin for such products shall be submitted to the customs authorities upon importation of the first installment.

¹ The competent authority may delegate or grant authorization to a specific entity for the issuance of a Certificate of Origin. In such an instance, the competent authority shall provide notification to the other Party. In Korea, this responsibility has been conferred upon the Chamber of Commerce and Industry.

7. In the event of theft, loss, or destruction of the Certificate of Origin, the producer or exporter or his authorized representatives may apply to the issuing body of the exporting Party for a certified true copy of the original Certificate of Origin. The copy shall:

- (a) be issued no later than one year after the date of issuance of the original Certificate of Origin;
- (b) be based on the application for the original Certificate of Origin;
- (c) contain the same Certificate of Origin number and date as the original Certificate of Origin; and
- (d) be endorsed with the words “CERTIFIED TRUE COPY”.

8. Neither erasures nor superimposition shall be allowed on the Certificate of Origin. Any alterations shall be made by issuing a new Certificate of Origin to replace the erroneous one. The reference number of the corrected Certificate of Origin should be indicated in the appropriate field on the newly issued Certificate of Origin as detailed in Annex 3-B. The validity of the replacement Certificate will be the same as the original.

9. The discovery of minor discrepancies between the statements made in the Certificate of Origin and those made in the documents submitted to the customs authority of the importing Party for the purpose of carrying out the formalities for importing the goods shall not *ipso facto* invalidate the Certificate of Origin, if it does in fact correspond to the goods submitted. Obvious formal errors, such as typing errors, in a Certificate of Origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

Article 3.21: Electronic Origin Data Exchange System

1. For the purposes of Article 3.19.2(b) the Parties shall, within two years from date of entry into force of this Agreement, establish a working group to develop an electronic origin data exchange system for origin data exchange to ensure the effective and efficient implementation of this Chapter particularly on transmission of electronic Certificate of Origin. For further clarity, “origin data” refers to the data contained in the Certificate of Origin as per Annex 3-B.
2. Before the establishment of such exchange system, both Parties may verify the authenticity of the Certificate of Origin through a secured

website run by the competent authority as well as the electronic origin data exchange.

Article 3.22: Origin Declaration

1. For the purposes of Article 3.19.2(c) the Parties shall, within one year from the date of entry into force of this Agreement, implement provisions allowing each competent authority to recognize an Origin Declaration made by an approved exporter.
2. The customs or competent authorities of the exporting Party may authorise any exporter, (hereinafter referred to as “approved exporter”), who exports goods under this Agreement, to make out Origin Declarations, a specimen of which appears in Annex 3-C, irrespective of the value of the goods concerned.
3. An exporter seeking such authorization must offer to the satisfaction of the customs or competent authorities of the exporting Party all guarantees necessary to verify the originating status of the goods as well as the fulfilment of the other requirements of this Chapter.
4. The customs or competent authorities of the exporting party may grant the status of approved exporter, subject to any conditions which they consider appropriate.
5. The customs or competent authorities of the exporting Party shall share or publish the list of approved exporters and periodically update it.
6. Notwithstanding paragraph 5, a Party shall not be required to provide the information referred to in that paragraph to the other Party if it has established its own secured website, containing the above information, that is accessible to the other Party.
7. An Origin Declaration (the text of which appears in Annex 3-C) shall be made out by the approved exporter by typing, stamping or printing the declaration on the invoice, the delivery note or another commercial document which describes the products concerned in sufficient detail to enable them to be identified. The declaration may also be hand-written; if the declaration is hand-written, it shall be written in permanent ink in legible printed characters.
8. The approved exporter making out an Origin Declaration shall be prepared to submit at any time, at the request of the competent authority of the exporting Party, all appropriate documents proving the originating status of the goods concerned, including statements from suppliers or producers in accordance with the laws and regulations of

the importing Party as well as the fulfilment of the other requirements of this Chapter.

