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►B COMMISSION IMPLEMENTING REGULATION (EU) 2015/2447

of 24 November 2015

[laying down detailed rules for implementing certain provisions of Regulation \(EU\) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code](#)

(OJ L 343 29.12.2015, p. 558)

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►M1 <a href="#">COMMISSION IMPLEMENTING REGULATION (EU) 2017/989 of 8 June 2017</a>	L 149 19	13.6.2017
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[C1 Corrigendum, OJ L 087, 2.4.2016, p. 35 \(2015/2447\)](#)

/../

Preferential origin

Article 60

For the purposes of this Section, the definitions laid down in Article 37 of Delegated Regulation (EU) 2015/2446 shall apply.

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## Obligations of Beneficiary Countries within the framework of the GSP scheme of the Union

### Article 70

#### Obligation to provide administrative cooperation within the framework of the REX system

(Article 64(1) of the Code)

1. In order to ensure the proper application of the GSP scheme beneficiary countries shall undertake:

- (a) to put in place and to maintain the necessary administrative structures and systems required for the implementation and management in that country of the rules and procedures laid down in this Subsection and Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446, including where appropriate the arrangements necessary for the application of cumulation;
- (b) that their competent authorities will cooperate with the Commission and the customs authorities of the Member States.

2. The cooperation referred to in point (b) of paragraph 1 shall consist of:

- ▶ [M1](#) (a) ◀ providing all necessary support in the event of a request by the Commission for the monitoring by it of the proper management of the GSP scheme in the country concerned, including verification visits on the spot by the Commission or the customs authorities of the Member States;
- ▶ [M1](#) (b) ◀ without prejudice to Articles 108 and 109 of this Regulation, verifying the originating status of products and the compliance with the other conditions laid down in this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446, including visits on the spot, where requested by the Commission or the customs authorities of the Member States in the context of origin investigations.

3. To be entitled to apply the registered exporters system, the beneficiary countries shall submit the undertaking referred to in paragraph 1 to the Commission at least 3 months before the date on which they intend to start the registration of exporters.

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4. Where a country or territory has been removed from Annex II to Regulation (EU) No 978/2012 of the European Parliament and of the Council ([9](#)), the rules and procedures laid down in Article 55 of Delegated Regulation (EU) 2015/2446 and the obligations laid down in Articles 72, 80 and 108 of this Regulation shall continue to apply to that country or territory for a period of 3 years from the date of its removal from that Annex.

#### ▼ [B](#)

### Article 71

Procedures and methods of administrative cooperation applicable with regard to exports using certificates of origin Form A and invoice declarations

(Article 64(1) of the Code)

1. Every beneficiary country shall comply or ensure compliance with:

- (a) the rules on the origin of the products being exported, laid down in Subsection 2 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446;
- (b) the rules for completion and issue of certificates of origin Form A;
- (c) the provisions for the use of invoice declarations, to be drawn up in accordance with the requirements set out in Annex 22-09;
- (d) the provisions concerning the obligations of notifications referred to in Article 73 of this Regulation;
- (e) the provisions concerning granting of derogations referred to in Article 64(6) of the Code.

2. The competent authorities of the beneficiary countries shall cooperate with the Commission or the Member States by, in particular:

- (a) providing all necessary support in the event of a request by the Commission for the monitoring by it of the proper management of the GSP scheme in the country concerned, including verification visits on the spot by the Commission or the customs authorities of the Member States;
- (b) without prejudice to Articles 73 and 110 of this Regulation, verifying the originating status of products and the compliance with the other conditions laid down in this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446, including visits on the spot, where requested by the Commission or the customs authorities of the Member States in the context of origin investigations.

3. Where, in a beneficiary country, a competent authority for issuing certificates of origin Form A is designated, documentary proofs of origin are verified, and certificates of origin Form A for exports to the Union are issued, that beneficiary country shall be considered to have accepted the conditions laid down in paragraph 1.

4. When a country is admitted or readmitted as a beneficiary country in respect of products referred to in Regulation (EU) No 978/2012, goods originating in that country shall benefit from the generalised system of preferences on condition that they were exported from the beneficiary country on or after the date referred to in Article 73(2) of this Regulation.

5. Where a country or territory has been removed from Annex II to Regulation (EU) No 978/2012, the obligation to provide administrative cooperation laid down in Article 55 of Delegated Regulation (EU) 2015/2446 and Articles 110 and 111 of this Regulation shall continue to apply to that country or territory for a period of 3 years from the date of its removal from that annex.

6. The obligations referred to in paragraph 5 shall apply to Singapore for a period of 3 years starting from 1 January 2014.

## Article 72

Notification obligations applicable after the date of application of the registered exporter (REX) system

(Article 64(1) of the Code)

1. Beneficiary countries shall notify the Commission of the names and addresses and contact details of the authorities situated in their territory which are:

- (a) part of the governmental authorities of the country concerned, or act under the authority of the government thereof, and competent to register exporters in the REX system, modify and update registration data and revoke registrations;
- (b) part of the governmental authorities of the country concerned and responsible for ensuring the administrative cooperation with the Commission and the customs authorities of the Member States as provided for in this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446.

2. The notification shall be sent to the Commission at the latest 3 months before the date on which the beneficiary countries intend to start the registration of exporters.

3. Beneficiary countries shall inform the Commission immediately of any changes to the information notified under the first paragraph.

## Article 73

Notification obligations applicable until the date of application of the registered exporter (REX) system

(Article 64(1) of the Code)

1. The beneficiary countries shall inform the Commission of the names and addresses of the governmental authorities situated in their territory which are empowered to issue certificates of origin Form A, together with specimen impressions of the stamps used by those authorities, and the names and addresses of the relevant governmental authorities responsible for the control of the certificates of origin Form A and the invoice declarations.

The Commission will forward this information to the customs authorities of the Member States. When this information is communicated within the framework of an amendment of previous communications, the Commission will indicate the date of entry into use of those new stamps according to the instructions given by the competent governmental authorities of the beneficiary countries. This information is for official use; however, when goods are to be released for free circulation, the customs authorities in question may allow the importer to consult the specimen impressions of the stamps.

Beneficiary countries which have already provided the information required under the first sub-paragraph shall not be obliged to provide it again, unless there has been a change.

2. For the purpose of Article 71(4) of this Regulation, the Commission will publish, on its website, the date on which a country admitted or readmitted as a beneficiary country in respect of products referred to in Regulation (EU) No 978/2012 met the obligations set out in paragraph 1 of this Article.

#### [▼M1](#)

3. Upon request of a beneficiary country, the Commission shall send to that beneficiary country specimen impressions of the stamps used by the customs authorities of the Member States for the issue of movement certificates EUR.1.

#### [▼B](#)

### Subsection 3

Procedures at export in beneficiary countries and in the Union applicable within the framework of the GSP scheme of the Union until the application of the registered exporter system

#### Article 74

Procedure for the issue of a certificate of origin Form A

(Article 64(1) of the Code)

1. Certificates of origin Form A shall be issued on written application from the exporter or its representative, together with any other appropriate supporting documents proving that the products to be exported qualify for the issue of a certificate of origin Form A. Certificates of origin Form A shall be issued using the form set out in Annex 22-08.

