

CHAPTER 3
RULES OF ORIGIN AND ORIGIN PROCEDURES

Section A
Definitions and General Provisions

Article 3.1
Definitions

For the purposes of this Chapter:

“aquaculture” means the farming of aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates, and aquatic plants, from seed stock, including seed stock imported from non-parties, such as eggs, fry, fingerlings and larvae, parr, smolts, or other immature fish at a post-larval stage, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding, or protection from predators;

“exporter” means a person who exports an originating good;

“Generally Accepted Accounting Principles” means those principles recognised by consensus or with 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 principles may encompass broad guidelines for general application, as well as detailed standards, practices, and procedures;

“good” means any merchandise, product, article, or material;

“material” means a good used in the production of another good, including a part or ingredient;

“non-originating good” or **“non-originating material”** means a good or material that does not qualify as originating in accordance with this Chapter;

“origin declaration” means a statement as to the origin of the goods made by the exporter or producer of the goods in accordance with Article 3.19 (Origin Declaration);

“originating good” or **“originating material”** means a good or material that qualifies as originating in accordance with this Chapter;

“producer” means a person who engages in the production of a good in the territory of a Party;

“production” means operations, including growing, cultivating, raising, mining, harvesting, fishing, trapping, hunting, capturing, collecting, breeding, extracting, gathering, manufacturing or assembling a good, or aquaculture; and

“value of the good” means the price paid or payable to the producer of the good at the place where the last production was carried out, and must include the value of all materials used in production. If there is no price paid or payable, or if the price paid or payable does not include the value of all materials, the value of the good:

- (a) must include the value of all materials and the cost of production employed in producing the good, calculated in accordance with accounting principles which are generally accepted in the Party of the producer, and may also include amounts for general expenses and profit to the producer that can be reasonably allocated to the good; or
- (b) must be determined in accordance with the Customs Valuation Agreement.

Any internal taxes which are, or may be, repaid when the good obtained is exported are excluded. If the value of the good includes costs incurred subsequent to the good leaving the place of production, such as freight, insurance, packing, and all other costs incurred to transport the good, those costs are to be excluded.

Article 3.2 Origin Criteria

Except as otherwise provided in this Chapter, each Party shall provide that a good is originating if it is:

- (a) wholly obtained or produced entirely in the territory of one or both of the Parties, as defined in Article 3.3 (Wholly Obtained Goods);
- (b) produced entirely in the territory of one or both of the Parties, exclusively from originating materials; or
- (c) produced entirely in the territory of one or both of the Parties using non-originating materials, provided the good satisfies all applicable requirements of Annex 3A (Product Specific Rules of Origin),

in each case, provided the good satisfies all other applicable requirements of this Chapter.

Article 3.3 Wholly Obtained Goods

Each Party shall provide that for the purposes of Article 3.2 (Origin Criteria) the following goods shall be considered as wholly obtained or produced entirely in one or both of the Parties if they are:

- (a) minerals, mineral products, and other non-living natural resources, not included in subparagraphs (a) to (e), extracted or taken from there;
- (b) plants, plant goods, or fungi grown, cultivated, harvested, picked, or gathered there;
- (c) live animals born and raised there;
- (d) goods obtained from live animals there;
- (e) an animal obtained by hunting, trapping, fishing, gathering, or capturing there, but not beyond the outer limits of the Parties' territorial sea;
- (f) goods obtained from aquaculture there;
- (g) fish, shellfish, and other marine life taken from the sea, seabed, or subsoil, in accordance with international law, outside the territorial sea of the Parties and outside the territorial sea of non-parties by vessels that are registered, listed, or recorded with a Party and entitled to fly the flag of that Party, and any good produced from these goods on a factory ship that is registered, listed, or recorded with a Party and entitled to fly the flag of that Party;
- (h) minerals, mineral products, and other non-living natural resources, taken or extracted from the seabed, subsoil, or ocean floor of the Parties' exclusive economic zone or continental shelf, provided that that Party or person of the Party has rights to exploit that seabed, subsoil, or ocean floor;
- (i) a good that is:
 - (i) waste or scrap derived from production there; or
 - (ii) waste or scrap derived from used goods collected there, provided that those goods are fit only for the recovery of raw materials; and
- (j) a good produced there, exclusively from goods referred to in subparagraphs (a) to (i), or from their derivatives.

