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Committee on Rules of Origin

Original: English

**NOTIFICATION OF PREFERENTIAL RULES OF ORIGIN FOR
LEAST DEVELOPED COUNTRIES**

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

Revision

The following communication, dated 20 July 2020, is being circulated at the request of the delegation of The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu hereby updates its notification in response to Paragraph 4.3 of the 2015 Ministerial Decision on preferential rules of origin for least developed countries (WT/L/917/Add.1).

The updates include B. I. 1) List of Beneficiaries, III. 1) (b) Authority to be designated for issuance of certificate of origin and IV. 1) Procedure for verification of proofs of origin.

For ease of reference, the revised parts are in **bold**.

The rest of the information remains as previously submitted in document G/RO/LDC/N/TPKM/1.

A. BASIC INFORMATION

1)	Notifying member	The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
2)	Date of entering into force of Rules of origin and any substantive modification thereof	Proclaimed on 30 September 1994, as amended on 8 January 2002, 29 March 2004, and 17 January 2008, 24 December 2010.
3)	Date of expiration of Rules of origin if applicable	N/A
4)	Title of the preferential scheme for which legislation on Rules of origin is applicable	The preferential tariff rates for LDCs are listed in column II of the Customs Import Tariff.
5)	Authority(ies) granting the preferential treatment	Council of Agriculture Ministry of Economic Affairs Ministry of Finance
6)	National authorities in charge of Rules of origin administration	The Customs Administration, Ministry of Finance is responsible for Rules of origin. The Customs Administration can be contacted at customs@customs.gov.tw or via telephone 886-2-25505500 #2531

B. INFORMATION ON RULES OF ORIGIN**I. BENEFICIARIES**

1) List of Beneficiaries	47 beneficiaries of the LDCs. The list of beneficiaries can be found at: https://webfile.customs.gov.tw/Download.ashx?u=LzAwMS9VcGxvYWQvMS9vZWxmaWxlLzqxNzkvNiQ4ODUvMWZhYjliODMtODAzNC00MDBILWEyMzgtMmQ4OWM0N2U3ZDY1LnBkZg%3d%3d&n=5L2O5bqm6ZaL55m85ZyL5a625riF5ZauLnBkZg%3d%3d
2) Eligibility	Following the LDCs Criteria defined by Committee for Development Policy, the United Nations

II. CRITERIA FOR DETERMINING SUBSTANTIAL TRANSFORMATION

1) General criteria, if applicable for all products		
	(a) Definition of wholly obtained products	Article 6 of Regulations Governing the Determination of Country of Origin of Imported Goods See: http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=G0350047
	(b) Describe the criteria for not-wholly produced products	N/A
	(c) Insert the formula for calculating <i>ad valorem</i> percentage	Article 10 of Regulations Governing the Determination of Country of Origin of Imported Goods See: http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=G0350047
2) Product specific rules of origin, where applicable		
	(a) Insert the link where the complete list of product specific rules of origin can be found.	N/A
	(b) Insert the formula for calculating <i>ad valorem</i> percentage, when applied for product specific rule	N/A
3)	Definition of non-originating material and originating material, if any	Goods imported from a least-developed country shall be regarded as originating in that country, provided that: (1) the goods were wholly produced in that least-developed country; or (2) where there are two or more countries involved in the production of the goods, the production process conducted by that least-developed country has added value to the goods by a ratio of no less than 50%.
4)	List of insufficient working process, if any	N/A
5)	Rules for application of cumulation and related procedures if any	Article 10 of Regulations Governing the Determination of Country of Origin of Imported Goods See: http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=G0350047
6)	Any other information that member deems necessary	N/A

III. DOCUMENTARY REQUIREMENTS

1) Certificate of origin and other proofs of origin		
	(a) Requirement for certificate of origin and/or any other proof of origin, if any	Article 11 of Regulations Governing the Determination of Country of Origin of Imported Goods See: http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=G0350047
	(b) Authority to be designated for issuance of certificate of origin	The Certificate of Origin shall be issued and certified by the government of the exporting country or the agency/institute authorized by the government of the exporting country. See: https://eweb.customs.gov.tw/cp.aspx?n=0546649C8F2D44B4
	(c) Prescribed form of Certificate of origin and/or any other proof of origin	N/A
	(d) Any other procedures applied for certificate of origin and/or any other proof of origin, if any	N/A
2) Direct shipment		
	(a) Rules applicable for direct shipment, if any	Article 11 of Regulations Governing the Determination of Country of Origin of Imported Goods See: http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=G0350047
	(b) Documentary requirement for proof of direct shipment including when the transport of consignment involves transit through one or more intermediate countries, if any	The exporters from LDCs could present the self-proof documentary of direct shipment to Customs.

IV. VERIFICATION AND PENALTIES

1)	Procedure for verification of proofs of origin	Information about verifications can be found at: https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=G0350047
2)	Penalties for fraud and false declarations	According to Article 37 of Customs Anti-smuggling Act, in case a fraud and false declaration of import cargoes is made, Customs may, according to the nature of the case, either imposes a fine equivalent to two to five times the duties evaded together with the confiscation of the cargoes in question, or only confiscates the cargoes in question.
3)	Authorities and procedures for appeal in the case of dispute on verification	According to Article 47 of Customs Anti-smuggling Act, where the importer does not agree with the disposition by Customs, the importer may, within 30 days from the day following the date of receipt of the disposition notice, file a written protest in given format against Customs for review. Customs shall make a determination of the protest within two months from the day following the date of receipt of a protest, and notify the importer; where necessary, the term may be prolonged once for no more than another two months. The original copy of the determination of protest shall be delivered to importer within 15 days from the date on which such determination is made.

4)	Requirement for preserving the documents related to issuance of certificate of origin	According to Article 98 of Customs Act, the documents related to issuance of certificate of origin shall be preserved for 5 years.
5)	Any other relevant information	N/A

V. REFERENCE TEXTS

(a)	The legislative texts in one of the official WTO languages containing the preferential rules of origin applicable under a PTA granted under the Decision on Measures in Favour of Least-Developed Countries (Annex F of the Hong Kong Ministerial Declaration)	Regulations Governing the Determination of Country of Origin of an Import Good http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=G0350047 Customs Act http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=G0350001
(b)	The full text of the administrative regulations concerning modalities for issuance, acceptance, retrospective issuance and replacement of certificates of origin or any equivalent declarations to be made, including any requirements related to stamps to be used along with notification of stamps	Customs Anti-smuggling Act http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=G0350029
(c)	The full text and related administrative regulations of the modalities for the proof of movement of the consignment of the goods from the beneficiary countries to preference-giving countries including transit through third countries	
(d)	The full texts of the modalities of the verification procedures and related penalties	