

Government of Pakistan
Ministry of Commerce

Islamabad, the 6th June, 2005

NOTIFICATION

S.R.O. 509(I)/2005.—In pursuance of the Free Trade Agreement (FTA) between the Islamic Republic of Pakistan and the Democratic Socialist Republic of Sri Lanka, the Federal Government is pleased to make the following rules, namely:-

Short, title and commencement.— (1) These rules may be called the PSFTA Issuance and Verification of the Certificate of Origin (Operational Procedure) Rules, 2005.

(2) These shall come into force with effect from 12th June, 2005.

1. Government authorities to issue Certificate.-- The Certificate of Origin shall be issued by the Government authorities or an agency authorized by the Government of the exporting country.

2. Exchange of certain information by contracting parties.—(1) Both the contracting parties shall inform each other of the names and addresses of the Government authorities issuing the Certificate of Origin and shall provide specimen signatures and specimen of official seals used by the Government authorities.

(2) The information and specimen mentioned in sub- rule (1) shall be provided to the other contracting party. Any change in names, addresses, or official seals shall be promptly informed in the same manner.

3. Power to call for certain information.— 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 or regulations, it shall be inserted as a clause in the application form referred to in the following rules 4 and 5.

Applications

4. Exporter to apply to relevant authorities for pre-export verification.— The manufacturer and/or exporter of the products qualified for preferential treatment shall apply in writing to the relevant 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-exportation verification may not apply to the products of which, by their nature, origin can be easily verified.

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

6. Pre exportation examination.— 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;
- (c) the other statements of the Certificate of Origin correspond to supporting documentary evidence submitted; and
- (d) description of goods, quantity and weight of goods, marks and numbers of packages, number and kinds of packages, as specified, conform to the products to be exported.

7. Issuance of certificate of origin.— (1) The Certificate of Origin shall be on ISO A4 size paper in conformity to the specimen as shown in PSFTA Determination of Origin Goods, Rules, 2005. It shall be made in English.

(2) The Certificate of Origin shall comprise one original and a copy.

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

(4) The original shall be forwarded, by the exporter to the importer for submission to the Customs Authorities at the port of place of importation. The copy shall be retained by the issuing authority in the exporting country.

8. Certificate to indicate relevant rules, etc.— To implement the provisions of rule 3 and rule 4 of the PSFTA Determination of Origin of Goods, 2005, the Certificate of Origin issued by the final exporting contracting party shall indicate the relevant rules and applicable percentage of local content and value addition.

9. Erasure or alteration in the certificate not permissible.-- Neither erasures nor superimpositions shall be allowed on the Certificate of Origin. Any alteration shall be made by striking out the erroneous materials and making any addition required. Such alterations shall be approved by the person who made them and certified by the appropriate Government authorities. Unused spaces shall be crossed out to prevent any subsequent addition.

10. Certificate of origin- when to be issued.-- (1) The Certificate of Origin shall be issued by the relevant Government authorities of the exporting Contracting Party at the time of exportation or soon thereafter whenever the products to be exported can be considered originating in that Contracting Party within the meaning of the rules of Origin.

(2) In exceptional cases where a Certificate of Origin has not been issued 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 not longer than one year from the date of shipment, bearing the words "ISSUED RETROSPECTIVELY".

11. Issuance of duplicate certificate of origin.— 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 a duplicate be made out on the basis of the export documents in their possession bearing the endorsement of the words "DUPLICATE". The duplicate which must bear the date of issue and serial number of the original certificate, will take effect as from that date

12. Authorities to maintain electronic data entry` of record.-- The Certificate of Origin issuing Authorities from both sides will take measures for electronic data entry of the record of Certificate of Origin issued, on daily basis, which will be available on the website to be accessed through a password shared between both the sides.

13. Presentation.-- The Original Certificate of Origin shall be submitted to the Customs Authorities at the time of lodging the import entry for the products concerned.

14. Time limit for presentation of certificate.— The following time-limit for the presentation of the Certificate of Origin shall be observed, namely:-

- (a) Certificate of Origin shall be submitted to the Customs Authorities of the importing Contracting Party within four months from the date of endorsement by the relevant Government authorities of the exporting Contracting Party;
- (b) where the products pass through the territory of one or more non-contracting parties in accordance with the provisions of rules 10 of the PSFTA Determination of Origin of Goods, rules, 2005, the time-limit laid down in clause (a) for the submission of the Certificate of Origin shall be extended to six months;
- (c) where the Certificate of Origin is submitted to the relevant Government authorities of the importing Contracting Party after the expiration of the time-limit for its submission, such Certificate 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, and

- (d) in all cases, the relevant Government 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.