2. The competent authorities of beneficiary countries shall make available the certificate of origin Form A to the exporter as soon as the exportation has taken place or is ensured. However, the competent authorities of beneficiary countries may also issue a certificate of origin Form A after exportation of the products to which it relates, if:

- (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
- (b) it is demonstrated to the satisfaction of the competent authorities that a certificate of origin Form A was issued but was not accepted at importation for technical reasons; or
- (c) the final destination of the products concerned was determined during their transportation or storage and after possible splitting of a consignment, in accordance with Article 43 of Delegated Regulation (EU) 2015/2446.

3. The competent authorities of beneficiary countries may issue a certificate retrospectively only after verifying that the information supplied in the exporter's application for a certificate of origin Form A issued retrospectively is in accordance with that in the corresponding export file and that a certificate of origin Form A was not issued when the products in question were exported, except when the certificate of origin Form A was not accepted for technical reasons. The words 'Issued retrospectively', 'Délivré a posteriori' or 'emitido a posteriori' shall be indicated in box 4 of the certificate of origin Form A issued retrospectively.
4. In the event of theft, loss or destruction of a certificate of origin Form A, the exporter may apply to the competent authorities which issued it for a duplicate to be made out on the basis of the export documents in their possession. The words 'Duplicate', 'Duplicata' or 'Duplicado', the date of issue and the serial number of the original certificate shall be indicated in box 4 of the duplicate certificate of origin Form A. The duplicate takes effect from the date of the original.
5. For the purposes of verifying whether the product for which a certificate of origin Form A is requested complies with the relevant rules of origin, the competent governmental authorities shall be entitled to call for any documentary evidence or to carry out any check which they consider appropriate.
6. Completion of boxes 2 and 10 of the certificate of origin Form A shall be optional. Box 12 shall bear the mention 'Union' or the name of one of the Member States. The date of issue of the certificate of origin Form A shall be indicated in box 11. The signature to be entered in that box, which is reserved for the competent governmental authorities issuing the certificate, as well as the signature of the exporter's authorised signatory to be entered in box 12, shall be handwritten.

## Article 75

### Conditions for making out an invoice declaration

(Article 64(1) of the Code)

1. The invoice declaration may be made out by any exporter operating in a beneficiary country for any consignment consisting of one or more packages containing originating products whose total value does not exceed EUR 6 000 , and provided that the administrative cooperation referred to in [►M1](#) Article 71(2) ◀ applies to this procedure.
2. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs or other competent governmental authorities of the exporting country, all appropriate documents proving the originating status of the products concerned.
3. An invoice declaration shall be made out by the exporter in either French, English or Spanish by typing, stamping or printing on the invoice, the delivery note or any other commercial document, the declaration, the text of which appears in Annex 22-09. If the declaration is handwritten, it shall be written in ink in printed characters. Invoice declarations shall bear the original handwritten signature of the exporter.
4. The use of an invoice declaration shall be subject to the following conditions:

- (a) one invoice declaration shall be made out for each consignment;
- (b) if the goods contained in the consignment have already been subject to verification in the exporting country by reference to the definition of ‘originating products’, the exporter may refer to that verification in the invoice declaration.

#### Article 76

##### Conditions for issuing a certificate of origin Form A in case of cumulation

(Article 64(1) of the Code)

When cumulation under Articles 53, 54, 55 or 56 of Delegated Regulation (EU) 2015/2446 applies, the competent governmental authorities of the beneficiary country called on to issue a certificate of origin Form A for products in the manufacture of which materials originating in a party with which cumulation is permitted are used shall rely on the following:

- (a) in the case of bilateral cumulation, on the proof of origin provided by the exporter’s supplier and issued in accordance with the provisions of Article 77 of this Regulation;
- (b) in the case of cumulation with Norway, Switzerland or Turkey, on the proof of origin provided by the exporter’s supplier and issued in accordance with the relevant rules of origin of Norway, Switzerland or Turkey, as the case may be;
- (c) in the case of regional cumulation, on the proof of origin provided by the exporter’s supplier, namely a certificate of origin Form A, issued using the form set out in Annex 22-08 or, as the case may be, an invoice declaration, the text of which appears in Annex 22-09;
- (d) in the case of extended cumulation, on the proof of origin provided by the exporter’s supplier and issued in accordance with the provisions of the relevant free-trade agreement between the Union and the country concerned.

In the cases referred to in points (a), (b), (c) and (d) of the first sub-paragraph, Box 4 of certificate of origin Form A shall, as the case may be, contain the indication:

- ‘EU cumulation’, ‘Norway cumulation’, ‘Switzerland cumulation’, ‘Turkey cumulation’, ‘regional cumulation’, ‘extended cumulation with country x’, or
- ‘Cumul UE’, ‘Cumul Norvège’, ‘Cumul Suisse’, ‘Cumul Turquie’, ‘cumul régional’, ‘cumul étendu avec le pays x’, or
- ‘Acumulación UE’, ‘Acumulación Noruega’, ‘Acumulación Suiza’, ‘Acumulación Turquía’, ‘Acumulación regional’, ‘Acumulación ampliada con el país x’.

#### Article 77

##### Proof of Union’s originating status for the purpose of bilateral cumulation and approved exporter

(Article 64(1) of the Code)

1. Evidence of the originating status of Union products shall be furnished by either of the following:

- (a) the production of a movement certificate EUR.1, issued using the form set out in Annex 22-10; or
- (b) the production of an invoice declaration, the text of which is set out in Annex 22-09 [►M1](#) ———— ◀ . An invoice declaration may be made out by any exporter for consignments containing originating products whose total value does not exceed EUR 6 000 or by an approved Union exporter.

2. The exporter or its representative shall enter ‘GSP beneficiary countries’ and ‘EU’, or ‘Pays bénéficiaires du SPG’ and ‘UE’, in box 2 of the movement certificate EUR.1.

3. The provisions of this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446 concerning the issue, use and subsequent verification of certificates of origin Form A shall apply *mutatis mutandis* to EUR.1 movement certificates and, with the exception of the provisions concerning their issue, to invoice declarations.

4. The customs authorities of the Member States may authorise any exporter established in the customs territory of the Union, hereinafter referred to as an ‘approved exporter’, who makes frequent shipments of products originating in the Union within the framework of bilateral cumulation to make out invoice declarations, irrespective of the value of the products concerned, where that exporter offers, to the satisfaction of the customs authorities, all guarantees necessary to verify the following:

- (a) the originating status of the products;
- (b) the fulfilment of other requirements applicable in that Member State.

5. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate. The customs authorities shall grant to the approved exporter a customs authorisation number which shall appear on the invoice declaration.

6. The customs authorities shall monitor the use of the authorisation by the approved exporter. The customs authorities may withdraw the authorisation at any time.

They shall withdraw the authorisation in each of the following cases:

- (a) the approved exporter no longer offers the guarantees referred to in paragraph 4;
- (b) the approved exporter does not fulfil the conditions referred to in paragraph 5;
- (c) the approved exporter otherwise makes improper use of the authorisation.

7. An approved exporter shall not be required to sign invoice declarations provided that the approved exporter gives the customs authorities a written undertaking accepting full



responsibility for any invoice declaration which identifies the approved exporter as if the approved exporter had signed it with his handwritten signature.

