

Government of Pakistan
Ministry of Commerce
Islamabad

S.R.O. 289(I)/23 dated 06/03/2023 – In pursuance of the Rules of Origin as applicable to trade concession exchanged between the Islamic Republic of Pakistan hereinafter referred to as “Pakistan” and the Republic of Uzbekistan hereinafter referred to as “Uzbekistan” under Preferential Trade Agreement (PTA). Pakistan and Uzbekistan are hereinafter referred to collectively as the “Contracting Parties” and individually as a “Contracting Party”. The Federal Government is pleased to make the following rules, namely: -

1. **Short title, commencement.** - (1) These rules may be called the Uzbekistan-Pakistan Preferential Trade Agreement Rules of Origin, 2023.

(2) They shall come into force with effect from 13th March 2023.

2. **Application.** — These rules shall apply to the products covered by the Agreement and consigned from the territory of either of the Contracting Parties.

3. **Rule 1: Definitions**

For the purpose of these Rules:

- a) “Agreement means the Uzbekistan Pakistan Preferential trade Agreement (UZPPTA);
- b) “goods” means both material and the products;
- c) “materials” shall include raw materials, ingredients, parts, components, sub-components, sub-assembly and/or goods that were physically incorporated into another good or were subject to a process in the production of another good;
- d) “territory” means the territory of the Contracting Party, including the land area, internal waters and the territorial sea and air space above them, as well as any area beyond its territorial sea within which a Contracting Party has sovereign rights of exploration and exploitations of resources of the seabed and its subsoil and superjacent water resources in accordance with international law and its laws;

e) “consignment of goods” means goods that are dispatched simultaneously under one or several shipping documents to the address of one consignee from one consignor, as well as goods that are sent under one postal invoice or are moved as baggage by one person crossing the border;

f) “resident” means any individuals and legal entities, enterprises or organizations that do not have the status of a legal entity, which, according to the laws of a Contracting Party to the Agreement, are subject to taxation on the basis of their place of residence, permanent residence, place of management, registration and establishment, or any other similar characteristic;

g) “exporter” means a resident of one of the States Party to the Agreement, who is a Party to a foreign trade agreement / transaction, which supplies goods to a resident of another State Party to the Agreement;

h) “importer” means a resident of one of the States Party to the Agreement, who is a Party to a foreign trade agreement / transaction, who receives goods in a State Party to the Agreement, supplied by a resident of another State Party to the Agreement;

i) “consignor / consignee” means a person indicated in the transport documents, who, in accordance with the obligations assumed, has transferred / accepted or intends to transfer / accept goods to the carrier / from the carrier;

j) “Competent Authorities” means the “Trade Development Authority of Pakistan” for Pakistan side and the “Ministry of Investments and Foreign Trade of the Republic of Uzbekistan for Uzbekistan side; who will be responsible for issuing Certificate of Origin under UZPPTA.

k) “Certificate of Origin Form IP (UZPPTA)” means document issued by a Competent Authority and confirming the country of origin of goods;

l) “Originating products” mean products that qualify as originating in accordance with the provisions of Rule 2.

m) “materials of undetermined origin” means when determining the country of origin of goods in accordance with the criterion of sufficient processing, materials of undetermined origin are considered as materials of foreign origin;

n) “production” means methods of obtaining goods including growing, mining, harvesting, raising, breeding, extracting, gathering, collecting, capturing, fishing, trapping, hunting, manufacturing, producing, processing or assembling of goods.

o) “products” means products which are wholly obtained/produced or being manufactured, even if it is intended for later use in another manufacturing operation;

p) “CIF” means the value of the goods imported, and includes the cost of freight and insurance up to the port or place of entry into the country of importation;

q) “FOB” means the free-on-board value of the goods, inclusive of the cost of transportation to the port or site of final shipment abroad;

r) “Harmonized System” means the Harmonized Commodity Description and Coding System agreed to under the World Custom Organization (WCO);

s) “ex-works price” means the price paid for the product ex-works to the manufacturer in a Contracting Party in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported.

4. Rule 2: Origin Criteria

Products covered by the Agreement imported into the territory of a Contracting Party from the other Contracting Party which are consigned directly within the meaning of Rule 8 hereof, shall be eligible for preferential concessions if they conform to the origin requirement under any one of the following conditions:

(a) products which are wholly obtained/produced as set out and defined in Rule 3 ; or

(b) sufficiently worked or processed products provided that the said products are eligible under Rule 4 or Rule 5.

