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## Memorandum D11-4-24

Ottawa, November 28, 1997

# UNIFORM REGULATIONS – CHAPTERS C AND E OF THE CANADA-CHILE FREE TRADE AGREEMENT (CCFTA)

This Memorandum contains the Uniform Regulations for Chapters C and E of CCFTA, agreed to by the governments of Canada and Chile. The Uniform Regulations elaborate in detail how the CCFTA Parties will interpret, apply, and administer the obligations regarding customs procedures under Chapter E, and national treatment and market access under Chapter C, and are to be read in conjunction with these Chapters. They are designed to ensure consistent and uniform treatment of, and greater certainty for importers, exporters, and producers in the two countries. The Uniform Regulations were implemented in Canada through Canadian legislation, regulations, or departmental policy, all of which are reflected in the Memoranda D series.

## Legislation

### **Uniform Regulations for the Interpretation, Application, and Administration of Chapters C (National Treatment and Market Access for Goods) and E (Customs Procedures) of the Canada-Chile Free Trade Agreement**

The Government of Canada and the Government of Chile, pursuant of Article E-11(1) of the Canada-Chile Free Trade Agreement, adopt the following Uniform Regulations regarding the interpretation, application and administration of Chapters C and E of the Canada-Chile Free Trade Agreement.

## Section A – Certification of Origin

### Article I: Certificate of Origin

1. The Certificate of Origin referred to in Article E-01(1) of the Canada-Chile Free Trade Agreement (hereinafter "the Agreement") shall be:

- (a) equivalent in substance to the Certificate of Origin set out in Annex I.1a;
- (b) in a printed format or in such other medium or format as may be approved by the customs administration of the Party into whose territory the good is imported;
- (c) completed by the exporter in accordance with these Uniform Regulations, including any instructions contained in the Certificate of Origin set out in Annex I.1a; and
- (d) at the option of the exporter, completed in either the language of the Party into whose territory the good is imported or the language of the Party from whose territory the good is exported in accordance with Annex I.1d.

2. For purposes of Article E-01(5)(a) of the Agreement, a single Certificate of Origin may be used for:

(a) a single shipment of goods that results in the filing of one or more entries on the importation of the goods into the territory of a Party; or

(b) more than one shipment of goods that results in the filing of one entry on the importation of the goods into the territory of a Party.

## **Article II: Obligations Regarding Importations**

1. For purposes of Article E-02(1)(a) of the Agreement, "valid Certificate of Origin" means a Certificate of Origin that the exporter of the good in a territory of a Party completes in accordance with the requirements set out in Article I of these Uniform Regulations.

2. For purposes of Article E-02(1)(c) of the Agreement:

(a) the importer shall, upon the request of the customs administration of the Party into whose territory the good is imported, provide a written translation of the Certificate of Origin in the language of that Party; and

(b) where the customs administration of the Party into whose territory the good is imported determines that a Certificate of Origin is illegible, defective on its face or has not been completed in accordance with Article I of these Uniform Regulations, the importer shall be granted a period of not less than five working days to provide the customs administration with a copy of the corrected Certificate.

3. An importer that makes a corrected declaration of origin pursuant to Articles E-02(1)(d) and (2)(b) of the Agreement, and pays any duties owing shall not, in accordance with Article E-02(2)(b), be subject to penalties, as set out in Annex II.3.

4. Where as a result of an origin verification conducted under Article E-06 of the Agreement, the customs administration of a Party determines that a good that is covered by a Certificate of Origin that is applicable to multiple importations of identical goods in accordance with Article E-01(5)(b) does not qualify as an originating good, such Certificate may not be used to claim preferential tariff treatment for those identical goods after the date that the written determination is provided under Article E-06(9).

## **Article III: Exceptions**

1. The statement referred to in Article E-03(a) of the Agreement shall, where required by the customs administration of the Party into whose territory the good is imported, be attached to, handwritten, stamped or typed on the commercial invoice covering the good.