#### Subsection 4

Procedures at export in beneficiary countries and in the Union applicable within the framework of the GSP scheme of the Union from the date of the application of the registered exporter system

#### Article 78

Obligation for exporters to be registered and waiver thereof

(Article 64(1) of the Code)

1. The GSP scheme shall apply in the following cases:

- (a) in cases of goods satisfying the requirements of this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446 exported by a registered exporter;
- (b) in cases of any consignment of one or more packages containing originating products exported by any exporter, where the total value of the originating products consigned does not exceed EUR 6 000 .

2. The value of originating products in a consignment is the value of all originating products within one consignment covered by a statement on origin made out in the country of exportation.

#### Article 79

Registration procedure in the beneficiary countries and procedures at export applicable during the transition period to the application of the registered exporter system

(Article 64(1) of the Code)

1. Beneficiary countries shall start the registration of exporters on 1 January 2017.

However, where the beneficiary country is not in a position to start registration on that date, it shall notify the Commission in writing by 1 July 2016 that it postpones the registration of exporters until 1 January 2018 or 1 January 2019.

2. During a period of 12 months following the date on which the beneficiary country starts the registration of exporters, the competent authorities of that beneficiary country shall continue to issue certificates of origin Form A at the request of exporters who are not yet registered at the time of requesting the certificate.

Without prejudice to Article 94(2) of this Regulation, certificates of origin Form A issued in accordance with the first sub-paragraph of this paragraph shall be admissible in the Union as proof of origin if they are issued before the date of registration of the exporter concerned.

The competent authorities of a beneficiary country experiencing difficulties in completing the registration process within the above 12-month period may request its extension to the Commission. Such extensions shall not exceed 6 months.

3. Exporters in a beneficiary country, registered or not, shall make out statements on origin for originating products consigned, where the total value thereof does not exceed EUR 6 000 , as of the date from which the beneficiary country intends to start the registration of exporters.

Exporters, once registered, shall make out statements on origin for originating products consigned, where the total value thereof exceeds EUR 6 000 , as of the date from which their registration is valid in accordance with Article 86(4) of this Regulation.

4. All beneficiary countries shall apply the registered exporter system as of 30 June 2020 at the latest.

## Subsection 5

### Article 80

Registered exporter database: obligations of the authorities

(Article 64(1) of the Code)

1. The Commission shall set up a system for registering exporters authorised to certify the origin of goods (the REX system) and make it available by 1 January 2017.

#### [▼M2](#)

2. The competent authorities of beneficiary countries shall upon receipt of the complete application form referred to in Annex 22-06 assign without delay the number of registered exporter to the exporter and enter into the REX system the number of registered exporter, the registration data and the date from which the registration is valid in accordance with Article 86(4).

The customs authorities of Member States shall upon receipt of the complete application form referred to in Annex 22-06A assign without delay the number of registered exporter to the exporter or, where appropriate, the re-consignor of goods and enter into the REX system the number of registered exporter, the registration data and the date from which the registration is valid in accordance with Article 86(4).

The competent authorities of a beneficiary country or the customs authorities of a Member State shall inform the exporter or, where appropriate, the re-consignor of goods of the number of registered exporter assigned to that exporter or re-consignor of goods and of the date from which the registration is valid.

## [▼B](#)

3. Where the competent authorities consider that the information provided in the application is incomplete, they shall inform the exporter thereof without delay.
4. The competent authorities of beneficiary countries and the customs authorities of Member States shall keep the data registered by them up-to-date. They shall modify those data immediately after having been informed by the registered exporter in accordance with Article 89 of this Regulation. [►M1](#) The competent authorities of a beneficiary country or the customs authorities of a Member State shall inform the registered exporter of the modification of his registration data. ◀

## Article 81

### Date of application of certain provisions

(Article 64(1) of the Code)

1. Articles 70, 72, 78 to 80, 82 to 93, 99 to 107, 108, 109 and 112 of this Regulation shall apply in respect of export of goods by exporters registered under the REX system in a beneficiary country from the date on which that beneficiary country starts registering exporters under that system. In so far as exporters in the Union are concerned, these Articles shall apply from 1 January 2017.
2. Articles 71, 73, 74 to 77, 94 to 98 and 110 to 112 of this Regulation shall apply in respect of export of goods by exporters who are not registered under the REX system in a beneficiary country. In so far as exporters in the Union are concerned, these Articles shall apply until 31 December 2017.

## Article 82

### Registered exporter database: access rights to the database

(Article 64(1) of the Code)

1. The Commission shall ensure that access to the REX system is given in accordance with this Article.
2. The Commission shall have access to consult all the data.
3. The competent authorities of a beneficiary country shall have access to consult the data concerning exporters registered by them.
4. The customs authorities of the Member States shall have access to consult the data registered by them, by the customs authorities of other Member States and by the competent authorities of beneficiary countries as well as by Norway, Switzerland or Turkey. This access to the data shall take place for the purpose of carrying out verifications of customs declarations under Article 188 of the Code or post-release control under Article 48 of the Code.

5. The Commission shall provide secure access to the REX system to the competent authorities of beneficiary countries.

6. Where a country or territory has been removed from Annex II to Regulation (EU) No 978/2012, its competent authorities shall keep the access to the REX system as long as required in order to enable them to comply with their obligations under Article 70 of this Regulation.

[▼M2](#)

7. The Commission shall make the following data available to the public on condition that consent has been given by the exporter by signing box 6 of the form set out in Annex 22-06 or Annex 22-06A, as applicable:

- (a) name of the registered exporter as specified in box 1 of the form set out in Annex 22-06 or Annex 22-06A, as appropriate;
- (b) address of the place where the registered exporter is established as specified in box 1 of the form set out in Annex 22-06 or Annex 22-06A, as appropriate;
- (c) contact details as specified in box 1 and box 2 of the form set out in Annex 22-06 or Annex 22-06A, as appropriate;
- (d) indicative description of the goods which qualify for preferential treatment, including indicative list of Harmonised System headings or chapters, as specified in box 4 of the form set out in Annex 22-06 or Annex 22-06A, as appropriate;
- (e) EORI number of the registered exporter as specified in box 1 of the form set out in Annex 22-06A, or the trader identification number (TIN) of the registered exporter as specified in box 1 of the form set out in Annex 22-06;
- (f) whether the registered exporter is a trader or a producer as specified in box 3 of the form set out in Annex 22-06 or Annex 22-06A, as appropriate.

The refusal to sign box 6 shall not constitute a ground for refusing to register the exporter.

[▼B](#)

8. The Commission shall always make the following data available to the public

- (a) the number of registered exporter;

[▼M2](#)

- (b) the date of registration of the registered exporter;

[▼B](#)

- [►M2](#) (c) ◀ the date from which the registration is valid;

[►M2](#) (d) ◀ the date of the revocation of the registration where applicable;

[►M2](#) (e) ◀ information whether the registration applies also to exports to Norway, Switzerland or Turkey;

[►M2](#) (f) ◀ the date of the last synchronisation between the REX system and the public website.