Article 3.4 Regional Value Content

Where Annex 3A (Product Specific Rules of Origin) specifies a regional value content test to determine whether a good is originating, each Party shall provide that the regional value content shall be calculated using one of the following methods:

Build-Down Method: based on the value of non-originating materials

$$RVC = \frac{\text{value of the good} - VNM}{\text{value of the good}} \times 100$$

Build-Up Method: based on the value of originating materials

$$RVC = \frac{VOM}{\text{value of the good}} \times 100$$

in each case where:

“**RVC**” is the regional value content of a good, expressed as a percentage;

“**VOM**” is the value of originating materials used in the production of the good in the territory of one or both of the Parties, as determined in accordance with Articles 3.5 (Materials Used in Production) to Article 3.7 (Further Adjustments to the Value of Materials); and

“**VNM**” is the value of non-originating materials including materials of undetermined origin, used in the production of the good in the territory of one or both of the Parties, as determined in accordance with Articles 3.5 (Materials Used in Production) to Article 3.7 (Further Adjustments to the Value of Materials).

Article 3.5 Materials Used in Production

1. Each Party shall provide that if a non-originating material undergoes further production such that it satisfies the requirements of this Chapter, the material is treated as originating when determining the originating status of the subsequently produced good, regardless of whether that material was produced by the producer of the good.
2. Each Party shall provide that if non-originating material is used in the production of a good, the following may be counted as originating content for the purposes of determining whether the resulting good meets a regional value content requirement:
 - (a) the value of processing of the non-originating material undertaken in

the territory of one or both of the Parties by one or more producers;
and

- (b) the value of any originating material used in the production of the non-originating material undertaken in the territory of one or both of the Parties by one or more producers.

Article 3.6 **Value of Materials Used in Production**

For the purposes of this Chapter, the value of a material is:

- (a) for a material imported by the producer of the good, the price actually paid or payable for the material at the time of import or other value determined in accordance with the Customs Valuation Agreement, including the costs incurred in the international shipment of the good;
- (b) for a material acquired in the territory where the good is produced:
 - (i) the price paid or payable by the producer in the Party where the producer is located;
 - (ii) the value as determined for an imported material in subparagraph (a); or
 - (iii) the earliest ascertainable price paid or payable in the territory of the Party; and
- (c) for a material that is self-produced:
 - (i) all the costs incurred in the production of the material, which includes general expenses; and
 - (ii) an amount equivalent to the profit added in the normal course of trade, or equal to the profit that is usually reflected in the sale of goods of the same class or kind as the self-produced material that is being valued.

Article 3.7 **Further Adjustments to the Value of Materials**

1. Each Party shall provide that for an originating material, the following expenses may be added to the value of the material, if not included under Article 3.6 (Value of Materials Used in Production):

- (a) the costs of freight, insurance, packing, and all other costs incurred to transport the material to the location of the producer of the good;
 - (b) duties, taxes, and customs brokerage fees on the material, paid in the territory of a Party, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, which include credit against duty or tax paid or payable; and
 - (c) the cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of reusable scrap or by-product.
2. Each Party shall provide that, for a non-originating material or material of undetermined origin, the following expenses may be deducted from the value of the material:
- (a) the costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer of the good;
 - (b) duties, taxes, and customs brokerage fees on the material paid in the territory of one or both Parties, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, which include credit against duty or tax paid or payable; and
 - (c) the cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of reusable scrap or by-product.
3. For the purposes of this Article, if a cost, expense, or value is unknown or documentary evidence of the amount of the adjustment is not available, then no adjustment is allowed for that particular cost, expense, or value.

Article 3.8 Cumulation

1. Each Party shall provide that a good is originating if the good is produced in the territory of one or both of the Parties by one or more producers, provided that the good satisfies the requirements of Article 3.2 (Origin Criteria) and all other applicable requirements in this Chapter.
2. Each Party shall provide that an originating good or material of one Party is considered originating in the territory of the other Party when used as a material in the production of a good in the territory of the other Party.
3. Each Party shall provide that production undertaken on a non-originating material in the territory of one or both Parties by one or more producers may contribute toward the originating content of a good for the purpose of

determining its origin, regardless of whether that production was sufficient to confer originating status to the material itself.

