

ANNEX 3-B

COMMITTEE ON OUTWARD PROCESSING ZONES ON THE KOREAN PENINSULA

1. Recognising the Republic of Korea's constitutional mandate and security interests, and both Parties' commitment to promoting peace and prosperity on the Korean Peninsula, and the importance of intra-Korean economic co-operation toward that global goal, the Parties hereby establish a Committee on Outward Processing Zones on the Korean Peninsula.
2. The Committee shall be comprised of officials of the Parties. The Committee shall meet within 12 months after the date of entry into force of this Agreement and at least once annually thereafter, or at any time as mutually agreed.
3. The Committee shall identify geographic areas that may be designated as outward processing zones. The Committee shall determine whether any such outward processing zone has met the criteria established by the Committee. The Committee shall also establish a maximum threshold for the value of the total input of the originating final good that may be added within the geographic area of the outward processing zone.

ANNEX 3-C

IMPLEMENTING ARRANGEMENT ON RULES OF ORIGIN OPERATIONAL PROCEDURES

1. The origin declaration referred to this Chapter may be in the forms set out in this Implementing Arrangement. Guidelines for completing the origin declaration are provided in this Implementing Arrangement. These guidelines for completing the origin declaration do not have to appear on the completed origin declaration.
2. For the purposes of obtaining preferential tariff treatment, the origin declaration is to be completed legibly, and pursuant to Article 3.19, is to be completed in English and in full by the exporter or producer.

EXAMPLE A

Origin Declaration

The exporter or producer may certify on the face of the export invoice or other document relating to the goods as follows:

I..... [state name and position] being the
[exporter] [producer] [producer and exporter] (insert only that which applies) hereby
declare that the goods enumerated on this invoice are originating from [the Republic of
Korea] [New Zealand] (insert only that which applies) in that they comply with the
provisions of Chapter 3 (Rules of Origin and Origin Procedures) of the Korea-
New Zealand Free Trade Agreement.

Observations:

Signature _____

Date: _____

Guidelines for Completing an Origin Declaration

The origin declaration is to be in English and is to include the following information in the 'observations' field of the declaration (unless such information already appears on the export invoice in respect of the goods subject to the declaration):

- (a) the importer of the good (if known);
- (b) the exporter of the good (if different from the producer);
- (c) the producer of the good (if known);
- (d) the six-digit tariff classification(s) under the Harmonized System and a description of the good;
- (e) the rule of origin under which the good(s) qualifies;
- (f) date of the origin declaration; and
- (g) in the case of a blanket declaration issued as set out in Article 3.19.7(b) (Evidence of Origin), the period that the origin declaration covers.

EXAMPLE B**Origin Declaration****ORIGIN DECLARATION
KOREA-NEW ZEALAND FREE TRADE AGREEMENT**

(Instructions on reverse)

Please Print or Type.

| | | | | | |
|---|----------------------------------|---|----------|---------------|----------------------|
| 1. Exporter's Name and Address: Telephone: Fax: E-Mail: Reference No. | | 2. Blanket Period: YYYY MM DDYYYYMM DD From: ____/____/____/ To: ____/____/____/ ____/____/____/ | | | |
| 3. Producer's Name and Address: Telephone: Fax: E-Mail: Reference No | | 4. Importer's Name and Address: Telephone: Fax: E-Mail: | | | |
| 5. Description of Good(s) | 6. | 7. | 8. | 9. | 10. |
| | HS Tariff Classification # | Preference Criterion | Producer | Value Test | Country of origin |
| | | | | | |
| 11. Observations: | | | | | |

| | |
|---|--------------------|
| <p>I certify that:</p> <ul style="list-style-type: none"> - The information in this document is true and accurate and I assume the responsibility for proving such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document. - I agree to maintain, and present upon request, documentation necessary to support this declaration, and to inform, in writing, all persons to whom the declaration was given of any changes that would affect the accuracy or validity of this declaration. -The goods originate in the territory of one or both of the Parties and comply with the origin requirements specified for those goods in the Korea–New Zealand Free Trade Agreement. <p>This declaration consists of _____ pages, including all attachments.</p> | |
| 12. Authorized signature: | Company: |
| Name: | Title: |
| YYYY MM DD Date: -----/-----/----- | Telephone: Fax: |

Guidelines for Completing an Origin Declaration

Where the exporter or producer elects the option of using a declaration approach to an origin declaration, the following guidelines will assist with completing the form.

For the purposes of obtaining preferential tariff treatment, this document is to be completed legibly and in full by the exporter and is to be in the possession of the importer at the time the declaration is made. This document may also be completed voluntarily by the producer for use by the exporter. Please print or type. If more space is needed, please use additional pages.