## Article 83

### Registered exporter database: data protection

(Article 64(1) of the Code)

1. The data registered in the REX system shall be processed solely for the purpose of the application of the GSP scheme as set out in this Subsection.

2. Registered exporters shall be provided with the information laid down in Article 11(1)(a) to (e) of Regulation (EC) No 45/2001 of the European Parliament and of the Council ([10](#)) or Article 10 of Directive 95/46/EC of the European Parliament and of the Council ([11](#)). In addition, they shall also be provided with the following information:

(a) information concerning the legal basis of the processing operations for which the data is intended;

(b) the data retention period.

Registered exporters shall be provided with that information via a notice attached to the application to become a registered exporter as set out in Annex 22-06 [►M2](#) or in Annex 22-06A, as appropriate ◀ .

3. Each competent authority in a beneficiary country and each customs authority in a Member State that has introduced data into the REX system shall be considered the controller with respect to the processing of those data.

The Commission shall be considered as a joint controller with respect to the processing of all data to guarantee that the registered exporter will obtain his rights.

4. The rights of registered exporters with regard to the processing of data which is stored in the REX system listed in Annex 22-06 [►M2](#) or in Annex 22-06A, as appropriate ◀ and processed in national systems shall be exercised in accordance with the data protection legislation implementing Directive 95/46/EC of the Member State which is storing their data.

5. Member States who replicate in their national systems the data of the REX system they have access to shall keep the replicated data-up-to date.

6. The rights of registered exporters with regard to the processing of their registration data by the Commission shall be exercised in accordance with Regulation (EC) No 45/2001.

7. Any request by a registered exporter to exercise the right of access, rectification, erasure or blocking of data in accordance with Regulation (EC) No 45/2001 shall be submitted to and processed by the controller of data.

Where a registered exporter has submitted such a request to the Commission without having tried to obtain his rights from the controller of data, the Commission shall forward that request to the controller of data of the registered exporter.

If the registered exporter fails to obtain his rights from the controller of data, the registered exporter shall submit such request to the Commission acting as controller. The Commission shall have the right to rectify, erase or block the data.

8. The national supervisory data protection authorities and the European Data Protection Supervisor, each acting within the scope of their respective competence, shall cooperate and ensure coordinated supervision of the registration data.

They shall, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation, study problems with the exercise of independent supervision or in the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

#### Article 84

Notification obligations applicable to Member States for the implementation of the registered exporter (REX) system

(Article 64(1) of the Code)

Member States shall notify the Commission of the names, addresses and contact details of their customs authorities which are:

- (a) competent to register exporters and re-consignors of goods in the REX system, modify and update registration data and revoke registration;
- (b) responsible for ensuring the administrative cooperation with the competent authorities of the beneficiary countries as provided for in this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446.

The notification shall be sent to the Commission by 30 September 2016.

Member States shall inform the Commission immediately of any changes to the information notified under the first sub-paragraph.

#### Article 85

Registration procedure in the Member States and procedures at export applicable during the transition period to the application of the registered exporter system

(Article 64(1) of the Code)

1. On 1 January 2017, the customs authorities of Member States shall start the registration of exporters established in their territories.

[▼M1](#)

2. As of 1 January 2018, the customs authorities in all Member States shall cease to issue movement certificates EUR.1 and approved exporters shall cease to make out invoice declarations for the purpose of cumulation under Article 53 of Delegated Regulation (EU) 2015/2446.

[▼B](#)

3. Until 31 December 2017, the customs authorities of Member States shall issue movement certificates EUR.1 or replacement certificates of origin Form A at the request of exporters or re-consignors of goods who are not yet registered. This shall also apply if the originating products sent to the Union are accompanied by statements on origin made out by a registered exporter in a beneficiary country.

[▼M1](#)

Until 31 December 2017, approved exporters in Member States who are not yet registered may make out invoice declarations for the purpose of cumulation under Article 53 of Delegated Regulation (EU) 2015/2446.

[▼B](#)

4. Exporters in the Union, registered or not, shall make out statements on origin for originating products consigned, where the total value thereof does not exceed EUR 6 000 , as from 1 January 2017.

Exporters, once registered, shall make out statements on origin for originating products consigned, where the total value thereof exceeds EUR 6 000 , as of the date on which their registration is valid in accordance with Article 86(4) of this Regulation.

5. Re-consignors of goods who are registered may make out replacement statements on origin from the date from which their registration is valid in accordance with Article 86(4) of this Regulation. This shall apply regardless of whether the goods are accompanied by a certificate of origin Form A issued in the beneficiary country or an invoice declaration or a statement on origin made out by the exporter.

Article 86

Application to become a registered exporter

(Article 64(1) of the Code)

1. To become a registered exporter, an exporter shall lodge an application with the competent authorities of the beneficiary country where he has his headquarters or where he is permanently established.

The application shall be made using the form set out in Annex 22-06.

2. To become a registered exporter, an exporter or a re-consignor of goods established in the customs territory of the Union shall lodge an application with the customs authorities of that Member States. The application shall be made using the form set out in [►M2](#) Annex 22-06A ◀ .

#### [▼M1](#)

3. For the purposes of exports under the GSP schemes of the Union, of Norway or of Switzerland, exporters shall only be required to be registered once.

A registered exporter number shall be assigned to the exporter by the competent authorities of the beneficiary country with a view to exporting under the GSP schemes of the Union, Norway and Switzerland, to the extent that those countries have recognised the country where the registration has taken place as a beneficiary country.

The first and second subparagraphs shall apply mutatis mutandis for the purpose of exports under the GSP scheme of Turkey once that country starts applying the REX system. The Commission shall publish in the Official Journal of the European Union (C series) the date on which Turkey starts applying that system.

#### [▼B](#)

4. The registration shall be valid as of the date on which the competent authorities of a beneficiary country or the customs authorities of a Member State receive a complete application for registration, in accordance with paragraphs 1 and 2.

5. Where the exporter is represented for the purpose of carrying out export formalities and the representative of the exporter is also a registered exporter, this representative shall not use his own registered exporter number.

#### [▼M1](#)

Article 87

Registered exporter system: Publication requirement

(Article 64(1) of the Code)

The Commission shall publish on its website the date on which beneficiary countries start applying the REX system. The Commission shall keep the information up-to-date.

#### [▼B](#)

Article 88



Automatic registration of exporters for a country becoming a beneficiary country of the GSP scheme of the Union

(Article 64(1) of the Code)

Where a country is added to the list of beneficiary countries in Annex II to Regulation (EU) No 978/2012, the Commission shall automatically activate for its GSP scheme the registrations of all exporters registered in that country provided that the registration data of the exporters are available in the REX system and are valid for at least the GSP scheme of Norway, Switzerland or Turkey.

In this case, an exporter who is already registered for at least the GSP scheme of either, Norway, Switzerland or Turkey, need not lodge an application with his competent authorities to be registered for the GSP scheme of the Union.

Article 89

[▼M1](#)

Revocation of registration

[▼B](#)

(Article 64(1) of the Code)

1. Registered exporters shall immediately inform the competent authorities of the beneficiary country or the customs authorities of the Member State of changes to the information which they have provided for the purposes of their registration.