4. If each Party has a free trade agreement with the same non-party, the Rules of Origin and Customs and Trade Facilitation Working Group shall meet to consider possible amendments and modifications to this Chapter, including any conditions, for the purpose of applying cumulation with that non-party.
5. Subject to paragraph 6, the cumulation provided for in paragraph 2 may be applied to an originating good or material of an eligible developing country and the cumulation provided for in paragraph 3 may be applied to production undertaken on a non-originating material in the territory of an eligible developing country.
6. Paragraph 5 shall be of no effect until the Parties, through the Rules of Origin and Customs and Trade Facilitation Working Group, determine the list of countries and territories to be considered eligible developing countries for the purposes of this Article as well as the list of goods and materials to which paragraph 5 applies, together with any applicable conditions. The Parties may, through the Working Group, update the list of eligible developing countries, goods, materials, and applicable conditions, from time to time.

Article 3.9 Tolerance

Each Party shall provide that a good containing non-originating materials that do not satisfy the applicable change in tariff classification requirement specified in Annex 3A (Product Specific Rules of Origin) for the good, the good is nonetheless an originating good if:

- (a) the value of those non-originating materials does not exceed 15 per cent of the value of the good;
- (b) in the case of goods classified under Chapters 1 to 24 and 50 to 63 of the Harmonized System, the total weight of all those materials does not exceed 15 per cent of the net weight of the good, net weight meaning the weight of the material or good not including the weight of any packaging; or
- (c) in each case, the good meets all other applicable requirements of this Chapter, provided that the value of such non-originating materials shall be included in the value of non-originating materials for any applicable regional value content requirement.

Article 3.10
Non-Alteration

1. An originating good shall retain its originating status if the good has been transported to the importing Party without passing through the territory of a non-party.
2. An originating good transported through the territory of one or more non-parties shall retain its originating status provided that the good:
 - (a) does not undergo further production or any other operation outside the territories of the Parties, other than unloading, reloading, separation from a bulk shipment or splitting of a consignment, storing, repacking, labelling, bottling or marking required by the importing Party, or any other operation necessary to preserve it in good condition or to transport the good to the territory of the importing Party; and
 - (b) is not released to free circulation in the territory of any non-party.

Article 3.11
Treatment of Indirect Materials

1. Each Party shall provide that an indirect material is considered to be originating without regard to where it is produced.
2. Indirect material means a material used in the production, testing, or inspection of a good but not physically incorporated into the good; or a material used in the maintenance of buildings or the operation of equipment, associated with the production of a good, including:
 - (a) fuel, energy, catalysts, and solvents;
 - (b) equipment, devices, and supplies used to test or inspect the good;
 - (c) gloves, glasses, footwear, clothing, safety equipment, and supplies;
 - (d) tools, dies, and moulds;
 - (e) spare parts and materials used in the maintenance of equipment and buildings;
 - (f) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment and buildings; and
 - (g) any other material that is not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated

to be a part of that production.

Article 3.12
Accessories, Spare Parts, Information Materials, and Tools

1. Each Party shall provide that for the purpose of determining origin of a good, accessories, spare parts, information material, and tools are classified with, delivered with but not invoiced separately from a good shall be:
 - (a) disregarded in determining whether a good is wholly obtained or satisfies a process or change in tariff classification requirement set out in Annex 3A (Product Specific Rules of Origin) for the good; and
 - (b) taken into account as originating or non-originating materials, as the case may be, in calculating the regional value content of the good,provided the quantities, value, and type of accessories, spare parts, instructional or other information materials, and tools are customary for the good.
2. Each Party shall provide that accessories, spare parts, information material, and tools described in paragraph 1 may be deemed to have the same originating status as the good with which they are delivered.