2. For purposes of Article E-03 of the Agreement, "series of importations" is defined in Annex III.2.

## **Article IV: Obligations Regarding Exportations**

1. For purposes of Article E-04(1)(b) of the Agreement, "promptly" means "immediately".

2. For purposes of Article E-04(3) of the Agreement, no Party may impose civil or administrative penalties on an exporter or producer of a good in its territory where the exporter or producer, prior to the commencement of an investigation by officials of that Party with authority to conduct a criminal investigation regarding the Certificate of Origin, provides the written notification referred to in

Article E-04(1)(b).

3. For purposes of Article E-04(1)(b) of the Agreement, where the customs administration of a Party provides an exporter or producer of a good with a determination under Article E-06(9) that the good is a non-originating good, the exporter or producer shall notify all persons to whom it gave a Certificate of Origin in respect of the good affected by the determination.

## **Section B – Administration and Enforcement**

### **Article V: Records**

1. The documentation and records required to be maintained under Article E-05 of the Agreement shall be kept in such a manner as to enable an officer of the customs administration of a Party, in conducting a verification of origin under Article E-06, to perform detailed verifications of the documentation and records to verify the information on the basis of which:

(a) in the case of an importer, a claim for preferential tariff treatment was made with respect to a good imported into its territory; and

(b) in the case of an exporter or producer, a Certificate of Origin was completed with respect to a good exported to the territory of the other Party.

2. Importers, exporters and producers in the territory of a Party that are required to maintain documentation or records under Article E-05 of the Agreement shall be permitted, in accordance with that Party's law, to maintain such documentation and records in machine-readable form, provided that the documentation or records can be retrieved and printed.

3. Exporters and producers that are required to maintain records pursuant to Article E-05(a) of the Agreement shall, subject to the notification and consent requirements provided for in Article E-06(2), make those records available for inspection by an officer of the customs administration of a Party conducting a verification visit and provide facilities for inspection thereof.

4. A Party may deny preferential tariff treatment to a good that is the subject of an origin verification where the exporter, producer or importer of the good that is required to maintain records or documentation under Article E-05 of the Agreement:

(a) subject to paragraph 5, fails to maintain records or documentation relevant to determine the origin of the good in accordance with the requirements of the Agreement, these Uniform Regulations or the Uniform Regulations under Chapter D of the Agreement; or

(b) denies access to the records or documentation.

5. Where the customs administration of a Party finds during the course of an origin verification that a producer of a good in the territory of the other Party has failed to maintain its records in accordance with the Generally Accepted Accounting Principles applied in the territory of the Party in which the good is produced as required by Article D-13(e) of the Agreement, the producer shall be given an opportunity to record its costs in accordance with those Generally Accepted Accounting Principles within 60 days of being informed in writing by the customs administration that the records have not been maintained in accordance with those Generally Accepted Accounting Principles.

6. For purpose of Article E-05 of the Agreement and these Uniform Regulations, "records" include books as referenced in the Uniform Regulations under Chapter D.

### **Article VI: Origin Verifications**

1. For purposes of and according to Article E-06(1)(c) of the Agreement, the customs administration of a Party may, in addition to conducting a verification of origin by means of written questionnaires and verification visits pursuant to Articles E-06(1)(a) and (b), conduct a verification of origin with respect to a good that is imported into its territory by means of:

(a) a verification letter that requests information from the exporter or producer of the good in the territory of the other Party, provided that it contains specific reference to the good that is the subject of the verification; or

(b) any other method of communication customarily used by the customs administration of the Party in conducting a verification.

2. Subject to paragraph 3, where the customs administration of a Party conducts a verification under paragraph 1(b), it may, on the basis of a response of an exporter or producer to a communication referred to in paragraph 1(b), issue a determination under Article E-06(9) of the Agreement:

(a) that the good does not qualify as an originating good, provided that the response is in writing and is signed by that exporter or producer; or

(b) that the good qualifies as an originating good.