2. Registered exporters who no longer meet the conditions for exporting goods under the GSP scheme, or no longer intend to export goods under the GSP scheme shall inform the competent authorities in the beneficiary country or the customs authorities in the Member State accordingly.

3. The competent authorities in a beneficiary country or the customs authorities in a Member State shall revoke the registration if the registered exporter:

- (a) no longer exists;
- (b) no longer meets the conditions for exporting goods under the GSP scheme;
- (c) has informed the competent authority of the beneficiary country or the customs authorities of the Member State that he no longer intends to export goods under the GSP scheme;
- (d) intentionally or negligently draws up, or causes to be drawn up, a statement on origin which contains incorrect information and leads to wrongfully obtaining the benefit of preferential tariff treatment.

4. The competent authority of a beneficiary country or the customs authorities of a Member State may revoke the registration if the registered exporter fails to keep the data concerning his registration up-to-date.
5. Revocation of registrations shall take effect for the future, i.e. in respect of statements on origin made out after the date of revocation. Revocation of registration shall have no effect on the validity of statements on origin made out before the registered exporter is informed of the revocation.
6. The competent authority of a beneficiary country or the customs authorities of a Member State shall inform the registered exporter about the revocation of his registration and of the date from which the revocation will take effect.
7. Judicial remedy shall be available to the exporter or the re-consignor of goods in the event of revocation of his registration.
8. The revocation of a registered exporter shall be cancelled in case of an incorrect revocation. The exporter or the re-consignor of goods shall be entitled to use the registered exporter number assigned to him at the time of the registration.
9. Exporters or re-consignors of goods whose registration has been revoked may make a new application to become a registered exporter in accordance with Article 86 of this Regulation. Exporters or re-consignors of goods whose registration has been revoked in accordance with paragraphs 3(d) and 4 may only be registered again if they prove to the competent authorities of the beneficiary country or to the customs authorities of the Member State which had registered them that they have remedied the situation which led to the revocation of their registration.
10. The data relating to a revoked registration shall be kept in the REX system by the competent authority of the beneficiary country or by the customs authorities of the Member State, which introduced them into that system, for a maximum of 10 calendar years after the calendar year in which the revocation took place. After those 10 calendar years, the competent authority of a beneficiary country or the customs authorities of the Member State shall delete the data.

#### Article 90

##### [▼M1](#)

Automatic revocation of registrations when a country is withdrawn from the list of beneficiary countries

##### [▼B](#)

(Article 64(1) of the Code)

1. The Commission shall revoke all registrations of exporters registered in a beneficiary country if the beneficiary country is removed from the list of beneficiary countries in Annex II to Regulation (EU) No 978/2012 or if the tariff preferences granted to the beneficiary country have been temporarily withdrawn in accordance with Regulation (EU) No 978/2012.

2. Where that country is reintroduced in that list or where the temporary withdrawal of the tariff preferences granted to the beneficiary country is terminated, the Commission shall re-activate the registrations of all exporters registered in that country provided that the registration data of the exporters are available in the system and have remained valid for at least the GSP scheme of Norway or Switzerland, or Turkey. Otherwise, exporters shall be registered again in accordance with Article 86 of this Regulation.

3. In the event of revocation of the registrations of all registered exporters in a beneficiary country in accordance with the first paragraph, the data of the revoked registrations will be kept in the REX system for at least 10 calendar years after the calendar year in which the revocation took place. After that 10-year period, and when the beneficiary country has not been a beneficiary country of the GSP scheme of Norway, Switzerland, nor Turkey for more than 10 years, the Commission will delete the data of the revoked registrations from the REX system.

## Article 91

### Obligations of exporters

(Article 64(1) of the Code)

1. Exporters and registered exporters shall comply with the following obligations:

- (a) they shall maintain appropriate commercial accounting records concerning the production and supply of goods qualifying for preferential treatment;
- (b) they shall keep available all evidence relating to the materials used in the manufacture;
- (c) they shall keep all customs documentation relating to the materials used in the manufacture;
- (d) they shall keep for at least 3 years from the end of the calendar year in which the statement on origin was made out, or longer if required by national law, records of:
  - (i) the statements on origin they made out;
  - (ii) their originating and non-originating materials, production and stock accounts.

Those records and those statements on origin may be kept in an electronic format but shall allow the materials used in the manufacture of the exported products to be traced and their originating status to be confirmed.

2. The obligations provided for in paragraph 1 shall also apply to suppliers who provide exporters with suppliers' declarations certifying the originating status of the goods they supply.

3. The re-consignors of goods, whether registered or not, who make out replacement statements on origin shall keep the initial statements on origin they replaced for at least 3 years from the end of the calendar year in which the replacement statement on origin was made out, or longer if required by national law.

## Article 92

### General provisions on the statement on origin

(Article 64(1) of the Code)

1. A statement on origin may be made out at the time of exportation to the Union or when the exportation to the Union is ensured.

Where the products concerned are considered as originating in the beneficiary country of export or another beneficiary country in accordance with the second sub-paragraph of Article 55(4) of Delegated Regulation (EU) 2015/2446 or with the second sub-paragraph of Article 55(6) of that Regulation, the statement on origin shall be made out by the exporter in the beneficiary country of export.

[▼M1](#) \_\_\_\_\_

[▼B](#)

2. A statement on origin may also be made out after exportation ('retrospective statement') of the products concerned. Such a retrospective statement on origin shall be admissible if presented to the customs authorities in the Member State of lodging of the customs declaration for release for free circulation at the latest 2 years after the importation.

Where the splitting of a consignment takes place in accordance with Article 43 of Delegated Regulation (EU) 2015/2446 and provided that the 2-year deadline referred to in the first sub-paragraph is respected, the statement on origin may be made out retrospectively by the exporter of the country of exportation of the products. This applies mutatis mutandis if the splitting of a consignment takes place in another beneficiary country or in Norway, Switzerland or Turkey.

3. The statement on origin shall be provided by the exporter to its customer in the Union and shall contain the particulars specified in Annex 22-07 of. It shall be made out in English, French or Spanish.

It may be made out on any commercial document allowing identification of the exporter concerned and the goods involved.

[▼M2](#)

The exporter shall not be required to sign the statement on origin.

[▼M2](#)

4. Paragraphs 1, 2 and 3 shall apply mutatis mutandis to the following:

- (a) statements on origin made out in the Union for the purpose of bilateral cumulation as referred to in Article 53 of Delegated Regulation (EU) 2015/2446;

- (b) statements on origin of goods exported to a beneficiary country of the GSP schemes of Norway, Switzerland or Turkey for the purpose of cumulation with materials originating in the Union.