Article 3.13
Sets of Goods

1. Each Party shall provide that, if goods are classified as a set, in accordance with the General Rules for the Interpretation of the Harmonized System, the set is originating only if:
 - (a) each good in the set is originating; or
 - (b) the set contains a non-originating component good; and
 - (i) at least one of the component goods of the set is originating; and
 - (ii) the value of all of the set's non originating component goods does not exceed 20 per cent of the value of the set.
2. For the purposes of paragraph 1, the value of the set shall be calculated in the same manner as the value of the good and the value of the set's non-originating component goods shall be calculated in the same manner as the value of non-originating materials.

Article 3.14
Treatment of Packaging Materials and Packing Materials

1. Each Party shall provide that for the purpose of determining whether a good is originating, packaging materials and containers in which a good is packaged for retail sale shall, if classified with the good, be:
 - (a) disregarded in determining whether a good is wholly obtained or produced, or satisfies a process or change in tariff classification requirement set out in Annex 3A (Product Specific Rules of Origin) for the good; and
 - (b) taken into account as originating or non-originating materials, as the case may be, in calculating the regional value content of the good.
2. Each Party shall provide that packing materials and containers for shipment shall be disregarded in determining whether a good is originating.
3. Packing materials and containers for shipment means the goods used to protect a good during its transportation and does not include the packaging materials and containers in which a good is packaged for retail sale.

Article 3.15
Recovered Materials and Remanufactured Goods

For the purposes of this Chapter:

- (a) a recovered material which is recovered in the territory of one or more of the Parties shall be treated as originating when it is used in the production of, and incorporated into, a remanufactured good in a Party;
- (b) a remanufactured good shall only be treated as originating if it meets the relevant rule of origin for an equivalent good when new; and
- (c) a recovered material not incorporated into a remanufactured good in one of the Parties shall be treated as originating only if it meets the relevant rule of origin for an equivalent good when new.

Article 3.16
Fungible Goods and Materials

1. Fungible goods or materials means goods and materials of the same kind and commercial quality, possessing the same technical and physical characteristics and are interchangeable for commercial purposes.

2. Each Party shall provide that a fungible good or material is treated as originating based on the:
 - (a) physical segregation of each fungible good or material; or
 - (b) use of any inventory management method recognised in the Generally Accepted Accounting Principles if the fungible good or material is commingled, provided that the inventory management method selected is used throughout the fiscal year.
3. The inventory management system must ensure that no more goods receive originating status than would have been the case if the fungible goods or materials had been physically segregated.

Article 3.17

Rules of Origin and Customs and Trade Facilitation Working Group

1. For the purposes of the effective implementation and operation of this Chapter and Chapter 4 (Customs Procedures and Trade Facilitation), the Rules of Origin and Customs and Trade Facilitation Working Group established under Article 30.10 (Working Groups – Institutional Provisions) shall report to the Trade in Goods Sub-Committee.
2. The Rules of Origin and Customs and Trade Facilitation Working Group shall be composed of representatives of each Party, and may seek the advice of experts on any matter falling within the Working Group's functions.
3. The Rules of Origin and Customs and Trade Facilitation Working Group may:
 - (a) provide a forum to consider measures to facilitate trade between the Parties, including the exchange of information, enhancement of customs cooperation, resolution of differences, and monitoring the operation and implementation of this Chapter and Chapter 4 (Customs Procedures and Trade Facilitation);
 - (b) consider any other matters referred to it by the Joint Committee or the Trade in Goods Sub-Committee; and
 - (c) provide periodic reports to the Trade in Goods Sub-Committee regarding its activities.
4. The Rules of Origin and Customs and Trade Facilitation Working Group may meet by agreement of the Parties and may meet physically or virtually as mutually agreed.

Section B
Origin Procedures

Article 3.18
Claims for Preferential Treatment

1. Each Party shall provide that an importer may make a claim for preferential tariff treatment, based on a written or electronic origin declaration completed by the producer or exporter of the good, which meets the requirements of Article 3.19 (Origin Declaration).
2. In addition to the method provided for in paragraph 1, each Party shall provide that an importer may make a claim for preferential tariff treatment based on the importer's knowledge that a product is originating. Such claims shall be made by the importer of the good on the basis of:
 - (a) the importer having documentation demonstrating that the good is originating; or
 - (b) reasonable reliance on supporting documentation provided by the exporter or producer that the good is originating.
3. The importing Party may deny that claim for preferential treatment if the importer, exporter, or producer of the good being imported fails to comply with any requirement of this Chapter. The importing Party may deny preference if the good does not qualify as an originating good.
4. Each Party shall require that an importer provides, on the request of that Party's customs authority, if the claim is based on an origin declaration, a copy of the origin declaration and, in any event, such other documentation relating to the importation of the good in accordance with the domestic laws and regulations of the importing Party.