Article 3.23: Claim for Preferential Tariff Treatment

1. An importing Party shall grant preferential tariff treatment in accordance with this Agreement to an originating good on the basis of a Proof of Origin.
2. Unless otherwise provided in this Chapter, an importing Party shall provide that, for the purposes of claiming preferential tariff treatment, the importer shall:
 - (a) make a statement or otherwise indicate in its customs declaration that the good qualifies as an originating good;
 - (b) have a valid Proof of Origin in its possession at the time the declaration referred to in subparagraph (a) is made and be ready to submit it to the custom authority if so required; and
 - (c) promptly make a corrected declaration in a manner required by the customs authority of the importing Party, subject to the customs laws of the importing Party and pay any duties along with interest and other charges owing, where the importer has reason to believe that a Certificate of Origin on which a declaration was based contains information that is not correct.
3. Notwithstanding paragraphs 1 and 2, the importing Party may not require a Certificate of Origin if:
 - (a) the customs value of the importation does not exceed US\$1,000 or the equivalent amount in the importing Party's currency or any other amount as the importing Party may establish; or
 - (b) it is a good for which the importing Party has waived the requirement,

provided that the importation does not form part of a series of importations carried out or planned for the purpose of evading compliance with the importing Party's laws and regulations governing claims for preferential tariff treatment under this Agreement.

4. The competent authority of the importing Party may require, where appropriate, the importer to submit supporting additional evidence that

a good qualifies as an originating good, in accordance with the requirements of this Chapter.

5. Where a Certificate of Origin is submitted to the customs authority of an importing Party after the expiration of the period of time for its submission, such Certificate of Origin may still be accepted, subject to the importing Party's laws, regulations, or administrative practices, when failure to observe the period of time results from force majeure or other valid causes beyond the control of the importer or exporter.
6. Where the customs authority of the importing Party determines that a Certificate of Origin is illegible, is defective on its face or has not been completed pursuant to Annex 3-B, or discovers that discrepancies exist between the Certificate of Origin and the written declaration, the importer will be granted a period of not less than five working days, but not exceeding 30 working days from the date of request by the customs authority to provide a copy of the replacement Certificate of Origin.

Article 3.24: Post-Importation Claims for Preferential Tariff Treatment

Where a good was originating when it was imported into the territory of a Party, but the importer of the good did not make a claim for preferential tariff treatment at the time of importation, that importer of the good may, no more than one year after the date on which the good was imported, make a claim for preferential tariff treatment and apply for a refund of any excess duties paid as a result of the good not having been accorded preferential tariff treatment:

- (a) a valid Certificate of Origin and, where appropriate, other evidence that the good qualifies as an originating good; and
- (b) such other documentation in relation to the importation of the good as the importing Party may require.

Section D: Cooperation and Origin Verification

Article 3.25: Denial of Preferential Tariff Treatment

1. Except as otherwise provided in this Chapter, the customs authority of the importing Party may deny a claim for preferential tariff treatment or recover unpaid duties, in accordance with its laws and regulations, where:
 - (a) the good does not meet the requirements of this Chapter; or

- (b) the importer of the good failed to comply with any of the relevant requirements of this Chapter for obtaining preferential tariff treatment; or
 - (c) the competent authority of the importing Party has not received sufficient information to determine that the good is originating; or
 - (d) the exporter or producer or competent authority of the exporting Party does not comply with the requirements of verification in accordance with Article 3.26.
2. If the customs authority of the importing Party denies a claim for preferential tariff treatment, it shall provide the decision in writing to the importer that includes the reasons for the decision.
 3. Upon being communicated the grounds for denial of preferential tariff treatment, the importer may, within the period provided for in the custom laws of the importing Party, file an appeal against such decision with the appropriate authority under the customs laws and regulations of the importing Party.