## [▼B](#)

### Article 93

#### Statement on origin in the case of cumulation

(Article 64(1) of the Code)

1. For the purpose of establishing the origin of materials used under bilateral or regional cumulation, the exporter of a product manufactured using materials originating in a country with which cumulation is permitted shall rely on the statement on origin provided by the supplier of those materials. In these cases, the statement on origin made out by the exporter shall, as the case may be, contain the indication ‘EU cumulation’, ‘regional cumulation’, ‘Cumul UE’, ‘Cumul regional’ or ‘Acumulación UE’, ‘Acumulación regional’.
2. For the purpose of establishing the origin of materials used within the framework of cumulation under Article 54 of Delegated Regulation (EU) 2015/2446, the exporter of a product manufactured using materials originating in Norway, Switzerland or Turkey shall rely on the proof of origin provided by the supplier of those materials on condition that that proof has been issued in accordance with the provisions of the GSP rules of origin of Norway, Switzerland or Turkey, as the case may be. In this case, the statement on origin made out by the exporter shall contain the indication ‘Norway cumulation’, ‘Switzerland cumulation’, ‘Turkey cumulation’, ‘Cumul Norvège’, ‘Cumul Suisse’, ‘Cumul Turquie’ or ‘Acumulación Noruega’, ‘Acumulación Suiza’, ‘Acumulación Turquía’.
3. For the purpose of establishing the origin of materials used within the framework of extended cumulation under Article 56 of Delegated Regulation (EU) 2015/2446, the exporter of a product manufactured using materials originating in a party with which extended cumulation is permitted shall rely on the proof of origin provided by the supplier of those materials on condition that that proof has been issued in accordance with the provisions of the relevant free-trade agreement between the Union and the party concerned.

In this case, the statement on origin made out by the exporter shall contain the indication ‘extended cumulation with country x’, ‘cumul étendu avec le pays x’ or ‘Acumulación ampliada con el país x’.

### Subsection 6

Procedures at release for free circulation in the Union applicable within the framework of the GSP scheme of the Union until the date of the application of the registered exporter system

### Article 94

Submission and validity of certificates of origin Form A or invoice declarations and belated presentation thereof

(Article 64(1) of the Code)

1. Certificates of origin Form A or invoice declarations shall be submitted to the customs authorities of the Member States of importation in accordance with the procedures concerning the customs declaration.
2. A proof of origin shall be valid for 10 months from the date of issue in the exporting country and shall be submitted within the said period to the customs authorities of the importing country.

Proofs of origin submitted to the customs authorities of the importing country after the lapsing of their period of validity may be accepted for the purpose of applying the tariff preferences, where failure to submit these documents by the final date set is due to exceptional circumstances.

In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been presented to customs before the said final date.

Article 95

Replacement of certificates of origin Form A and invoice declarations

(Article 64(1) of the Code)

1. Where originating products not yet released for free circulation are placed under the control of a customs office of a Member State, that customs office shall, on written request from the re-consignor, replace the initial certificate of origin Form A or invoice declaration by one or more certificates of origin Form A (replacement certificate) for the purposes of sending all or some of these products elsewhere within the Union or to Norway or Switzerland. The re-consignor shall indicate in his request whether a photocopy of the initial proof of origin is to be annexed to the replacement certificate.
2. The replacement certificate shall be drawn up in accordance with Annex 22-19.

The customs office shall verify that the replacement certificate is in conformity with the initial proof of origin.

3. Where the request for a replacement certificate is made by a re-consignor acting in good faith, he shall not be responsible for the accuracy of the particulars entered on the initial proof of origin.
4. The customs office which is requested to issue the replacement certificate shall note on the initial proof of origin or on an attachment thereto the weights, numbers, nature of the products forwarded and their country of destination and indicate thereon the serial numbers of the corresponding replacement certificate or certificates. It shall keep the initial proof of origin for at least 3 years.

5. In the case of products which benefit from the tariff preferences under a derogation granted in accordance with Article 64(6) of the Code, the procedure laid down in this Article shall apply only when such products are intended for the Union.

#### Article 96

Importation by instalments using certificates of origin Form A or invoice declarations

(Article 64(1) of the Code)

1. Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing Member State, unassembled or disassembled products within the meaning of general interpretative rule 2(a) of the Harmonised System and falling within Section XVI or XVII or heading 7308 or 9406 of the Harmonised System are imported by instalments, a single proof of origin for such products may be submitted to the customs authorities on importation of the first instalment.

2. At the request of the importer and having regard to the conditions laid down by the customs authorities of the importing Member State, a single proof of origin may be submitted to the customs authorities at the importation of the first consignment when the goods:

- (a) are imported within the framework of frequent and continuous trade flows of a significant commercial value;
- (b) are the subject of the same contract of sale, the parties of this contract established in the exporting country or in the Member State(s);
- (c) are classified in the same code (eight digits) of the Combined Nomenclature;
- (d) come exclusively from the same exporter, are destined for the same importer, and are made the subject of entry formalities at the same customs office of the same Member State.

This procedure shall be applicable for a period determined by the competent customs authorities.

#### Article 97

Exemptions from the obligation to provide a certificate of origin Form A or an invoice declaration

(Article 64(1) of the Code)

1. Products sent as small packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products benefiting from GSP tariff preferences without requiring the presentation of a certificate of origin Form A or an invoice declaration, provided that:

- (a) such products:
  - (i) are not imported by way of trade;

(ii) have been declared as meeting the conditions required for benefiting from the GSP scheme;

(b) there is no doubt as to the veracity of the declaration referred to in point (a)(ii).

2. Imports shall not be considered as imports by way of trade if all the following conditions are met:

(a) the imports are occasional;

(b) the imports consist solely of products for the personal use of the recipients or travellers or their families;

(c) it is evident from the nature and quantity of the products that no commercial purpose is in view.

3. The total value of the products referred to in paragraph 2 shall not exceed EUR 500 in the case of small packages or EUR 1 200 in the case of products forming part of travellers' personal luggage.

## Article 98

Discrepancies and formal errors in certificates of origin Form A or invoice declarations

(Article 64(1) of the Code)

1. The discovery of slight discrepancies between the statements made in the certificate of origin Form A or in an invoice declaration, and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto render the certificate or declaration null and void if it is duly established that that document does correspond to the products submitted.

2. Obvious formal errors on a certificate of origin Form A, a movement certificate EUR.1 or an invoice declaration shall not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in that document.

## Subsection 7

Procedures at release for free circulation in the Union applicable within the framework of the GSP scheme of the Union from the date of the application of the registered exporter system

## Article 99

Validity of statement on origin

(Article 64(1) of the Code)

1. A statement on origin shall be made out for each consignment.

2. A statement on origin shall be valid for 12 months from the date on which it is made out.



3. A single statement on origin may cover several consignments if the goods meet the following conditions:

- (a) they are presented unassembled or disassembled within the meaning of General Interpretative rule 2(a) of the Harmonised System;
- (b) they are falling within Sections XVI or XVII or headings 7308 or 9406 of the Harmonised System; and
- (c) they are intended to be imported by instalments.

#### Article 100

##### Admissibility of a statement on origin

(Article 64(1) of the Code)

In order for importers to be entitled to claim benefit from the GSP scheme upon declaration of a statement on origin, the goods shall have been exported on or after the date on which the beneficiary country from which the goods are exported started the registration of exporters in accordance with Article 79 of this Regulation.

When a country is admitted or readmitted as a beneficiary country in respect of products referred to in Regulation (EU) No 978/2012, goods originating in that country shall benefit from the generalised scheme of preferences on condition that they were exported from the beneficiary country on or after the date on which this beneficiary country started applying the registered exporters system referred to in Article 70(3) of this Regulation.