Article 3.19
Origin Declaration

1. An origin declaration does not need to follow a prescribed format, provided it contains all minimum data elements identified in Annex 3B (Origin Declarations – Guidance).
2. An origin declaration may be provided on, or attached to, an invoice or other commercial document issued in the exporting Party that contains some of the required minimum data elements, provided all the minimum data elements are included on or with the origin declaration.

3. An origin declaration shall be valid for at least 12 months from the date it was completed or for a longer period as provided by the importing Party.
4. An origin declaration will be applicable to a single importation of one or more goods or multiple importations of identical goods that occur within a specified period not exceeding 12 months after the date of original declaration.
5. For any originating good imported into the territory of a Party on or after the date of entry into force of this Agreement, each Party shall accept an origin declaration that has been completed and signed prior to the date of entry into force by the exporter or producer of that good.
6. If unassembled or disassembled products within the meaning of General Rule 2(a) of the Harmonized System falling within Sections XV to XXI of the Harmonized System are imported in instalments, a single origin declaration for those products may be used on request of the importer and in accordance with the requirements laid down by the customs authority of the importing Party.

Article 3.20
Waiver of Origin Documentation

1. Each Party shall waive the requirement to present an origin declaration as specified in Article 3.19 (Origin Declaration) in respect of:
 - (a) an importation of a good whose customs value does not exceed 2,000 New Zealand dollars for goods imported in New Zealand, or 1,000 United Kingdom pounds for goods imported into the United Kingdom, or such higher amount as the importing Party may establish; or
 - (b) an importation of a good into the territory of the importing Party for which the importing Party has waived the requirement for an origin declaration.
2. Each Party may exclude any importation from the provisions of paragraph 1 when the importation is part of a series of importations that may reasonably be considered to have been undertaken or arranged for the purpose of avoiding the requirements of this Chapter related to origin declarations.
3. Each Party may set value limits for products referred to in paragraph 1 and shall exchange information regarding those limits.

Article 3.21
Delayed Claims for Preferential Treatment

1. Each Party shall provide that an importer may apply for preferential tariff treatment, and a refund of any excess duties paid for a good, if the importer did not make a claim for preferential tariff treatment at the time of importation, provided that the good would have qualified for preferential tariff treatment when it was imported into the territory of the Party.
2. As a condition for preferential tariff treatment under paragraph 1, the importing Party may require that the importer:
 - (a) make a claim for preferential tariff treatment;
 - (b) provide a statement that the good was originating at the time of importation;
 - (c) if the claim is based on an origin declaration, provide a copy of an origin declaration; and
 - (d) provide such other documentation relating to the importation of the good as the importing Party may require.
3. An application under this Article must be made within one year of the date of importation, or a longer period if specified in the importing Party's law.

Article 3.22
Incorrect Claims for Preferential Treatment

1. Each Party shall provide that:
 - (a) an exporter or producer that has completed an origin declaration, and becomes aware or has reason to believe that it contains incorrect information, shall be obliged to immediately notify the importer in writing of any change affecting the originating status of each good to which the origin declaration applies;
 - (b) if the claim is based on an origin declaration, an importer that becomes aware or has reason to believe that an origin declaration for a good which it has imported, and to which preferential treatment has been granted, contains incorrect information shall immediately notify the customs authority of the importing Party in writing of any change affecting the originating status of that good and pay any duties owing; and
 - (c) if the claim is based on the importer's knowledge, an importer that becomes aware or has reason to believe that the importer's knowledge

and supporting documentation for a good which it has imported, and to which preferential treatment has been granted, contains incorrect information shall immediately notify the customs authority of the importing Party in writing of any change affecting the originating status of that good and pay any duties owing.

2. Each Party shall encourage its customs authority, when considering imposing a penalty in relation to an incorrect origin declaration, to consider as a significant mitigating factor a voluntary notification given in accordance with paragraph 1, provided in the case of a notification given by an importer, the importer corrects the error and repays any duties owing.