3. Where the producer of a good chooses to calculate the regional value content of a good under the net cost method as set out in the Uniform Regulations under Chapter D of the Agreement, the customs administration of the Party into whose territory the good was imported may not, during the time period over which the net cost has been calculated, verify the regional value content in respect of the good.

4. The customs administration of a Party, in conducting a verification visit under Article E-06(1)(b) of the Agreement, shall send the notice referred to in Article E-06(2)(a) by certified or registered mail, or any other method that produces a confirmation of receipt by the exporter or producer whose premises are to be visited.

5. Where the exporter or producer of a good that is the subject of a proposed verification visit by the customs administration of a Party has not given its written consent to a visit under Article E-06(4) of the Agreement, the customs administration may determine that the good does not qualify as an originating good and may deny preferential tariff treatment to that good.

6. For purposes of Article E-06(7) of the Agreement, an exporter or producer of a good shall identify to the customs administration conducting a verification visit any observers designated to be present during such visit.

7. Each Party shall identify to the other Party, on or before the date the Agreement enters into force, the office to which notice shall be sent under Article E-06(2)(a)(ii) of the Agreement.

8. For purposes of Article E-06(5) of the Agreement, a notice of postponement of a verification visit shall be made in writing and shall be sent to the address of the customs office that sent the notice of intention to conduct a verification visit.

9. The common standards for the written questionnaires referred to in Article E-06(1)(a) of the Agreement are set out in Annex VI.9.

10. Where, pursuant to Article D-03(2) of the Agreement, a producer of a motor vehicle as defined in Article D-16 elects to average its regional value-content calculation over its fiscal year, the customs administration of the Party into whose territory the motor vehicle was imported may

request, in writing, that the producer submit a cost submission reflecting the actual costs incurred in the production of the category of motor vehicles for which the election was made.

11. Where the customs administration of a Party requests that a cost submission be submitted by the producer of a motor vehicle under paragraph 10, such cost submission shall be submitted within 180 days after the close of that producer's fiscal year or within 60 days from the date on which the request was made, whichever is later.

12. Where the customs administration of a Party sends a written request under paragraph 10, such a request shall constitute a verification letter under paragraph 1(a).

13. The customs administration of a Party may, for purposes of verifying the origin of a good, request that the importer of the good voluntarily obtain and supply written information voluntarily provided by the exporter or producer of the good in the territory of the other Party, provided that the failure or refusal of the importer to obtain and supply such information shall not be considered as a failure of the exporter or producer to supply the information or as a ground for denying preferential tariff treatment.

14. Nothing in this Article shall limit any right accorded under Chapter E of the Agreement to the exporter or producer of a good in the territory of a Party by virtue of the fact that such exporter or producer is also the importer of the good in the territory of the Party in which preferential tariff treatment is claimed.

15. Where a customs administration conducts a verification of origin of a good under Article E-06 (1)(a) of the Agreement or paragraph 1(a), it may send the verification letter or questionnaire by:

(a) certified or registered mail, or any other method that produces confirmation of receipt by the exporter or producer; or

(b) any other method, regardless of whether it produces proof of receipt from the exporter or producer of the good.

16. Where the customs administration of a Party has sent a verification letter or questionnaire to an exporter or producer of a good in the territory of the other Party and such exporter or producer fails to respond within the period specified therein, which shall be no less than 30 days from the date on which the verification letter or questionnaire was sent, the customs administration:

(a) shall send a subsequent verification letter or questionnaire

(i) if requested by the Party from whose territory the good was exported, by the method set out in paragraph 15(a), or

(ii) if not requested by the Party from whose territory the good was exported, by the method set out in paragraph 15(a) or (b); and

(b) may send, with that subsequent verification letter or questionnaire, the written determination referred to in Article E-06(9) of the Agreement, including a notice of intent to deny preferential tariff treatment referred to in paragraph 19.

17. Where the customs administration of a Party sends a written determination under paragraph 16(b) and the exporter or producer fails to respond to the subsequent verification letter or questionnaire within

30 days:

(a) from the date of its receipt by the exporter or producer, where it was sent in accordance with paragraph 16(a)(i); or

(b) from the date of its receipt by the exporter or producer or from the date it was sent by the customs administration, as the case may be, in accordance with paragraph 16(a)(ii),

the customs administration may deny preferential tariff treatment to the good.

