

Agreement between Japan and the Republic of Chile for a Strategic Economic Partnership

OPERATIONAL PROCEDURES referred to in Chapter 3 (Trade in Goods) and Chapter 4 (Rules of Origin)

SECTION 1. TRADE IN GOODS


1. Notes for Schedule of Japan

Rule 1. Notes 1, 2, 3 and 5 in Section 1 of Part 2 of Annex 1 referred to in Chapter 3

(a) For the purposes of the above-mentioned Notes, pursuant to the decision No. 3 of the Commission, a non-profit organization of Chile selected and designated by the General Directorate of International Economic Affairs of the Ministry of Foreign Affairs of Chile (*Dirección General de Relaciones Económicas Internacionales del Ministerio de Relaciones Exteriores de Chile*) will issue a certificate in English for each export, upon request of exporters or producers.

A certificate will include the following minimum data:

- Exporter's Name and Address;
- Certificate Number;
- Importer's Name and Address;
- Description of Good(s);
- HS Tariff Classification Number;
- Quantity (with measure unit);
- Validity (commence/expire);
- Validation by the designated non-profit organization.

The format of certificate to be issued by the designated non-profit organization is attached to these Operational Procedures as [Appendix 1 \[PDF\]](#) .

The General Directorate of International Economic Affairs of the Ministry of Foreign Affairs of Chile will provide the Embassy of Japan in Chile with the name and the contact point of the designated non-profit organization, a sample of certificate and the specimen impression of stamps which will be used by the designated non-profit organization, within 30 days from the date of the entry into force of the Agreement.

The General Directorate of International Economic Affairs of the Ministry of Foreign Affairs of Chile will notify to the Embassy of Japan in Chile any change of the format of certificate and stamps used by the designated non-profit organization for the certificate before the effective date of such change. The notification will be done by any method that produces a confirmation of receipt.

(b) The General Directorate of International Economic Affairs of the Ministry of Foreign Affairs of Chile will demand the designated non-profit organization issuing certificates referred to in (a) above to take the necessary measures to avoid any certificate counterfeit.

(c) Eligible importers will apply for a certificate of tariff rate quota to the International Affairs Department of the Ministry of Agriculture, Forestry and Fisheries of Japan, providing a certificate issued by the designated non-profit organization referred to in (a) above.

(d) For the purposes of the administration of the tariff rate quota, the Parties will exchange information on any related matter, including the issuance of the certificate of tariff rate quota by the Ministry of Agriculture, Forestry and Fisheries of Japan. The Ministry of Agriculture, Forestry and Fisheries of Japan and the designated non-profit organization will exchange information related to the aggregate amount of allocated quotas within the month following the month in which quotas were allocated.

(e) For the purposes of resolving any matter arising with respect to the issuance of the certificates referred to above or other administrative issues, the consultation between the Parties may be made through the General Directorate of International Economic Affairs of the Ministry of Foreign Affairs of Chile and the International Affairs Department of the Ministry of Agriculture, Forestry and Fisheries of Japan.

Rule 2. Note 8 in Section 1 of Part 2 of Annex 1 referred to in Chapter 3

(a) For the purposes of the above-mentioned Note, importers will apply for a certificate of tariff rate quota to the International Affairs Department of the Ministry of Agriculture, Forestry and Fisheries of Japan.


(b) For the purposes of the administration of the tariff rate quota, the Parties will exchange information on any related matter, including the issuance of the certificate of tariff rate quota by the Ministry of Agriculture, Forestry and Fisheries of Japan. The Ministry of Agriculture, Forestry and Fisheries of Japan will provide the General Directorate of International Economic Affairs of the Ministry of Foreign Affairs of Chile with information related to the aggregate amount of allocated quotas within the month following the month in which quotas were allocated.

(c) For the purposes of resolving any matter arising with respect to the issuance of the certificates or other administrative issues, the consultation between the Parties may be made through the General Directorate of International Economic Affairs of the Ministry of Foreign Affairs of Chile and the International Affairs Department of the Ministry of Agriculture, Forestry and Fisheries of Japan.

SECTION 2. RULES OF ORIGIN

1. Certificate of origin (COO)

Rule 1. Document

(a) A certificate of origin should be on ISO A4 size paper in conformity with the format shown in [Appendix 2-A \[PDF\]](#) . It should be completed in the English language; otherwise it should not be valid.

(b) The tariff classification numbers of the Harmonized System (HS), as amended on 1 January 2002, should be indicated on a certificate of origin at the six-digit level, and the description of the good on a certificate of origin should be substantially identical to the description on the invoice and, if possible, to the description under the HS for the good.

Rule 2. Declaration

A declaration for a certificate of origin should be completed by the exporter, in field 9. The exporter's signature may be autographed or electronically printed.

Rule 3. Issuance

(a) In principle, a certificate of origin should be issued prior to or at the time of shipment.