Article 3.23 Minor Errors and Discrepancies

1. A Party shall not reject an origin declaration due to minor discrepancies or errors, such as slight discrepancies between documents, omissions of information, or typing errors, provided these minor discrepancies or errors do not create doubt as to the originating status of the good.
2. Each Party shall provide that, if its customs authority determines that an origin declaration in respect of a good imported into its territory is illegible or defective on its face, the importer shall be granted a period of no less than 30 days after the date the customs authority of the importing Party advises the importer that the declaration is illegible or defective to provide the customs authority of the importing Party with a copy of corrected origin declaration.

Article 3.24 Penalties

Each Party shall adopt or maintain measures imposing criminal, civil, or administrative penalties for violations of its laws and regulations relating to this Chapter.

Article 3.25 Record Keeping Requirements

1. The exporting Party shall require an exporter or producer that has completed an origin declaration to keep, and to provide, upon request, a copy of the origin declaration and all supporting documentation including any written statements from a producer or supplier which are necessary to evidence that the good is originating for four years after the completion of the origin declaration, or for such longer period of time as the exporting Party may specify.

2. Each Party shall provide that an importer claiming preferential tariff treatment for a good imported into the territory of that Party shall maintain:
 - (a) the documentation related to the importation, including the origin declaration if that served as the basis for the claim; and
 - (b) if the claim was based on the importer's knowledge, all records necessary to demonstrate that the good satisfies the requirements to obtain originating status, for four years after the completion of the origin declaration, or for such longer period of time as that Party may specify.
3. Each Party shall permit, in accordance with that Party's laws and regulations, importers, exporters, and producers in its territory to maintain documentation or records in any medium, provided that the documentation or records can be retrieved and printed.
4. A Party may deny preferential treatment to a good that is the subject of a verification of origin when the importer, exporter, and producer of the good that is required to maintain records or documentation under this Article:
 - (a) fails to maintain records or documentation in accordance with this Chapter; or
 - (b) denies access to those records or documentation.

Article 3.26 Verification of Origin

Initiating a verification process

1. The customs authority of the importing Party may conduct a verification process to determine whether a good imported into its territory is originating, or whether other requirements provided in this Chapter have been met.
2. A verification process may commence at the time the customs import declaration is lodged, before the release of the goods by the importing customs authority, or after the release of the goods. The verification processes shall be undertaken based on risk assessment procedures, including random selection of imports.
3. The customs authority of the importing Party may undertake a verification process by means of a written request for:
 - (a) information from the importer of the good;

- (b) information from the producer or exporter of the good where the information obtained under subparagraph (a) is not sufficient to make a determination; or
 - (c) the customs authority of the exporting Party to access information, which may include the customs authority of the exporting Party undertaking a visit to the premises of the producer or exporter of the good to review relevant information and the production process where the information obtained under subparagraphs (a) and (b) is not sufficient to make a determination.
4. If the customs authority of the importing Party decides to conduct a verification, it shall accept written information directly from the importer, exporter, or producer.
 5. Where a claim for preferential treatment is based on importer's knowledge that the good is originating, the customs authority of the importing Party shall only request the information on which the importer based their knowledge that the good was originating.
 6. Where a claim for preferential treatment is based on a declaration of origin completed by the producer or exporter, the customs authority of the importing Party requesting information pursuant to subparagraphs 3(a) or 3(b) from the importer, producer, or exporter of the good shall only request the following:
 - (a) where the origin criterion is based on:
 - (i) the good having been wholly obtained pursuant to Article 3.2 (Origin Criteria), the applicable subparagraph of Article 3.3 (Wholly Obtained Goods), and address of production;
 - (ii) the good having been produced entirely pursuant to Article 3.2 (Origin Criteria), information on the origin of the materials and the address of production;
 - (iii) a change in tariff classification, a list of all the non-originating materials including their tariff classification (in two, four, or six-digit format) depending on the relevant product specific rule of origin in Annex 3A (Product Specific Rules of Origin);
 - (iv) a value method, the value of the final product as well as the value of all non-originating materials used in the production where the build-down method is used or the value of all originating materials used in the production where the build-up method is used, as well as information on how such values are determined; or
 - (v) a production process, a specific description of that process:

- (A) where the provisions of Article 3.9 (Tolerance) have been relied on based on weight, the net weight of the final product as well as the weight of the relevant non-originating materials used in the final product, which have not undergone the applicable change in tariff classification; or
- (B) information relating to the compliance with the provisions on non-alteration referred to in Article 3.10 (Non-Alteration).