Article 3.26: Verification

1. Subsequent verifications of Proofs of Origin may be carried out at random or whenever the customs authority of the importing Party has reasonable doubts as to the authenticity of such documents, the originating status of the goods concerned or the fulfilment of the other requirements of this Chapter.
2. For the purposes of implementing paragraph 1, the competent authority of the importing Party may conduct a verification by means of written requests for additional information from the exporter or producer, through the competent authority of the exporting Party.
3. If the customs authority of the importing Party decides to suspend the granting of preferential treatment to the goods concerned while awaiting the results of the verification, release of the goods shall be offered to the importer subject to any precautionary measures judged necessary.
4. The competent authority requesting the verification shall be informed of the results thereof as soon as possible. These results shall indicate clearly whether the documents are authentic and whether the goods

concerned may be considered as goods originating in a party and fulfil the other requirements of this Chapter.

5. If, in cases of reasonable doubt, there is no reply within six months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the goods, the requesting customs authority may refuse entitlement to the preferences.
6. If the competent authority of the importing Party is not satisfied with the results provided by competent authority of the exporting Party, the competent authority of the importing Party may conduct a verification in the exporting Party by means of:
 - (a) written requests for additional information, documents, or explanations, to the competent authority of the exporting Party, concerning the results of the above verification. Such information shall be provided no later than 90 days from the receipt of such request from the customs authority of the importing Party; or
 - (b) a verification visit to the premises of the exporter or producer in the exporting Party. To that purpose:
 - (i) the customs authority of the importing Party shall deliver a written notification in advance to the competent authority of the exporting Party regarding the intention of the importing Party to conduct a visit at the exporter or the producer's premises;
 - (ii) the exporting Party shall set a date of visit upon agreement from the exporter or the producer, the importing Party and the exporting Party. The visit shall be conducted no later than 90 days from the receipt of the written notification by the competent authority of the exporting Party;
 - (iii) officials from the exporting Party shall accompany and assist the officials from the importing Party in their visit and at the exporter's premises; and
 - (iv) the competent authority of the importing Party conducting the verification shall provide the competent authority of the exporting Party with a written determination of whether the goods qualify as originating goods within three months after the date the

verification visit was completed, including findings of fact and the legal basis for the determination.

Article 3.27: Third Party Invoicing

1. The customs authority in the importing Party shall not deny a claim for preferential tariff treatment only for the reason that the invoice was not issued by the exporter or producer of a good provided that the good meets the requirements in this Chapter. However, an Origin Declaration shall not be provided on an invoice or any other commercial document issued in a third party.
2. The exporter of the goods shall indicate “third party invoicing” and such information as name and country of the company issuing the invoice shall appear in in the appropriate field as detailed in Annex 3-B (Certificate of Origin) or, in the case of an origin declaration made out by an approved exporter as per Article 3.22, on the origin declaration

Article 3.28: Record Keeping Requirement

1. For the purposes of the verification process pursuant to Article 3.26, each Party shall require that:
 - (a) the manufacturer, producer, or exporter retain, for a period not less than five years from the date of issuance of the Proof of Origin, or a longer period in accordance with its domestic laws and regulations, all supporting records necessary to prove that the good for which the Proof of Origin was issued was originating;
 - (b) The importer shall retain, for a period not less than five years from the date of importation of the good, or a longer period in accordance with its domestic laws and regulations, all records to prove that the good for which preferential tariff treatment was claimed was originating; and
 - (c) The competent authority² retain, for a period not less than five years from the date of issuance of the Proof of Origin, or a longer period in accordance with its domestic laws and

² The competent authority may delegate or grant authorization to a specific entity for the issuance of a Certificate of Origin. In such an instance, the competent authority shall provide notification to the other Party. In Korea, this responsibility has been conferred upon the Chamber of Commerce and Industry.

regulations, all supporting records of the application for the Proof of Origin.

2. The records referred to in paragraph 1 may be maintained in any medium that allows for prompt retrieval, including but not limited to, digital, electronic, optical, magnetic, or written form.

