

Certification of Origin Requirements

The importer may make a claim for preferential tariff treatment based on a certification of origin completed by the importer, the exporter, or the producer, for purposes of certifying that the good qualifies as an originating good. A certification of origin may be completed by the importer, exporter, or producer of the good on the basis of:

- ♣ The certifier of the certification of origin having information, including documents that demonstrate that the good is originating; or
- ♣ In the case of an exporter who is not the producer of the good, reasonable reliance on the producer's written representation, such as in a certification of origin, that the good is originating. In addition, the following requirements apply to the certification of origin:
 - ♣ The certification need not be in a prescribed format; it may be provided on an invoice or any other document, except an invoice or commercial document issued in a non-Party,
 - ♣ It may be completed and submitted electronically,
 - ♣ It may cover a single importation or multiple importations of identical goods within a maximum 12-month period,
 - ♣ It must contain the nine data elements set out in Annex 5-A of the Agreement (Appendix II, Annex A of these instructions)
 - ♣ It meets all other applicable requirements.

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An importer is required to have a valid certification of origin in its possession at the time the USMCA preference claim is made.

If CBP requests the certification of origin and it is illegible, is defective on its face, or is incomplete, the importer will be granted a period of not less than five working days to provide a copy of the corrected certification of origin.

The certification may be submitted in English, Spanish, or French. If submitted in Spanish or French, the English translation should also be provided to CBP.

A certification of origin is not required for: (1) a non-commercial importation of a good or (2) a commercial importation for which the value of the originating goods does not exceed US \$2,500, provided the importation does not form part of a series of importations that may be considered to have been undertaken or arranged for purposes of evading U.S. laws, regulations, or procedures governing claims for preferential treatment.

If CBP determines that an importation described in this section is part of a series of importations carried out or planned for purposes of evading compliance with preference requirements, the importer may be required to submit the certification of origin. The importer is responsible for exercising reasonable care concerning the accuracy of the certification of origin and all documentation submitted to CBP.

ANNEX-A –

Certification of Origin

A certification of origin that is the basis for a claim for preferential tariff treatment under this Agreement shall include the following elements:

1. Importer, Exporter, or Producer Certification of Origin Indicate whether the certifier is the exporter, producer, or importer in accordance with Article 5.2 (Claims for Preferential Tariff Treatment).

2. Certifier Provide the certifier's name, title, address (including country), telephone number, and email address.

3. Exporter Provide the exporter's name, address (including country), e-mail address, and telephone number if different from the certifier. This information is not required if the producer is completing the certification of origin and does not know the identity of the exporter. The address of the exporter shall be the place of export of the good in a Party's territory.

4. Producer Provide the producer's name, address (including country), e-mail address, and telephone number, if different from the certifier or exporter or, if there are multiple producers, state "Various" or provide a list of producers. A person who wishes for this information to remain confidential may state "Available upon request by the importing authorities". The address of a producer shall be the place of production of the good in a Party's territory.

5. Importer Provide, if known, the importer's name, address, e-mail address, and telephone number. The address of the importer shall be in a Party's territory.

6. Description and HS Tariff Classification of the Good a) Provide a description of the good and the HS tariff classification of the good to the 6-digit level. The description should be sufficient to relate it to the good covered by the certification; and b) If the certification of origin covers a single shipment of a good, indicate, if known, the invoice number related to the exportation.

7. Origin Criteria This document is for advance informational and advisory purposes only. It is not final and is subject to further revision. It is not intended to have legal or binding effect. Any decisions a reader makes based on this draft document are made with the understanding that the information in this document is advisory only and may change. The reader is responsible for monitoring the CBP website to ensure awareness of the status of any revisions to this document. 25 Specify the origin criteria under which the good qualifies, as set out in Article 4.2 (Originating Goods).

8. Blanket Period Include the period if the certification covers multiple shipments of identical goods for a specified period of up to 12 months, as set out in Article 5.2 - Claims for Preferential Tariff Treatment.

9. Authorized Signature and Date The legal name, address, telephone, and email address (if any) of the responsible official or authorized agent of the importer, exporter, or producer signing the certification (if different from the certifier's name, title, address (including country), telephone number, and e-mail address).

The origin certification must include the following statement:

I certify that the goods described in this document qualify as originating and the information contained in this document is true and accurate. I assume responsibility for proving such representations and agree to maintain and present upon request or to make available during a verification visit, documentation necessary to support this certification.