18. Where the customs administration of a Party does not send a written determination under paragraph 16(b) and the exporter or producer fails to respond to the subsequent verification letter or questionnaire within 30 days:

(a) from the date of its receipt by the exporter or producer, where it was sent in accordance with paragraph 16(a)(i), or

(b) from the date of its receipt by the exporter or producer or from the date it was sent by the customs administration, as the case may be, in accordance with paragraph 16(a)(ii),

the customs administration may deny preferential tariff treatment to the good in accordance with paragraph 19.

19. Where the customs administration of a Party determines, as a result of an origin verification, that a good that is the subject of the verification does not qualify as an originating good, the written determination provided for under Article E-06(9) of the Agreement shall:

(a) include a notice of intent to deny preferential tariff treatment with respect to that good that specifies the date after which preferential tariff treatment will be denied and the period during which the exporter or producer of the good may provide written comments or additional information regarding the determination; and

(b) if requested by the Party from whose territory the good is exported, be sent by certified or registered mail or by any other method that produces confirmation of receipt by the exporter or producer of the good.

20. Where the customs administration of a Party determines on the basis of information obtained during a verification that a good does not qualify as an originating good:

(a) the date on which preferential tariff treatment may be denied pursuant to the notice referred to in paragraph 19, shall be no earlier than 30 days from the date on which

(i) receipt of the written determination is confirmed by the exporter or producer, if a request has been made under subparagraph 19(b), and

(ii) the customs administration sends the written determination, if no such request has been made; and

(b) before denying preferential tariff treatment, the customs administration shall take into account any comments or additional information provided by the exporter or producer during the period referred to in subparagraph (a).

21. For purposes of Article E-06(10) of the Agreement, "pattern of conduct" means repeated instances of false or unsupported representations by an exporter or producer of a good in the territory of a Party that are established by the customs administration of the other Party on the basis of not fewer than two origin verifications of two or more importations of the goods that result in not fewer than two written determinations being sent to that exporter or producer pursuant to

Article E-06(9) that conclude, as a finding of fact, that Certificates of Origin completed by that exporter or producer with respect to identical goods contain false or unsupported representations.

22. For purposes of Article E-06(12) of the Agreement, "consistent treatment" means the established application by the customs administration of a Party that can be substantiated by the continued acceptance by that customs administration of the tariff classification or value of identical materials on importations of the materials into its territory by the same importer over a period of not less than two years immediately prior to the date that the Certificate of Origin for the good that is the subject of the determination under Article E-06(11) was completed, provided that with respect to those importations:

(a) such materials had not been accorded a different tariff classification or value by one or more district, regional or local offices of that customs administration on the date of such determination; and

(b) the tariff classification or value of such materials is not the subject of a verification, review or appeal by that customs administration on the date of such determination.

23. For purposes of Article E-06(12) of the Agreement, a person shall be entitled to rely on a ruling or advance ruling in accordance with Annex VI.23.

24. A ruling or advance ruling referred to in paragraph 23 that is issued by the customs administration of a Party shall remain in force until modified or revoked.

25. No modification or revocation of a ruling referred to in paragraph 23, other than an advance ruling, may be applied to a good that was the subject of the ruling and that was imported prior to the date of such modification or revocation unless:

(a) the person to whom the ruling was issued has not acted in accordance with its terms and conditions; or

(b) there has been a change in the material facts or circumstances on which the ruling was based.

26. For purposes of Article E-06(11) of the Agreement, reference to the phrase, "one or more materials used in the production of the good" means materials that are used in the production of the good or that are used in the production of a material that is used in the production of the good.

27. Article E-06(12)(a) of the Agreement in relation to Article E-06(11) includes:

(a) a ruling or advance ruling that is issued with respect to a material that is used in the production of the good or that is used in the production of a material that is used in the production of the good; or

(b) the consistent treatment given on the entry of a material that is used in the production of the good or that is used in the production of a material used in the production of the good.