5. Rule 3: Wholly Obtained Products

Within the meaning of Rule 2 (a), the following shall be considered as wholly obtained/produced in the exporting Contracting Party:

(a) Plant and plant products harvested, picked or gathered there;

(b) Live animals born and raised there;

(c) Product obtained from live animals referred to in paragraph (b) above;

(d) Products obtained from hunting, trapping, fishing, aquaculture, gathering or capturing conducted there;

(e) Minerals and other naturally occurring substances, not included in paragraphs (a) to (d), extracted or taken from its soil waters, seabed or beneath their seabed;

(f) Products taken from the waters, seabed or beneath the seabed outside the territorial waters of that Party, provided that Party has the rights to exploit such waters, seabed and beneath the seabed in accordance with international law;

(g) Products of sea Fishing and other marine products taken from the high 'seas by-vessels' registered with a Contracting Party or entitled to fly the flag of that Contracting Party;

(h) Products processed and/or made on board factory ships registered with a Contracting Party or entitled to fly the flag of that Contracting Party, exclusively from products referred to in paragraph (g) above;

(i) Secondary raw materials and waste resulting from production and other operations carried out in the territory of a given country; and

(j) Goods obtained/produced in a Contracting Party solely from products referred to in paragraphs (a) to (j) above.

6. Rule 4: Sufficiently worked or processed products

Within the meaning of Rule 2 (b), the criterion for sufficient working / processing can be expressed by the fulfillment of the following conditions:

a) for each material of foreign origin a change in the commodity item under the HS code at the level of at least one of the first four characters, which occurred as a result of processing ; or

b) ad valorem rule, when the cost of used materials of foreign origin does not exceed 20% percentage in the ex-works price of the final product.

Herewith, the value of the non-originating materials shall be:

(I) the CIF value at the time of importation of the materials; or

(II) the earliest ascertained price paid for the materials of undetermined origin in the territory' of the Contracting Party where the working or processing takes place.

7. Rule 5: Cumulative Rule of Origin

If in the production of the final product in one of the Contracting Parties, materials Originating from another Contracting Party are used, confirmed by a Certificate of Origin Form IP (UZPPTA) and subject to stage-by-stage subsequent processing in other Contracting - Party, then the country of origin of such goods is considered to be the country in whose territory it was last processed, provided that the materials not originating in any of the Contracting Parties duly meet Rule 4.

8. Rule 6: Minimal Operations and Processes

The operations or processes, listed below, undertaken by themselves or in combination with each other shall be considered to be minimal and shall not be taken into account in determining the origin in terms of Rule 2.

(a) preservation of products in good condition for the purposes of transport or storage;

(b) changes of packaging, or breaking-up and assembly of packages;

- (c) simple cleaning, including removal of oxide, oil, paint or other coverings;
- (d) simple painting and polishing operations;
- (e) simple testing or calibration;
- (f) husking, partial or total bleaching, polishing and glazing of cereals and rice;
- (g) sharpening, simple grinding, slicing or simple cutting;
- (h) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (i) affixing or printing-marks, labels, logos and other like distinguishing signs on products or their packaging;
- (j) simple mixing of products, whether or not of different kinds;
- (k) simple assembly of parts of products to constitute a complete product; and
- (l) slaughter of livestock.

9. . Rule 7: Direct transport

The following shall be considered as directly consigned from the exporting Contracting Party to the importing Contracting Party:

- (a) If the products are transported without passing through the territory of any non-Contracting Party;
- (b) The products whose transport involves transit through one or more intermediate non-Contracting Parties with or without transshipment or temporary storage in such countries, provided that:
 - (i) The transit entry is justified for geographical reasons or by considerations related exclusively to transport requirements;
 - (ii) The products have not entered into trade or consumption there;

(iii) The products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition; and

(iv) Evidence that the conditions set out in (ii) and (iii) above have been complied with, such as Bill of Lading or a single transport document covering the passage from the exporting country through the country of transit; or failing these, any substantiating documents.

10. Rule 8: Treatment of Packages and Packing Materials

(a) If the product is subject to the value-added criterion, the value of the packages and packing material for retail sale shall be taken into account in its origin assessment, in case the packing is considered as forming a whole with products

(b) Where paragraph (a) above is not applied, the packages and packing materials shall not be taken into account in determining the origin of the products.

(c) The containers and packing materials exclusively used for the transport of a product shall not be taken into account for determining the origin of any good.

11. Rule 9: Accessories, spare parts and tools

Accessories, spare parts and tools dispatched with a piece of machine, equipment, apparatus or vehicle shall be deemed to have the same origin as the machine, equipment, apparatus or vehicle, provided that;

(a) they are the part of the normal equipment; and

(b) they are included in the price thereof; or

(c) they are not separately invoiced.