(b) In exceptional cases where the certificate of origin has not been issued by the time of shipment, at the request of the exporter, the certificate of origin may be issued retroactively in accordance with the laws and regulations of the exporting Party, in which case it is necessary to indicate "ISSUED RETROACTIVELY" in field 8. In such cases, the importer of the good who claims the preferential tariff treatment for the good may, subject to the laws and regulations of the importing Party, provide the customs authority of the importing Party with the certificate of origin issued retroactively. The certificate of origin issued retroactively should indicate the date of shipment in field 3.

(c) Signatures on a certificate of origin of the representatives of the competent authority of the exporting Party or its designees may be autographed or electronically printed.

(d) Each certificate of origin should bear a certification number given by the competent authority of the exporting Party or its designees.

(e) In the event of theft, loss or destruction of a certificate of origin before the expiration of its validity, the exporter may request the competent authority of the exporting Party or its designees to issue a new certificate of origin with a new certification number on the basis of the export documents in their possession, in which case the original certificate of origin should be invalidated. The date of issuance and the certification number of the original certificate of origin should be indicated in the new certificate of origin in field 8. The new certificate of origin should be valid during the original term of the validity of the original certificate of origin.

Rule 4. Modification

(a) The exporter should request the reissuance of a certificate of origin if a certificate of origin contains incorrect information, and the invalidation of the original certificate.

(b) Notwithstanding subparagraph (a), the competent authority of the exporting Party or its designees may, in response to the request for reissuance referred to in subparagraph (a) or at their own initiative, make modification on the certificate of origin by striking out errors and making any addition required. Such modification should be certified by authorized signature and seal of the competent authority of the exporting Party or its designees.

(c) Erasures, superimpositions and modifications other than those referred to in subparagraph (b) should not be allowed on the issued certificate of origin.

Rule 5. Minor errors

The customs authority of the importing Party should disregard minor errors, such as slight discrepancies or omissions, typing errors or protruding from the designated field, provided that these minor errors may not affect the authenticity of the certificate of origin or the accuracy of the information included in the certificate of origin.

Rule 6. Two or more invoices

For the purposes of paragraph 6 of Article 44, a certificate of origin, in which numbers and dates of two or more invoices issued for a single shipment are indicated, should be accepted by the customs authority of the importing Party.

Rule 7. Invoice of a non-Party

The customs authority of the importing Party should not refuse to accept a certificate of origin only for the reason that the invoice is issued by either a natural person or a juridical person located in a non-Party.

Rule 8. A certificate of origin, containing description of goods which is not subject to preferential tariff treatment

In cases where some goods not subject to preferential tariff treatment are described in a certificate of origin together with other goods subject to preferential tariff treatment, the certificate of origin is valid only for goods subject to preferential tariff treatment.

2. Administration and Enforcement

Rule 9. Focal points of administrative offices

(a) The focal point of the competent authority of the exporting Party is:

in the case of Japan, the Origin Certification Policy Office of the Trade Administration Division of the Trade and Economic Cooperation Bureau of the Ministry of Economy, Trade and Industry; and

in the case of Chile, Certification of Origin Office of the Market Access Department, General Directorate of International Economic Affairs of the Ministry of Foreign Affairs.

(b) The focal point of the customs authority of the importing Party is:

in the case of Japan, the Customs and Tariff Bureau of the Ministry of Finance; and

in the case of Chile, International Affairs Department, National Customs Service.

(c) Both Parties should provide each other with the address, phone number, fax number and e-mail address of the focal points referred to in subparagraphs (a) and (b) upon adoption of this Operational Procedures, and should notify any modification regarding such information within 30 days after such modification.

(d) If the competent authority of the exporting Party designates entities or bodies to carry out the issuance of the certificate of origin, or makes modification or revocation with respect to its designees, it should immediately notify the importing Party of such designation, modification or revocation.

Rule 10. Procedure to exchange the sample of a certificate of origin and impressions of stamps

The Parties should provide each other with the sample of a certificate of origin and impressions of stamps used for the issuance of a certificate of origin upon the date of adoption of this Operational Procedures, as well as 30 days before any modification of such sample or impressions thereafter.

Rule 11. Communication

(a) For the purposes of Articles 47 through 49, any communication between the competent authority of the exporting Party and the customs authority of the importing Party should be made through the Embassy of Japan in Chile or the Embassy of Chile in Japan. Such communications should be made by any method with a confirmation of receipt.

(b) The direct communications between the competent authority of the exporting Party and the customs authority of the importing Party may be made by facsimile or e-mail in parallel with the communications set out in subparagraph (a).

(c) The period for providing the response pursuant to paragraph 2 of Article 47 and paragraph 4 of Article 48 should commence from the date of the confirmation of receipt of the request pursuant to subparagraph (a).

(d) The period for providing the written determination pursuant to paragraph 4 of Article 49 should commence from the date of the confirmation of receipt of the information referred to in that paragraph pursuant to subparagraph (a).