28. Where the customs administration of a Party, in conducting a verification of origin of a good imported into its territory under Article E-06 of the Agreement, conducts a verification of the origin of a material that is used in the production of the good, the verification of the material shall be conducted in accordance with the procedures set out in:

(a) Articles E-06(1), (2), (3), (5), (7) and (8); and

(b) Paragraphs 1, 2, 3, 4, 6, 8, 13, 14, 15 and subparagraph 16(a).

29. The customs administration of a Party, in conducting a verification of a material that is used in the production of a good pursuant to paragraph 28, may consider the material to be non-originating in determining whether the good is an originating good where the producer or supplier of that material does not allow the customs administration access to information required to make a determination of whether the material is an originating material by the following or other means:

(a) denial of access to its records;

(b) failure to respond to a verification questionnaire or letter; or

(c) refusal to consent to a verification visit within 30 days of receipt of notification under

Article E-06(2) of the Agreement, as made applicable by paragraph 28.

30. A Party shall not consider a material that is used in the production of a good to be a non-originating material solely on the basis of a postponement of a verification visit under Article E-06 (5) of the Agreement as made applicable by paragraph 28(a).

## **Section C – Advance Ruling**

### **Article VII: Advance Rulings**

1. For purposes of Article E-09 of the Agreement, the customs administration of a Party shall issue an advance ruling to a producer in the territory of the other Party of a material that is used in the production of a good in the territory of that other Party, provided that the good is to be subsequently imported into the territory of the Party, issuing the ruling, concerning any matter covered by Article E-09(1)(a) through (e) with respect to that material.

2. The common standards regarding the information to be submitted in an application for an advance ruling are set out in Annex VII.2.

3. For purposes of Article E-09 of the Agreement, an application to the customs administration of a Party for an advance ruling shall be completed in the language of that Party as set out in Annex I.1d.

4. Subject to paragraphs 5 and 6, the customs administration to which the application is made shall issue an advance ruling within 120 days of its receipt of all information reasonably required to process the application, including any supplemental information that may be requested.

5. Each Party may provide that, where an application for an advance ruling is made to its customs administration that involves an issue that is the subject of:

(a) a verification of origin,

(b) a review by or appeal to the customs administration, or

(c) judicial or quasi-judicial review in its territory,

the customs administration may decline to issue the ruling.

6. For purposes of Article E-09(3) of the Agreement, where the customs administration of a Party



determines that an application for an advance ruling is incomplete, it may decline to further process the application provided that:

(a) it has notified the applicant of any supplemental information required and of the period, which shall not be less than 30 days, within which the applicant must provide the information; and

(b) the applicant has failed to provide the information within the period specified.

7. Nothing in paragraph 5 or 6 shall be construed so as to prevent a person from reapplying for an advance ruling.

8. For purposes of Article E-09(7) of the Agreement, "importations of a good" is defined in Annex VII.8.

## **Section D – Review and Appeal**

### **Article VIII: Review and Appeal**

1. A denial of preferential tariff treatment to a good by the customs administration of a Party under these Uniform Regulations may be appealed under Article E-10 of the Agreement by the exporter or producer of the good who completed the Certificate of Origin for the good in respect of which a claim for preferential tariff treatment was denied, including a denial of preferential tariff treatment under Article E-06(4).

2. Where an advance ruling is issued under Article E-09 of the Agreement or paragraph 1 of Article VII of these Uniform Regulations, a modification or revocation of the advance ruling shall be subject to review and appeal under Article E-10.

3. Where a Party denies preferential tariff treatment to a good on the basis:

(a) that a corrected Certificate of Origin has not been provided within the period set out in Article II(2)(b) of these Uniform Regulations, or

(b) of a failure to comply with a time limit under these Uniform Regulations or under the Agreement, except for the time limit under Article E-02(3) of the Agreement, with respect to the furnishing of records or other information to the customs administration of that Party;

the decision rendered on review and appeal under Article E-10(2)(a) of that determination shall be on the merits of whether the good qualifies as an originating good, provided that in the case of subparagraph (a) above, a corrected Certificate of Origin is provided to the customs administration of the Party.