#### Article 101

##### Replacement of statements on origin

(Article 64(1) of the Code)

1. Where originating products not yet released for free circulation are placed under the control of a customs office of a Member State, the re-consignor may replace the initial statement on origin by one or more replacement statements on origin (replacement statements), for the purposes of sending all or some of the products elsewhere within the customs territory of the Union or to Norway or Switzerland.

The replacement statement shall be drawn up in accordance with the requirements in Annex 22-20.

Replacement statements on origin may only be made out if the initial statement on origin was made out in accordance with Articles 92, 93, 99 and 100 of this Regulation and Annex 22-07.

2. Re-consignors shall be registered for the purposes of making out replacement statements on origin as regards originating products to be sent elsewhere within the territory of the Union where the total value of the originating products of the initial consignment to be split exceeds EUR 6 000 .

However, re-consignors who are not registered may make out replacement statements on origin where the total value of the originating products of the initial consignment to be split exceeds EUR 6 000 if they attach a copy of the initial statement on origin made out in the beneficiary country.

3. Only re-consignors registered in the REX system may make out replacement statements on origin as regards products to be sent to Norway or Switzerland.
4. A replacement statement on origin shall be valid for 12 months from the date of making out the initial statement on origin.
5. Paragraphs 1 to 4 shall also apply to statements replacing replacement statements on origin.
6. Where products benefit from tariff preferences under a derogation granted in accordance with Article 64(6) of the Code, the replacement provided for in this Article may only be made if such products are intended for the Union.

## Article 102

### General principles and precautions to be taken by the declarant

(Article 64(1) of the Code)

1. Where a declarant requests preferential treatment under the GSP scheme, he shall make reference to the statement on origin in the customs declaration for release for free circulation. The reference to the statement on origin will be its date of issue with the format `yyyymmdd`, where `yyyy` is the year, `mm` is the month and `dd` is the day. Where the total value of the originating products consigned exceeds EUR 6 000, the declarant shall also indicate the number of the registered exporter.
2. Where the declarant has requested application of the GSP scheme in accordance with paragraph 1, without being in possession of a statement on origin at the time of the acceptance of the customs declaration for release for free circulation, that declaration shall be considered as being [►M1](#) simplified ◀ within the meaning of Article 166 of the Code and treated accordingly.
3. Before declaring goods for release for free circulation, the declarant shall take due care to ensure that the goods comply with the rules in this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446, in particular, by checking:
  - (a) on the public website that the exporter is registered in the REX system, where the total value of the originating products consigned exceeds EUR 6 000 ; and
  - (b) that the statement on origin is made out in accordance with Annex 22-07 [►M1](#) ————— ◀

## Article 103

## Exemptions from the obligation to provide a statement on origin

(Article 64(1) of the Code)

1. The following products shall be exempted from the obligation to make out and produce a statement on origin:

- (a) products sent as small packages from private persons to private persons, the total value of which does not exceed EUR 500;
- (b) products forming part of travellers' personal luggage, the total value of which does not exceed EUR 1 200 .

2. The products referred to in paragraph 1 shall meet the following conditions:

- (a) they are not imported by way of trade;
- (b) they have been declared as meeting the conditions for benefiting from the GSP scheme;
- (c) there is no doubt as to the veracity of the declaration referred to in point (b).

3. For the purposes of point (a) of paragraph 2, imports shall not be considered as imports by way of trade if all the following conditions are met:

- (a) the imports are occasional;
- (b) the imports consist solely of products for the personal use of the recipients or travellers or their families;
- (c) it is evident from the nature and quantity of the products that no commercial purpose is in view.

## Article 104

Discrepancies and formal errors in statements on origin; Belated presentation of statements on origin

(Article 64(1) of the Code)

1. The discovery of slight discrepancies between the particulars included in a statement on origin and those mentioned in the documents submitted to the customs authorities for the purpose of carrying out the formalities for importing the products shall not ipso facto render the statement on origin null and void if it is duly established that the document does correspond to the products concerned.

2. Obvious formal errors such as typing errors on a statement on origin shall not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in that document.

3. Statements on origin which are submitted to the customs authorities of the importing country after the period of validity mentioned in Article 99 of this Regulation may be

accepted for the purpose of applying the tariff preferences, where failure to submit these documents by the final date set is due to exceptional circumstances. In other cases of belated presentation, the customs authorities of the importing country may accept the statements on origin where the products have been presented to customs before the said final date.

#### Article 105

##### Importation by instalments using statements on origin

(Article 64(1) of the Code)

1. The procedure referred to in Article 99(3) of this Regulation shall apply for a period determined by the customs authorities of the Member States.
2. The customs authorities of the Member States of importation supervising the successive releases for free circulation shall verify that the successive consignments are part of the unassembled or disassembled products for which the statement on origin has been made out.

#### Article 106

##### Suspension of the application of the preference

(Article 64(1) of the Code)

1. The customs authorities may, where they have doubts with regard to the originating status of the products request the declarant to produce, within a reasonable time period which they shall specify, any available evidence for the purpose of verifying the accuracy of the indication on origin of the declaration or the compliance with the conditions under Article 43 of Delegated Regulation (EU) 2015/2446.
2. The customs authorities may suspend the application of the preferential tariff measure for the duration of the verification procedure laid down in Article 109 of this Regulation where:
  - (a) the information provided by the declarant is not sufficient to confirm the originating status of the products or the compliance with the conditions laid down in Article 42 of Delegated Regulation (EU) 2015/2446 or Article 43 of that Regulation;
  - (b) the declarant does not reply within the time period allowed for provision of the information referred to in paragraph 1.
3. While awaiting either the information requested from the declarant, referred to in paragraph 1, or the results of the verification procedure, referred to in paragraph 2, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

#### Article 107

##### Refusal to grant tariff preference

(Article 64(1) of the Code)

1. The customs authorities of the Member State of importation shall refuse to grant tariff preferences, without being obliged to request any additional evidence or send a request for verification to the beneficiary country where:

- (a) the goods are not the same as those mentioned in the statement on origin;
- (b) the declarant fails to submit a statement on origin for the products concerned, where such a statement is required;
- (c) without prejudice to Article 78(1)(b) and to Article 79(3) of this Regulation, the statement on origin in possession of the declarant has not been made out by an exporter registered in the beneficiary country;
- (d) the statement on origin is not made out in accordance with Annex 22-07;
- (e) the conditions of Article 43 of Delegated Regulation (EU) 2015/2446 are not met.

2. The customs authorities of the Member State of importation shall refuse to grant tariff preferences, following a request for verification within the meaning of Article 109 addressed to the competent authorities of the beneficiary country, where the customs authorities of the Member State of importation:

- (a) have received a reply according to which the exporter was not entitled to make out the statement on origin;
- (b) have received a reply according to which the products concerned are not originating in a beneficiary country or the conditions of Article 42 of Delegated Regulation (EU) 2015/2446 were not met;
- (c) had reasonable doubt as to the validity of the statement on origin or the accuracy of the information provided by the declarant regarding the true origin of the products in question when they made the request for verification, and either of the following conditions are met:
  - (i) they have received no reply within the time period permitted in accordance with Article 109 of this Regulation; or
  - (ii) they have received a reply not providing adequate answers to the questions raised in the request.