Article 3.29: Confidentiality

1. All information related to the application of this Chapter communicated between the Parties shall be treated as confidential. It shall not be disclosed by the Parties authorities without express permission of the person or authority providing it.
2. The information referred to paragraph 1 shall not be disclosed without the specific permission of the person or government providing such information, except to extent that it may be required to be disclosed for law enforcement purposes or in the course of judicial proceedings.

Article 3.30: Contact Points

Each Party shall, within 30 days of the date of entry into force of this Agreement for that Party, designate one or more contact points within its competent authority for the implementation of this Chapter and notify the other Party of the contact details of that contact point or those contact points. Each Party shall promptly notify the other Party of any change to those contact details.

Article 3.31: Mutual Assistance

The competent authorities of both Parties shall provide each other before the agreement getting in force with the following:

- (a) a specimen impression of the official stamps and signatures used in their offices for the issue of Certificate of Origin;
- (b) name and address of the competent authorities responsible for verifying the Proof of Origin; and
- (c) secured web address for the QR codes and electronic Certificates authentications.

Section E: Consultation and Modifications

Article 3.32: Consultation and Modifications

The Parties shall consult and cooperate as appropriate through the Committee on Rules of Origin and Customs Procedures and Trade Facilitation to:

- (a) ensure that this Chapter is applied in an effective and uniform manner, including the interpretation of this Chapter;
- (b) work on matters unsettled between the competent authorities requesting verification and the competent authorities carrying out verification; and
- (c) discuss necessary amendments to this Chapter, taking into account developments in technology, production processes, and other related matters.

Annex 3-A
Product Specific Rules (PSRs)

Headnotes to the Annex:

1. For interpreting the product specific rules in this Annex:

HS code means the nomenclature of the 2022 version of the Harmonized System (HS);

section means the sections as set out in the HS Code;

chapter means the first two digits of the tariff classification number under the HS Code;

heading means the first four digits of the tariff classification number under the HS Code; and

subheading means the first six digits of the tariff classification number under the HS Code.
2. The table of Product Specific Rules is set out as follows:
 - (a) Column 1 – HS Code (Chapter, Heading or Subheading);
 - (b) Column 2 – Product Description, according to the HS Code;
 - (c) Column 3 – Product Specific Rules; and
 - (d) Column 4 – Alternative Product Specific Rules.
3. Where a product specific rule is specified in columns 3 and 4, the exporter may apply either the rule set out in column 3 or 4.
4. Where, in some cases, the entry in the first column is preceded by an “ex”, this signifies that the rules in column 3 or 4 apply only to the part of that sub-heading, heading or chapter as described in column 2.
5. Where a product specific rule requires that the materials used undergo a change in tariff classification or a specific manufacturing or processing operation, the rules shall apply only to non-originating materials.
6. For the purposes of columns 3 and 4:

WO means the good must satisfy the wholly obtained criteria as per Article 3.3 (Wholly Obtained Goods);

CC means that all non-originating materials used in the production of the good have undergone a change in tariff classification at the 2-digit level;

CTH means that all non-originating materials used in the production of the good have undergone a change in tariff classification at the 4-digit level;

CTSH means that all non-originating materials used in the production of the good have undergone a change in tariff classification at the 6-digit level;

QVC means the qualifying value content as specified in Article 3.4. The QVC percentage in the PSR is calculated on the basis of FOB Price. However, when the Ex-Works Price is used the QVC requirement shall be five percentage points lower than the QVC requirement which is calculated on the basis of FOB Price; and

N/A means no product-specific rules are applicable.