## **Section E – Tariff Elimination**

### **Article IX: Tariff Elimination**

1. For purposes of Annex C-02.2 of the Agreement, each Party may notwithstanding that the requirements of Article E-02 and any other legal requirements imposed under its law have been satisfied, deny the applicable preferential tariff rate of duty set out in that Annex to an originating good imported into its territory:

(a) if, where contrary to the laws of that Party, the claim for preferential tariff treatment for the

good is not supported by documentary evidence such as invoices, bills of lading or waybills that indicate the shipping route and all points of shipment and transshipment prior to the importation of the good into its territory; and

(b) if, where the good is shipped through or transshipped in the territory of a country that is not a Party under the Canada-Chile Free Trade Agreement, the importer of the good does not provide, on the request of that Party's customs administration, a copy of the customs control documents that indicate, to the satisfaction of the customs administration, that the goods remained under customs control while in the territory of such country.

## **Section F – Final Provisions**

### **Article X: Final Provisions**

1. For purposes of Chapter E of the Agreement and these Uniform Regulations, “completed” means completed, signed and dated.
2. Each Party shall ensure that its customs procedures governed by the Agreement are in accordance with Chapter E of the Agreement and these Uniform Regulations.
3. These Uniform Regulations shall enter into force on the date of the entry into force of the Agreement.
4. For purposes of Chapter E of the Agreement and these Uniform Regulations, any reference to “materials that are used in the production of the good” or “that are used in the production of a material that is used in the production of the good” shall include materials that are incorporated into a good or material as defined in the Uniform Regulations for Chapter D.

### **Annex I.1a**

Canada-Chile Free Trade Agreement  
CERTIFICATE OF ORIGIN  
[\[Form B240E\]](#)

### **Annex I.1d**

### **Language of a Party**

For purposes of these Uniform Regulations the language of a Party shall be, in the case of:

- (a) Canada, English or French; and
- (b) Chile, Spanish

### **Annex II.3**

### **Corrected Declaration of Origin**

An importer shall not be subject to penalties if, in the case of:

- (a) Canada, the importer makes the corrected declaration within ninety days from the date on

which the importer has reason to believe that the declaration is incorrect; and

(b) Chile, the importer makes the corrected declaration within 90 days from the date on which the importer has reason to believe that the declaration is incorrect and before the customs administration has initiated functions of verification or control of any kind.

## **Annex III.2**

### **Country-specific Definitions of “Series of Importations”**

For purposes of Article E-03 of the Agreement, “series of importations” means, in the case of:

(a) Canada, two or more importations of a good accounted for separately but covered by one commercial invoice issued by the seller of the good to the purchaser of the good; and

(b) Chile, when there are two or more import entries covering a good arriving the same day or released the same day, but covered by one invoice.

## **Annex VI.9**

### **Common Standards for Written Questionnaires**

1. For purposes of Article VI.9 of these Uniform Regulations, the Parties will seek to agree on uniform questions to be included in a general questionnaire.

2. Subject to paragraph 3, where the customs administration of a Party conducts a verification under Article E-06(1)(a) of the Agreement, it shall send the general questionnaire referred to in paragraph 1 of this Annex.

3. For purposes of Article E-06(1)(a) of the Agreement, where the customs administration of a Party requires specific information not reflected in the general questionnaire, it may send a more specific questionnaire, according to the information required to determine whether the good that is the subject to the verification is an originating good.

4. For purposes of Article VI of these Uniform Regulations, the verification questionnaires may, at the option of the exporter or producer, be completed in either the language of the Party into whose territory the good is imported, or the language of the Party in the territory in which the exporter or producer is located.

5. Nothing in this Annex shall be interpreted to constrain the customs administration of a Party from requesting additional information in accordance with Article E-06(1)(a) of the Agreement and these Uniform Regulations.