- Field 1: State the full legal name, address (including city and country), telephone number, fax number, e-mail address, reference number (optional) of the exporter.
- Field 2: Complete this Field if the declaration covers multiple shipments of identical goods as described in Field 5 that are imported into Korea or New Zealand for a specified period of up to 12 months (blanket period). "FROM" is the date upon which the declaration becomes applicable to the good covered by the blanket declaration (it may be earlier than the date this declaration is signed). "TO" is the date upon which the blanket period expires. The importation of a good for which preferential tariff treatment is claimed based on this declaration is to occur between these dates.
- Field 3: If one producer, state the full legal name, address (including city and country), telephone number, fax number, e-mail address and reference number (optional) as defined in Field 1, of said producer. If more than one producer is included on the declaration, state "VARIOUS" and attach a list of all producers, including their legal names, addresses (including city and country), telephone numbers, fax numbers, e-mail addresses and reference numbers (optional), cross-referenced to the good(s) described in Field 5. If you wish this information to be confidential, it is acceptable to state "AVAILABLE TO CUSTOMS UPON REQUEST".
- Field 4: State the full legal name, address (including city and country), telephone number, fax number and e-mail address of the importer.
- Field 5: Provide a full description of each good. The description should contain sufficient detail to relate it to the invoice description and to the Harmonized System (HS) description of the good. If the declaration covers a single shipment of a good, it should list the quantity and unit of measurement of each good, including the series number, if possible, as well as the invoice number as shown on the commercial invoice. If the invoice number is not known, indicate another unique reference number, such as the shipping order number, purchase order number, or any other number that can be used to identify the goods.

Field 6: For each good described in Field 5, identify the HS tariff classification to six digits.

Field 7: For each good described in Field 5, state which criterion set out below (A through D) is applicable. The rules of origin are contained in Chapter 3 (Rules of Origin and Origin Procedures) and Annex 3-A (Product Specific Rules of Origin). NOTE: In order to be entitled to preferential tariff treatment, each good is to meet at least one of the criteria below.

Preference Criteria

- A The good is “wholly obtained or produced entirely” in the territory of one or both of the Parties, as referred to in Article 3.3 (Wholly Obtained or Produced Goods). NOTE: The purchase of a good in the territory does not necessarily render it “wholly obtained or produced”.
- B The good is produced entirely in the territory of one or both of the Parties exclusively from originating materials. Under this criterion, one or more of the materials shall not fall within the definition of “wholly obtained or produced entirely”, as set out in Article 3.3 (Wholly Obtained or Produced Goods). All materials used in the production of the good must qualify as ‘originating’ by meeting the requirements of Section A of Chapter 3 (Rules of Origin and Origin Procedures).
- C The good is produced entirely in the territory of one or both of the Parties and satisfies the specific rule of origin, set out in Annex 3-A (Product Specific Rules of Origin) that applies to its tariff classification. The rule may include a choice between a change in tariff classification and a value test. The good must also satisfy all other applicable requirements of Section A of Chapter 3 (Rules of Origin and Origin Procedures).
- D The goods are produced entirely in the territory of one or both of the Parties but do not meet the applicable rule of origin, set out in Annex 3-A (Product Specific Rules of Origin) because certain non-originating materials do not undergo the required change in tariff classification.
- E The goods are produced in outward processing zones as agreed on the basis of Annex 3-B (Committee on Outward Processing Zones on the Korean Peninsula).

Field 8: For each good described in Field 5, state “YES” if you are the producer of the good. If you are not the producer of the good, state “NO” followed by (1), (2) or (3), depending on whether this declaration was based upon: (1) your knowledge of whether the good qualifies as an originating good; (2) your reliance on the producer’s written representation (other than an origin declaration) that the good qualifies as an originating good; or (3) a completed and signed origin declaration for the good, voluntarily provided to the exporter by the producer.

- Field 9: For each good described in Field 5, where the good is subject to a Regional Value Content (RVC) requirement, indicate “BD” if the RVC is calculated according to the Build-down method, or “BU” if the RVC is calculated in accordance with the Build-up method as set out in Article 3.4 (Regional Value Content).
- Field 10: Identify the name of the country of origin (“KR” for all originating goods exported to New Zealand; “NZ” for all originating goods exported to Korea).
- Field 11: This Field may be used when there is some observation relating to this declaration, such as, when the good or goods described in Field 5 have been subject to an advance ruling or a ruling on the classification or value of materials. Indicate the issuing authority, the reference number, and the date of issuance.
- Field 12: This Field is to be completed, signed and dated by the exporter. When the declaration is completed by the producer for use by the exporter, it is to be completed, signed and dated by the producer. The date is to be the date the certificate was completed and signed.