Actions of the customs authority of the exporting Party

7. Following a request under subparagraph 3(c), the customs authority of the exporting Party may, in accordance with the laws and regulations of the exporting Party:
 - (a) request information or records from the exporter or producer to verify the originating status of the goods; and
 - (b) visit the premises of the exporter, producer, or a supplier to review the records referred to in paragraph 1 of Article 3.25 (Record Keeping Requirements), observe the facilities used in the production of the good, or otherwise gather evidence to verify the originating status of the goods.
8. As soon as possible, and in any event within 10 months of receipt of the written request under subparagraph 3(c), the customs authority of the exporting Party will provide the customs authority of the importing Party with the following:
 - (a) the requested documentation, where available;
 - (b) the description of the good that is subject to examination, including its tariff classification in two, four, or six-digit format, depending on the origin criterion;
 - (c) where appropriate, a description of the production process;
 - (d) information on the manner in which the examination of the good was conducted; and
 - (e) supporting documentation, where appropriate.
9. When providing requested information, the customs authority of the exporting Party, importer, exporter, or producer may include any other information they consider relevant for the purpose of verification.

10. The customs authority of the exporting Party shall provide the customs authority of the importing Party with written acknowledgement of receipt of a request for information. The acknowledgement of receipt shall be provided as soon as possible, but no later than 45 days after the date of receipt of the request made under subparagraph 3(c).
11. The customs authority of the importing Party shall:
 - (a) make a determination following a verification as expeditiously as possible and no later than 90 days after it receives the information necessary to make the determination, and no later than 365 days after the first request for information or other action under paragraph 1;
 - (b) notwithstanding subparagraph (a), if permitted by its laws and regulations, a Party may extend the 365 day period in exceptional cases, such as where the technical information concerned is very complex;
 - (c) provide the importer with a written determination of whether the good is originating that includes an explanation for the determination and, where appropriate, supporting documentation;
 - (d) provide the importer, exporter, or producer that provided information during the verification or certified that the good was originating, with the results of the verification and the reasons for that result; and
 - (e) advise of the review and appeal rights associated with the decision.
12. During verification, the importing Party shall allow the release of the goods concerned, subject to payment of any duties or provision of a guarantee in the form of a surety, deposit, or other appropriate instrument as provided for in its laws and regulations.
13. If, as a result of the verification, the importing Party determines that the good is an originating good, it shall grant preferential treatment to the good and refund any excess duties paid or release any guarantee provided, unless the guarantee also covers other obligations which have not been discharged. If, as a result of the verification, the importing Party determines that the good is not an originating good, it may deny preferential treatment to the good.
14. If, pursuant to a verification under this Article, the customs authority of the importing Party has not received sufficient information to determine that a good qualifies as originating, or that the importer, exporter, or producer has otherwise failed to comply with a requirement of this Chapter, it may deny preferential treatment to the good.

Article 3.27
Confidentiality

The provisions contained in Article 4.21 (Confidentiality – Customs Procedures and Trade Facilitation) also apply to this Chapter.

Article 3.28
Documentation Issued in a Non-Party

The customs authority of the importing Party shall not reject a claim for preferential tariff treatment for the sole reason that any supporting documents which are required pursuant to paragraph 4 of Article 3.19 (Origin Declaration) were issued in a non-party.

Article 3.29
Transitional Provisions for Goods in Transit

A Party shall grant preferential tariff treatment to an originating good, if on the date of entry into force of this Agreement, the good:

- (a) was being transported to that Party in accordance with Article 3.10 (Non-Alteration); or
- (b) had not been imported into that Party,

and if a valid claim under Article 3.18 (Claims for Preferential Tariff Treatment) for preferential tariff treatment is made within 180 days of the date of entry into force of this Agreement for that Party.