## **Annex VI.23**

### **Rulings and Advance Rulings**

A person shall be entitled to rely on a ruling or advance ruling that is issued, in the case of:

(a) Canada, in accordance with Departmental Memorandum D11-11-1, *National Customs Rulings (NCR)* or pursuant to section 43.1(1) of the *Customs Act* (Advance Rulings);

(b) Chile, in accordance with the provisions established in the Compendium of Customs

Regulations (Resolution No. 2.400, of 1985); other resolutions issued by the National Customs Service; Customs Ordinance (D.F.L. No. 30, of 30.04.83); and other complementary rules and laws.

## **Annex VII.2**

### **Common Standards for Information Required in the Application for an Advance Ruling**

1. For purposes of Article E-09(2) of the Agreement, each Party shall provide that a request for an advance ruling contain:

(a) the name and address of the exporter, producer or importer of the good requesting the issuance of the ruling, as the case may be hereinafter referred to as the applicant,

(b) where the applicant is

(i) the exporter of the good, the name and address of the producer and importer of the good, if known,

(ii) the producer of the good, the name and address of the exporter and importer of the good, if known, or

(iii) the importer of the good, the name and address of the exporter and, if known, the producers of the good;

(c) where the request is made on behalf of an applicant, the name and address of the person requesting the issuance of the advance ruling and either

(i) a written statement from the person requesting the issuance of the advance ruling, or

(ii) upon the request of the customs administration of that Party, such person provide, in accordance with its laws, evidence from the applicant on whose behalf the ruling is being requested,

that indicates that the person is duly authorized to transact business as the agent of the applicant;

(d) a statement, on the basis of the applicant's knowledge, as to whether the issue that is the subject of the request for an advance ruling is, or has been the subject of

(i) a verification of origin,

(ii) an administrative review or appeal,

(iii) a judicial or quasi-judicial review, or

(iv) a request for an advance ruling

in the territory of either Party, and if so, a brief statement setting forth the status or disposition of the matter;

(e) a statement, on the basis of the applicant's knowledge, as to whether the good that is the subject of the request for an advance ruling has previously been imported into the territory of the Party to whom the request for the advance ruling has been made;

(f) a statement that the information presented is accurate and complete; and

(g) a complete description of all relevant facts and circumstances relating to the issue that is the subject of the request for the advance ruling, including

(i) a concise statement, within the scope of Article E-09(1) of the Agreement, setting forth the issue on which the advance ruling is sought, and

(ii) a general description of the good.

2. Where relevant to the issue that is the subject of the request for an advance ruling, the request shall include, in addition to the information referred to in paragraph 1:

(a) a copy of any advance ruling or other ruling with respect to the tariff classification of the goods that has been issued to the applicant by the Party to whom the request for an advance ruling is made; and

(b) if no previous advance ruling or other ruling with respect to the tariff classification of the good has been issued by the Party to whom the request for the advance ruling is made, sufficient information to enable the customs administration of that Party to classify the good, including

(i) a full description of the good, including, where relevant, the composition of the good, a description of the process by which the good is manufactured, a description of the packaging in which the good is contained, the anticipated use of the good and its commercial, common or technical designation, product literature, drawings, photographs, or schematics, and

(ii) where practical and useful, a sample of the good.

3. Where the request for the advance ruling involves the application of a rule of origin that requires an assessment of whether materials used in the production of the goods undergo an applicable change in tariff classification, the request shall include:

(a) a listing of each material that is used in the production of the good;

(b) with respect to each material referred to in paragraph (a) that is claimed to be an originating material, a complete description of the material, including the basis on which it is considered that the material originates;

(c) with respect to each material referred to in paragraph (a) that is a non-originating material or the origin of which is unknown, a complete description of the material, including its tariff classification, if known; and

(d) a description of all processing operations employed in the production of the good, the location of each operation, and the sequence in which the operations occur.