12. Rule 10: Indirect Materials

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

(a) energy and fuel;

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

13. Rule 11: Certificate of Origin

A claim that products shall be accepted as eligible for preferential concession shall be supported by a Certificate of Origin as set out in Form IP of Attachment A (UZPPTA) issued by a Competent Authority designated by the exporting Contracting Party and notified to the other Contracting Party in accordance with the Operational Certification Procedures.

14. Rule 12: Review and Modification

These rules may be reviewed and modified as and when necessary upon request of a Contracting Party and may be opened to such reviews and modifications as agreed by the Contracting Parties.

**OPERATIONAL PROCEDURE FOR THE RULES OF ORIGIN
UNDER THE PREFERENTIAL TRADE AGREEMENT
BETWEEN UZBEKISTAN AND PAKISTAN**

For the purpose of implementing the Rules of Origin under the Preferential Trade Agreement between Uzbekistan and Pakistan, the following operational procedures on the issuance and verification of the Certificate of Origin (Form IP) and the other related administrative matters shall apply:

Article 1:

The Certificate of Origin shall be issued by The Government Authorities of the exporting Contracting Party.

The certificate must be issued by a body authorized in accordance with the respective legislation of the Contracting Parties

Article 2:

(a) The Contracting Party shall inform the other Contracting Party the names and addresses of their respective Government Authorities issuing the Certificate of Origin and shall provide specimen signatures and specimen of official seals used by their said Government Authorities

(b) Any change in names, addresses, or official seals shall be promptly informed in the same manner as stated above.

Article 3:

For the purpose of verifying the conditions for preferential treatment, the Government Authorities designated to issue the Certificate of Origin shall have the right to call for any supporting documentary evidence or to carry out any check considered appropriate. If such right cannot be obtained through the existing

national laws and regulations, it shall be inserted as a clause in the application form referred to in the following Rules 4 and 5.

Article 4:

The exporter and/or the manufacturer of the products qualified for preferential treatment shall apply in writing to the Government Authorities requesting for the pre-exportation verification of the origin of the products. The result of the verification, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in verifying the origin of the said products to be exported thereafter. The pre-verification may not apply to the products of which, by their nature, origin can be easily verified.

Article 5:

At the time of carrying out the formalities for exporting the products under preferential treatment, the exporter or his authorized representative shall submit a written application for the Certificate of Origin together with appropriate supporting documents proving that the products to be exported qualify for the issuance of a Certificate of Origin.

Article 6:

The Government Authorities designated to issue the Certificate of Origin shall, to the best of their competence and ability, carry out proper examination upon each application for the Certificate of Origin to ensure that:

- (a) The application and the Certificate of Origin are duly completed and signed by the authorized signatory;
- (b) The origin of the product is in conformity with the Rules of Origin for the Preferential Trade Agreement between Pakistan and Uzbekistan;
- (c) The other statements of the Certificate of Origin correspond to supporting documentary evidence submitted;
- (d) HS Code, values, description, quantity conform to the products to be exported.

Article 7:

(a) The Certificate of Origin must be on ISO A4 size paper in conformity to the specimen as shown in Form IP. It shall be made in English language.

(b) The Certificate of Origin shall comprise one original and three Copies.

(c) Each Certificate of Origin shall bear a reference number separately given by each place or office of issuance.

(d) The original shall be forwarded by the exporter to the importer for submission to the Customs Authorities at the place of importation.

Two copies shall be retained by the exporter and quadruplicate copy will be retained by the issuing authority in the exporting country.

(e) the validity of the Certificate of Origin shall be 12 months from the date of its issuance.

Article 8:

Neither erasures nor superimposition shall be allowed on the Certificate of Origin. Any alterations shall be made by striking out the erroneous materials and making any additions required. Such alterations shall be approved by an authorized signatory of the applicant and certified by the appropriate Government Authorities. Unused spaces, shall be crossed out to prevent any subsequent addition.

Article 9:

(a) The Certificate of Origin shall be issued by the relevant Government, Authorities of the exporting Contracting Party before or at the time, of exportation or within 3 days thereafter whenever the products to be exported can be considered originating in that Contracting Party within the meaning of the Rules of Origin.

(b) In exceptional cases where a Certificate of Origin has not been issued before or at the time of exportation or soon thereafter due to involuntary errors or omissions or other valid causes, the Certificate of Origin may be issued retrospectively but no longer than one year from the date of shipment, bearing the words "ISSUED RETROSPECTIVELY" in Box 11 of Form IP.

Article 10:

In the event of theft, loss or destruction of a Certificate of Origin, the exporter may apply in writing to the Government Authorities, which issued it for the certified true copy of the Certificate of Origin and the triplicate to be made on the basis of the export documents in their possession bearing the endorsement of the words "DUPLICATE" in Box 12. This copy shall bear the date of the original Certificate of Origin. The certified true copy of a Certificate of Origin shall be issued within the validity period of the original certificate.