## Subsection 8

Control of origin within the framework of the GSP scheme of the Union

### Article 108

Obligations of the competent authorities relating to the control of origin after the date of application of the registered exporter system

(Article 64(1) of the Code)

1. For the purpose of ensuring compliance with the rules concerning the originating status of products, the competent authorities of the beneficiary country shall carry out:

- (a) verifications of the originating status of products at the request of the customs authorities of the Member States;
- (b) regular controls on exporters on their own initiative.

The first sub-paragraph shall apply *mutatis mutandis* to requests sent to the authorities of Norway and Switzerland for the verification of replacement statements on origin made out on their territory, with a view to requesting these authorities to further liaise with the competent authorities in the beneficiary country.

Extended cumulation shall only be permitted under Article 56 of Delegated Regulation (EU) 2015/2446, if a country with which the Union has a free-trade agreement in force has agreed to provide the beneficiary country with its support in matters of administrative cooperation in the same way as it would provide such support to the customs authorities of the Member States in accordance with the relevant provisions of the free-trade agreement concerned.

2. The controls referred to in point (b) of paragraph 1 shall ensure the continued compliance of exporters with their obligations. They shall be carried out at intervals determined on the basis of appropriate risk analysis criteria. For that purpose, the competent authorities of the beneficiary countries shall require exporters to provide copies or a list of the statements on origin they have made out.

3. The competent authorities of the beneficiary countries shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts and, where appropriate, those of producers supplying him, including at the premises, or to carry out any other check considered appropriate.

#### Article 109

Subsequent verification of statements on origin and replacement statements on origin

(Article 64(1) of the Code)

1. Subsequent verifications of statements on origin or replacement statements on origin shall be carried out at random or whenever the customs authorities of the Member States have reasonable doubts as to their authenticity, the originating status of the products concerned or the fulfilment of other requirements of this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446.

Where the customs authorities of a Member State request the cooperation of the competent authorities of a beneficiary country to carry out a verification of the validity of statements on origin, the originating status of products, or of both, it shall, where appropriate, indicate on its request the reasons why it has reasonable doubts on the validity of the statement on origin or the originating status of the products.

A copy of the statement on origin or the replacement statement on origin and any additional information or documents suggesting that the information given on that statement or that replacement statement is incorrect may be forwarded in support of the request for verification.

The requesting Member State shall set a 6-month initial deadline to communicate the results of the verification, starting from the date of the verification request, with the exception of requests sent to Norway or Switzerland for the purpose of verifying replacement statements on origin made out in their territories on the basis of a statement on origin made out in a beneficiary country, for which this deadline shall be extended to 8 months.

2. If in cases of reasonable doubt there is no reply within the period specified in paragraph 1 or if the reply does not contain sufficient information to determine the real origin of the products, a second communication shall be sent to the competent authorities. This communication shall set a further deadline of not more than 6 months. If after the second communication the results of the verification are not communicated to the requesting authorities within 6 months from the date on which the second communication was sent, or if this result do not allow the authenticity of the document in question or the real origin of the products to be determined, the requesting authorities shall refuse entitlement to the tariff preferences.

3. Where the verification provided for in paragraph 1 or any other available information appears to indicate that the rules of origin are being contravened, the exporting beneficiary country shall on its own initiative or at the request of the customs authorities of the Member States or the Commission carry out appropriate inquiries or arrange for such inquiries to be carried out with due urgency to identify and prevent such contraventions. For this purpose, the Commission or the customs authorities of the Member States may participate in those inquiries.

## Article 110

### Subsequent verification of certificates of origin Form A and invoice declarations

(Article 64(1) of the Code)

1. Subsequent verifications of certificates of origin Form A and invoice declarations shall be carried out at random or whenever the customs authorities of the Member States have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Subsection, Subsections 3 to 9 of this Section and Subsections 2 and 3 of Title II Chapter 1 Section 2 of Delegated Regulation (EU) 2015/2446.

2. When they make a request for subsequent verification, the customs authorities of the Member States shall return the certificate of origin Form A and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the competent governmental authorities in the exporting beneficiary country giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof of origin is incorrect shall be forwarded in support of the request for verification.

If the customs authorities of the Member States decide to suspend the granting of the tariff preferences while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

#### ▼M1

3. When a request for subsequent verification has been made, such verification shall be carried out and its results communicated to the customs authorities of the Member States within a maximum of 6 months or, in the case of requests sent to Norway or Switzerland for the purpose of verifying replacement proofs of origin made out in their territories on the basis of a certificate of origin Form A or an invoice declaration made out in a beneficiary country, within a maximum of 8 months from the date on which the request was sent. The results shall be such as to establish whether the proof of origin in question applies to the products actually exported and whether these products can be considered as products originating in the beneficiary country.

#### ▼B

4. In the case of certificates of origin Form A issued following bilateral cumulation, the reply shall include a copy (copies) of the movement certificate(s) EUR.1 or, where necessary, of the corresponding invoice declaration(s).

5. If, in cases of reasonable doubt, there is no reply within the 6 months specified in paragraph 3 or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, a second communication shall be sent to the competent authorities. If after the second communication the results of the verification are not communicated to the requesting authorities within 4 months from the date on which the second communication was sent, or if these results do not allow the authenticity of the document in question or the real origin of the products to be determined, the requesting authorities shall, except in exceptional circumstances, refuse entitlement to the tariff preferences.

6. Where the verification procedure or any other available information appears to indicate that the rules of origin are being contravened, the exporting beneficiary country shall, on its own initiative or at the request of the customs authorities of the Member States, carry out appropriate inquiries or arrange for such inquiries to be carried out with due urgency to identify and prevent such contraventions. For this purpose, the Commission or the customs authorities of the Member States may participate in the inquiries.

7. For the purposes of the subsequent verification of certificates of origin Form A, the exporters shall keep all appropriate documents proving the originating status of the products concerned and the competent governmental authorities of the exporting beneficiary country shall keep copies of the certificates, as well as any export documents referring to them. These documents shall be kept for at least 3 years from the end of the year in which the certificate of origin Form A was issued.

#### Article 111

Subsequent verification of proofs of origin relating to products having acquired origin through cumulation



(Article 64(1) of the Code)

Articles 73 and 110 of this Regulation shall also apply between the countries of the same regional group for the purposes of provision of information to the Commission or to the customs authorities of the Member States and of the subsequent verification of certificates of origin Form A or invoice declarations issued in accordance with the rules on regional cumulation of origin.

#### Subsection 9

Other provisions applicable within the framework of the GSP scheme of the Union

#### Article 112

#### Ceuta and Melilla

(Article 64(1) of the Code)

1. Articles 41 to 58 of Delegated Regulation (EU) 2015/2446 shall apply in determining whether products may be regarded as originating in a beneficiary country when exported to Ceuta or Melilla or as originating in Ceuta and Melilla when exported to a beneficiary country for the purposes of bilateral cumulation.
2. Articles 74 to 79 and Articles 84 to 93 of this Regulation shall apply to products exported from a beneficiary country to Ceuta or Melilla and to products exported from Ceuta and Melilla to a beneficiary country for the purposes of bilateral cumulation.
3. For the purposes mentioned in paragraphs 1 and 2, Ceuta and Melilla shall be regarded as a single territory.