4. Where the request for an advance ruling involves the application of a regional value-content requirement, the applicant shall indicate whether the request is based on the use of the transaction value or the net cost method, or both.

5. Where the request for an advance ruling involves the use of the transaction value method, the request shall include:

(a) information sufficient to calculate the transaction value of the good in accordance with

*Schedule II of the Uniform Regulations for the Interpretation, Application and Administration of Chapter D (Rules of Origin) of the Canada-Chile Free Trade Agreement with respect to the transaction of the producer of the good, adjusted to an FOB basis;*

(b) information sufficient to calculate the value of each material that is a non-originating material or the origin of which is unknown that is used in the production of the good in accordance with Section 7, and, where applicable, Section 6(10) of the *Uniform Regulations for the Interpretation, Application and Administration of Chapter D (Rules of Origin) of the Canada-Chile Free Trade Agreement*; and

(c) with respect to each material that is claimed to be an originating material that is used in the production of the good, a complete description of the material including the basis on which it is considered that the material originates.

6. Where the request for an advance ruling involves the use of the net cost method, the request shall include:

(a) a listing of all products, period, and other costs relevant to determining the total cost of the good referred to under the *Uniform Regulations for the Interpretation, Application and Administration of Chapter D (Rules of Origin) of the Canada-Chile Free Trade Agreement*;

(b) a listing of all excluded costs to be subtracted from the total cost referred to under the *Uniform Regulations for the Interpretation, Application and Administration of Chapter D (Rules of Origin) of the Canada-Chile Free Trade Agreement*;

(c) information sufficient to calculate the value of each material that is a non-originating material or the origin of which is unknown that is used in the production of the good in accordance with section 7 of the *Uniform Regulations for the Interpretation, Application and Administration of Chapter D (Rules of Origin) of the Canada-Chile Free Trade Agreement*;

(d) the basis for any allocation of costs in accordance with Schedule VI of the *Uniform Regulations for the Interpretation, Application and Administration of Chapter D (Rules of Origin) of the Canada-Chile Free Trade Agreement*; and

(e) the period over which the net cost calculation is to be made.

7. Where the request for an advance ruling involves an issue of whether, with respect to a good or a material that is used in the production of a good, the transaction value of the good or the material is acceptable, the request shall include information sufficient to permit an examination of the factors enumerated in Schedules III or VII of the *Uniform Regulations for the Interpretation, Application and Administration of Chapter D (Rules of Origin) of the Canada-Chile Free Trade Agreement*, as applicable.

8. Where the request for an advance ruling involves an issue of whether, with respect to an intermediate material under Article D-02(10) of the Agreement, the request shall contain sufficient information to determine the origin and value of the material in accordance with Article D-02(11).

9. Where the request for an advance ruling is limited to the calculation of an element of a regional value content formula, in addition to the information required under paragraph 1, only that information set out under paragraphs 4, 5, and 6 which is relevant to the issue that is the subject of the request for an advance ruling need be contained in the request.

10. Where the request for an advance ruling is limited to the origin of a material that is used in the production of a good in accordance with Article VII.1 of these Uniform Regulations, in addition to the information required under paragraph 1, only that information, set out under paragraphs 2 and

3, which is relevant to the issue that is the subject of the advance ruling need be contained in the request.

## **Annex VII.8**

### **Country-specific Definitions of "Importations of a Good"**

For purposes of Article E-09(7) of the Agreement, "importations of a good" means importations of a good:

(a) which, in the case of Canada, has been released pursuant to section 31 of the *Customs Act*;

(b) which, in the case of Chile, has cleared customs in accordance with Book II, Title IV, of the Customs Ordinances of Chile ("Ordenanza General de Aduana") (DFL 30(83-04-13)).

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## **References**

### **ISSUING OFFICE**

Nomenclature and Tariff Treatment Policy Directorate

### **LEGISLATIVE REFERENCES**

N/A

### **HEADQUARTERS FILE**

4571-6-6

### **SUPERSEDED MEMORANDA "D"**

N/A

### **OTHER REFERENCES**

N/A

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