HS 2022	Description of product	Product Specific Rules	
(1)	(2)	(3)	(4)
Chapter 1	Live animals	WO	N/A
Chapter 2	Meat and edible meat offal	WO	N/A
Chapter 3	Fish and crustaceans, mollusks and other aquatic invertebrates	WO	N/A
Chapter 4	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included	WO	N/A
Chapter 5	Products of animal origin not elsewhere specified or included	WO	N/A
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	WO	N/A
Chapter 7	Edible vegetables and certain roots and tubers	WO	N/A
Chapter 8	Edible fruit and nuts; peel of citrus fruits or melons	WO	N/A
ex Chapter 9	Coffee, tea, maté and spices; except for:	WO	N/A
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion	CTSH	N/A
Chapter 10	Cereals	WO	N/A
ex Chapter 11	Products of the milling industry; malt; starches; insulin; wheat gluten; except for:	WO	N/A
1101	Wheat or meslin flour	CC except from heading 1006	N/A
110311	Of wheat	CC except from heading 1006	N/A
110412	Of oats	CC except from heading 1006	N/A
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal	WO	N/A

	plants; straw and fodder.		
ex Chapter 13	Lac; gums, resins and other vegetable saps and extracts; except for:	CTH, except from Ginseng products in subheading 1211.20	N/A
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)	WO	N/A
Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included.	WO	N/A
ex Chapter 15	Animal or vegetable or microbial fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes; except for:	CTH	N/A
1507	Soya-bean oil and its fractions, whether or not refined, but not chemically modified	CTSH	N/A
1508	Ground-nut oil and its fractions, whether or not refined, but not chemically modified	CTSH	N/A
1510	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 15.09	CTSH	N/A
1511	Palm oil and its fractions, whether or not refined, but not chemically modified	CTSH	N/A
1512	Sunflower-seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified	CTSH	N/A
1513	Coconut (copra), palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified	CTSH	N/A
1514	Rape, colza or mustard oil and fractions thereof, whether or not refined, but not chemically modified	CTSH	N/A
1515	Other fixed vegetable or microbial fats and oils (including	CTSH	N/A

	jojoba oil) and their fractions, whether or not refined, but not chemically modified		
1601	Sausages and similar products, of meat, meat offal, blood or insects; food preparations based on these products	CC	QVC40
1603	Extracts and juices of meat, fish or crustaceans, mollusks or other aquatic invertebrates	CC	QVC40
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs	CC	QVC40
1605	Crustaceans, mollusks and other aquatic invertebrates, prepared or preserved	CC	QVC40
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form; except for:	CC	QVC40
1701.99	Other	CTSH	N/A
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel	CC	QVC40
1703	Molasses resulting from the extraction or refining of sugar:	CC	QVC40
1901.10	Preparations suitable for infants or young children, put up for retail sale	CC, except from materials of Chapter 04	QVC40, except from materials of Chapter 04
ex Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants; except for:	CC	QVC40
ex 2008.99	Laver	CC except from subheading 1212.21,1212.29	N/A
2106.90	Other	CC except from Ginseng products in subheading 1211.20, 1302.19	QVC40

2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavored; ice and snow	WO	N/A
2202.99	Other	CC, except from Ginseng products in subheading 1211.20, 1302.19	QVC40
2401	Unmanufactured tobacco; tobacco refuse	WO	N/A
ex Chapter 25	Salt; sulfur; earths and stone; plastering materials, lime and cement; except for:	CTSH	QVC40
2501	Salt (including table salt and denatured salt) and pure sodium chloride, whether or not in aqueous solution or containing added anti-caking or free-flowing agents; sea water	WO	N/A
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils:	For purposes of heading 27.10, in addition to the rules provided in Article 3.4.1, the following processes confer origin: (a) a chemical reaction which is referred to in Article 3.8.2(b) (Insufficient Working or Processing). (b) atmospheric distillation which is a separation process in which petroleum oils are converted, in a distillation tower, into fractions according to boiling point and the vapor then condensed into different liquefied fractions. (c) vacuum distillation which is distillation at a pressure below atmospheric but not so low that it would be classed as molecular distillation.	
Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes	CTSH	QVC40
Chapter 30	Pharmaceutical products	CTSH	QVC40
Chapter 31	Fertilizers	CTSH	QVC40

Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other coloring matter; paints and varnishes; putty and other mastics; inks	CTSH	QVC30
Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations	CTSH	QVC40
Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster	CTSH	QVC40
Chapter 35	Albuminoidal substances; modified starches; glues; enzymes	CTSH	QVC40
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	CTSH	QVC40
Chapter 37	Photographic or cinematographic goods	CTSH	QVC40
ex Chapter 38	Miscellaneous chemical products; except for:	CTSH	QVC40
3825	Residual products of the chemical or allied industries, not elsewhere specified or included; municipal waste; sewage sludge; other wastes specified in Note 6 to this Chapter	WO	N/A
4001	Natural rubber, balata, gutta-percha, guayule, chicle and similar natural gums, in primary forms or in plates, sheets or strip.	WO	N/A
5001	Silk-worm cocoons suitable for reeling	WO	N/A
5002	Raw silk (not thrown)	WO	N/A

5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garneted stock)	WO	N/A
ex Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewelry; coin; except for:	CTSH	QVC40
710110	Natural pearls	WO	N/A
ex 7106, ex 7108, and ex 7110	Precious metals: - Unwrought	CTSH, or electrolytic, thermal or chemical separation of precious metals of heading 7106, 7108 or 7110, or fusion and/or alloying of precious metals of heading 7106, 7108 or 7110 with each other or with base metals or purification	N/A
Chapter 81	Other base metals; cermets; articles thereof	CTSH	QVC40
Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof	When the good and its parts or accessories are classified in the same heading, the applicable rule for the good shall be CTSH or QVC40 instead of the rule provided in Article3.4.1	N/A
Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles	When the good and its parts or accessories are classified in the same heading, the applicable rule for the good shall be CTSH or QVC40 instead of the rule provided in Article3.4.1	N/A
Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof	When the good and its parts or accessories are classified in the same heading, the applicable rule for the good shall be CTSH or QVC40 instead of the rule provided in Article3.4.1	N/A
Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof	When the good and its parts or accessories are classified in the same heading, the applicable rule for the good shall be CTSH or QVC40 instead of the rule provided in Article3.4.1	N/A
Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings;	When the good and its parts or accessories are classified in the same heading, the applicable rule	N/A

	luminaires and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings	for the good shall be CTSH or QVC40 instead of the rule provided in Article3.4.1	
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Annex 3-B: Certificate of Origin

[QR Code
or
Website]

1. Exporter's Name, Address, Country 2. Producer's Name, Address, Country 14. Importer's Name and Address, Country			REFERENCE NO. <p style="text-align: center;"><u>KOREA – UNITED ARAB EMIRATES COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT</u></p> <p style="text-align: center;"><u>CERTIFICATE OF ORIGIN</u></p> <p style="text-align: center;">Issued in _____ (Country)</p> See Overleaf Notes		
14. Means of transport and route, (as far as known) Shipment Date: Vessel's Name / Aircraft, etc.. Port of Discharge: Port of Destination:			5. <input type="checkbox"/> Third party invoice (Name and Address)		
14. It em number			14. Description of Goods (Marks and numbers on packages)		
9. HS Code			10. Origin Criteria		
11. Gross Weight, Quantity			12. Number and date of invoices		
13. Declaration by the exporter The Undersigned hereby declares that he/she has read the instructions for filling out this certificate and that the goods comply with the origin requirements specified in this Agreement. Date <p style="text-align: center;">Signature</p>			14. Certification We hereby certify the authenticity of this certificate and that it was issued in accordance with the provisions of the Agreement. <div style="text-align: center; border: 1px solid green; padding: 5px; width: fit-content; margin: 0 auto;"> Signature and Stamp </div> <p style="text-align: center;">..... Date, signature and stamp of Competent Authority</p>		

OVERLEAF NOTES

Box 1: State the full legal name, address, (including country) of the exporter.

