



**NOTIFICATION UNDER ARTICLE 5 AND PARAGRAPH 4 OF
ANNEX II TO THE AGREEMENT ON RULES OF ORIGIN**

NON-PREFERENTIAL AND PREFERENTIAL RULES OF ORIGIN

1. According to Article 5.1 of the Agreement on Rules of Origin, each Member shall provide to the Secretariat, within 90 days after the date of entry into force of the WTO Agreement for it, its rules of origin, judicial decisions, and administrative rulings of general application relating to rules of origin in effect on that date. If, by inadvertence, a rule of origin has not been provided, the Member concerned shall provide it immediately after this fact becomes known. Article 5.2 of the Agreement provides, moreover, that during the period referred to in Article 2, Members introducing modifications, other than *de minimis* modifications, to their rules of origin or introducing new rules of origin, shall publish a notice to that effect at least 60 days before the entry into force of the modified or new rule in such a manner as to enable interested parties to become acquainted with the intention to modify a rule of origin or to introduce a new rule of origin, unless exceptional circumstances arise or threaten to arise for a Member.

2. Furthermore, paragraph 4 of Annex II to the Agreement on Rules of Origin envisages that Members shall promptly provide to the Secretariat their existing or new preferential rules of origin, including a listing of the preferential arrangements to which they apply, judicial decisions, and administrative rulings of general application relating to their preferential rules of origin. In this respect, the Committee on Rules of Origin further agreed that notifications made to the Committee on Regional Trade Agreements (CRTA) or the Committee on Trade and Development (CTD) could also suffice to discharge Members' notification obligations under the Agreement on Rules of Origin (G/RO/M/59). As a result, the Committee agreed that notifications which had been initially received by the CRTA or the CTD should also be circulated by the Secretariat to the CRO. Information regarding such notifications, including related to preferential rules of origin, can also be obtained through the WTO database on regional trade agreements (<http://rtais.wto.org>) or the WTO database on preferential trade agreements (<http://ptadb.wto.org>).

3. With reference to these rules, the following notification has been received:

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A. NON-PREFERENTIAL RULES OF ORIGIN

In Accordance with Article 5.1 of the Agreement on Rules of Origin for members to notify its rules of origin, judicial decisions and administrative rulings of general application, the Government of Tonga notifies the Secretariat that it does not maintain non-preferential rules of origin.

B. PREFERENTIAL RULES OF ORIGIN

With reference to Article 5.1 and paragraph 4 of Annex II of the Agreement on Rules of Origin, the Government of Tonga hereby provides to the Secretariat legal instruments relating to its preferential rules of origin together with a short description of its application.

- Pacific Agreement on Closer Economic Relations Plus (PACER Plus)

The Pacific Agreement on Closer Economic Relations Plus came into force on 13 December 2020. Under Chapter 2 of the PACER Plus, ordinary customs duties will not apply to goods that satisfy the PACER Plus origin rules highlighted in Chapter 3 of the Agreement. If goods are deemed to meet the

origin requirements, they will be entitled to preferential treatment in accordance with Annex 2-A of the Agreement.

The documentary evidence which must be supplied by the exporter or manufacturer in one PACER Plus party to the importer in another, in order to claim that the goods are originating, is the PACER Plus Declaration of Origin detailed in Annex 3-A of the Agreement.

The full text of the Agreement can be accessed through the official website¹ of Tonga's Ministry of Trade and Economic Development.

The national regulations under which the Tongan Customs administration is able to administer the Rules of origin provisions of PACER Plus is the Customs (PACER Plus) Regulations 2020. The principal Act under which these regulations were made is the Customs Act 2007. The full texts of the Act and Regulations can be accessed through the official government legislation website of the Attorney General's Office of Tonga:

- https://ago.gov.to/cms/images/LEGISLATION/PRINCIPAL/2007/2007-0005/CustomsAct_2.pdf; and
 - https://ago.gov.to/cms/images/LEGISLATION/SUBORDINATE/2020/2020-0094/CustomsPACERPlusRegulations2020_1.pdf.
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¹ Website under construction.