15. Certain minor discrepancies not to invalidate the certificate.— 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 ipsofacto invalidate the Certificate of Origin. If it does in fact correspond to the products submitted.

16. Request for retrospective check and procedure.— (1) 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. Such requests for authenticity can be made by fax to avoid delays.

(2) 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.

(3) The Customs Authorities of the importing Contracting Party may suspend the provisions on preferential treatment while awaiting the result of verification and 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.

(4) The issuing Government authorities receiving a request for retrospective check shall respond to the request promptly and reply within fourteen days after the receipt of the request.

17. Keeping of record and furnishing of information, etc.— (1) The application for Certificates of Origin and all documents related to such application shall be retained by the issuing authorities for not less than three years from the date of issuance.

(2) Information relating to the validity of the Certificate of Origin shall be furnished upon request of the importing Contracting Party.

(3) Any information communicated between the Contracting Parties shall be treated as confidential and shall be used for the validation of Certificates of Origin purposes only.

18. Special cases.-- When destination for all or parts of the products exported to the other Contracting Party is changed, before or after their arrival in the importing Contracting Party, the following rules shall be observed, namely:-

- (a) if the products have already been submitted to the Customs Authorities in the specified importing Contracting Party, the Certificate of Origin shall, by a written application of the importer, be endorsed to this effect for all or parts of products by the said authorities and a copy shall be given to the importer; and
- (b) if the changing of destination occurs during transportation to the importing Contracting Party, the exporter shall apply in writing accompanied with the issued Certificate of Origin, for the new issuance of the Certificate of Origin for all or parts of the consignment.

19. Procedure when goods are transported to the non-contracting countries.- For the purpose of implementing rule 10 of the PSFTA determination of Origin of Goods, Rules, 2005, where transportation is effected through the territory of one or more non-contracting countries, the following shall be produced to the Government authorities of the importing Contracting Party, namely:-

- (a) A through Bill of Lading issued in the exporting Contracting Party;
- (b) a Certificate of Origin issued by the relevant Government authorities of the exporting Contracting Party;
- (c) a copy of the original commercial invoice in respect of the product; and
- (d) supporting documents in evidence that the requirements of sub-clauses (i), (ii) and (iii) of clause (b) of rule 10 of the said rules complied with.

20. Procedure in case of exhibition etc.— (1) Products sent from an exporting Contracting Party for exhibition in another country and sold during or after the exhibition for importation into the other Contracting Party shall also benefit on the condition that the products meet the requirements of the Rules of Origin provided that it is shown to the satisfaction of the relevant Government authorities of the importing Contracting Party that-

- a. the exporter has dispatched those products from the territory of the exporting Contracting Party to the Country where the exhibition is held and has exhibited them there;
- b. the exporter has sold the goods or transferred them to a consignee in the importing Contracting Party; and
- c. the products have been consigned during the exhibition or immediately thereafter to the importing Contracting Party in the state and condition in which they were sent for the exhibition.

(2) For the purpose of implementing provisions of sub-rule (1), the Certificate of Origin must be produced to the relevant Government authorities of the importing Contracting Party. The name and address of the exhibition must be

indicated. As an evidence for the identification of the products and the conditions under which they were exhibited, a certificate issued by the relevant Government authorities of the country where the exhibition took place together with supporting documents prescribed in rule 18 may be required.

(3) Sub-rule (1) shall apply to any trade, agricultural or crafts exhibition, fair or similar show or display in shops or business premises with the view to the sale of foreign products and where the products remain under Customs control during the exhibition.

21. Action against fraudulent acts.— (1) 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 respective Contracting Party against the persons involved.

(2) Each Contracting party shall be responsible for providing legal sanctions for fraudulent acts related to Certificate of Origin.

22. Settlement of Disputes.— In the case of a dispute concerning origin determination, classification of products or other matters, the Government authorities concerned in the importing and exporting Contracting Parties shall consult each other with a view to resolving the dispute.

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Sd/-
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