Box 2: Provide the producer of the goods (name and country). If the producer and the exporter are the same, complete box with the details as on Box 1. If the exporter or the producer wishes this information to be confidential, then it is acceptable to state “Available to the competent authority or authorized body upon request”.

Box 3: State the full legal name, address (including country) of the importer.

Box 4: Provided it is known complete the means of transport and route and specify the departure date, transport vehicle No., port of loading and discharge.

Box 5: Third-party invoice: In the case where invoices are issued by a third party, the “third party invoice” box should be ticked (√) and such information as the name and address of the company issuing the invoice shall be indicated.

In an exceptional case where the invoice issued by a third party is not available at the time of issuance of the Certificate of origin, the invoice number and the date of the invoice issued by the exporter to whom the Certificate of origin is issued should be indicated in box 11, and it should be indicated in box 5 that the goods will be subject to another invoice to be issued by a third party for the importation into the importing Party, identifying the full legal name and address of the company or person that will issue another invoice. In such case, the customs authority of the importing Party may require the importer to provide the invoices and any other relevant documents which confirm the transaction from the exporting Party to the importing Party, with regard to the goods declared for import.

Box 6. Remarks: This box shall bear any information made by the country of exportation, for example:

“**Issued retrospectively**”: In exceptional cases where a Certificate of Origin has not been issued prior to or at the time of shipment or the Certificate of Origin may be issued retroactively, in accordance with Article 3.20.4.

“**Certified True Copy**”: in case of loss or destruction of the original COO as per Article 3.20.7.

“**Replacement**”: in case of issuing a replacement Certificate of Origin in accordance with Article 3.20.8 , indicate the number of the previous Certificate of Origin.

“**Outwards Processing**”: in the case of outwards processing as per Article 3.16.

“**Other information**”: if necessary.

Box 7: State the item number.

Box 8: Provide a full description of each good. The description should be sufficiently detailed to enable the products to be identified by the Customs Officers examining them and relate it to the invoice description and to the HS description of the good. Shipping Marks and numbers on the packages, number and kind of package shall also be specified.

Box 9: The HS Code shall be that of the exporting Party. If the HS code is given in more than 6 digits, only the first 6 digits will be taken into consideration.

Box 10: For exports from one Party to the other Party to be eligible for preferential treatment the exporter must indicate in Box 9 of this form the origin criteria on the basis of which he claims that his goods qualify for preferential treatment, in the manner shown in the following table:

Origin Criteria	
(a) Goods wholly obtained or produced in the country of exportation satisfying Article 3.3	“WO”
(b) Goods satisfying Article 3.4	“CTC” “QVC” “SO” “COMBO”
• Change in Tariff Classification	
• Qualifying Value Content	
• Specific Manufacturing or Processing	
• Combination Criteria	
(c) Goods Produced Exclusively from originating materials as per Article 3.2(c)	“PE”

Box 11: Gross weight in kilograms should be shown here. Other units of measurement, e.g., volume or number of items which would indicate exact quantities may be used when customary.

Box 12: Invoice number and date of invoices should be shown here.

Box 13: This box must be completed, signed, and dated by the exporter. Insert the place, date of signature.

Box 14: This box must be completed, signed, dated, and stamped by the authorized person of the Competent Authority.

Annex 3-C
Origin Declaration Pursuant to Article 3.22

The exporter of the products covered by this document (customs authority authorization No³.....) declares that, except where otherwise clearly indicated, these products are of⁴ preferential origin in accordance with the rules of origin of the UAE-Korea CEPA and that the origin criteria met is⁵

Place and Date

Signature and seal of the Exporter; in addition the name of the person signing the declaration has to be indicated in clear script

³ The authorization number of the approved exporter given by concerned competent authority must be entered in this space.

⁴ Origin of products to be indicated.

⁵ Origin criteria of products to be indicated.