Article 11:

1. As an alternative to the provisions regarding the issuance of Certificates of Origin, the Contracting Parties shall accept electronically issued Certificates of Origin under UZPPTA.
2. Contracting Parties shall inform each other about the readiness of the issuance of electronic Certificates of Origin and all technical issues related to such implementation (issuance, submission and verification of an electronic certificate), after signing and implementation of Protocol of Electronic Data Interchange.
3. The Original or Electronic form of the Certificate of Origin shall be submitted by the importer or its authorized representative to the concerned Customs Authorities at the time of filing the import declaration for the products concerned.

Article 12:

The following time limit for the presentation of the Certificate of Origin shall be observed:

- (a) Certificate of Origin shall be submitted to the Customs Authorities of the importing Contracting Party within its validity period
- (b) Where the Certificate of Origin is submitted to the relevant Customs Authorities of the importing Contracting Party after the expiration of the time limit

for its submission, such Certificate of Origin is still to be accepted when failure to observe the time limit results from force majeure or other valid causes beyond the control of the exporter, duly confirmed in accordance with the national legislation of both Contracting Parties; and

(c) In all cases, the relevant Customs Authorities in the importing Contracting Party may accept such Certificate of Origin provided that the products have been imported before the expiration of the time limit of the said Certificate of Origin.

Article 13:

In the case of consignments of products originating in the exporting Contracting Party and not exceeding US\$200.00 FOB, the production of a Certificate of Origin shall be waived and the use of simplified declaration by the exporter on a commercial document containing information about the product sufficient for its identification, that the products in question have originated in the exporting Contracting Party will be accepted. Products sent through the post not exceeding US\$200.00 FOB shall also be similarly treated.

The consignment must not be a part supplied under one contract.

Article 14:

1. The discovery of minor discrepancies between the statements made in the Certificate of Origin and those made in the documents submitted to the Customs Authorities of the importing Contracting Party for the purpose of carrying out the formalities for importing the products shall not ipso-facto invalidate the Certificate of Origin, if it does in fact correspond to the products submitted.

Minor discrepancies may include:

- Spelling or grammatical errors in the Certificate of Origin,
 - Slight differences in description of the goods between the COO and the supporting documents.
2. Such corrections and/or additions to the Certificate of Origin are made by crossing out erroneous information and imprinting or handwriting of corrected

information, which is certified by the signature of an authorized person and the seal authorized body that issued the certificate Form of IP (UZPPTA).

Article 15:

(a) The importing Contracting Party may request a retrospective check at random and/or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the products in question or of certain parts thereof.

(b) The request shall be accompanied with the Certificate of Origin concerned and shall specify the reasons and any additional information suggesting that the particulars given on the said Certificate of Origin may be inaccurate, unless the retrospective check is requested on a random basis.

(c) The Customs Authorities of the importing Contracting Party may suspend the provisions on preferential treatment while awaiting the result of verification. However, it may release the products to the importer subject to any administrative measures deemed necessary, provided that they are not held to be subject to import prohibition or restriction and there is no suspicion of fraud.

(d) The issuing Government Authorities receiving a request for retrospective check shall respond to the request promptly and reply not later than three (3) months after the receipt of the request. If the exporter Contracting Party fails to provide a proper response within the specified period, the customs authority of the importer Contracting Party will send the last request for an additional period of three (3) months.

Article 16:

When destination of all or parts of the products exported to a Contracting Party is changed, before or after their arrival in the party the following rules shall be observed;

(a) If the goods have already been presented to the customs authorities of the importing Party, the Certificate of Origin, upon written statement by the importer,

shall be replaced with a new certificate issued by the authorized authorities of the importing Contracting Party.

(b) If the changing of destination occurs during transportation to the importing Contracting Party as specified in the Certificate of Origin, the exporter shall apply in writing, accompanied with the issued Certificate of Origin, for the new issuance for all or parts of products.

Article 17:

(a) When it is suspected that fraudulent acts in connection with the Certificate of Origin have been committed, the Government Authorities concerned shall cooperate in the action to be taken in the territory of the respective Contracting Party against the persons involved.

(b) Each Contracting Party shall be responsible for providing legal sanctions for fraudulent acts related to the Certificate of Origin.

Article 18:

In the case of dispute concerning origin determination, classification of products or other matters, the Government Authorities concerned in both the importing and the exporting Contracting Parties shall consult each other with a view to resolving the dispute, and the result shall be reported to the other Contracting Party for information.



Arshad Nawaz
Section Officer