



EAST AFRICAN COMMUNITY

**MANUAL ON THE APPLICATION OF THE EAST AFRICAN COMMUNITY CUSTOMS UNION (RULES OF
ORIGIN) RULES, 2015**

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Foreword

The Manual on the Application of EAC Rules of Origin is an EAC publication which sets out guidelines on the operationalization of the EAC Rules of Origin in order to accord community tariff preferences to goods that meet the origin rules and are traded between the Partner States. The Manual spells out in detail the application of the rules used in determining the origin status of goods, procedures of administering the rules, procedures for treatment of small scale cross border trade and the institutional framework for the implementation of the Rules of Origin.

This Manual has been developed to enable uniform interpretation and application of the Rules of Origin in EAC. It is designed to enable Customs officers and other officers involved in the clearance of goods understand the mechanisms of according the Community tariff treatment to goods traded in EAC. It also intended to make the traders and other stakeholders understand the procedures and requirements for goods to qualify under the internal trade regime.

The Manual can be used both as an operational instrument and in training of Customs officers, Clearing Agents and other stakeholders. Periodical review will be done on the manual to ensure that it remains consistent with any new changes in trade both at international and regional levels.

For any further information on EAC Rules of Origin, please contact the competent authority of the Partner State or you may direct your enquiries to:

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Terms and abbreviations used in this Manual

“Approved exporter”	means an exporter who is registered by a competent authority for the purpose of making out origin declarations for the purpose of exporting goods under EAC preference
“Assembly”	means the manufacturing process which utilizes precision jigs, fixtures and specialized facilities and equipment;
“Certificate of origin”	means the East African Community form conferring proof of origin and identifying goods, in which the competent authority expressly certifies that the goods to which the form/certificate relates originate in a specific Partner State(s). The Certificate also includes a declaration by the exporter/producer/supplier
“Classified”	means the classification of goods under a particular heading or sub-heading in the Harmonized Commodity Description and Coding System;
“Competent authority”	means a body or organization designated by a Partner State to issue certificate of origin;
“Consignment”	means products which are either sent simultaneously from one exporter to exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
“CTH”	means Change in Tariff Heading;
“Customs Value”	means the value as determined in accordance with section 122 of the East African Community Customs Management Act,2004;
“EAC”	means East African Community consisting of the following five Partner States: Burundi, Kenya, Rwanda, Tanzania and Uganda;
“EPA”	means Economic Partnership Agreement ;
“EU”	means the European Union;
“Exporter”	means a person located in the territory of a Party from where a good is exported by such a person;
“Ex-works Price”	means the price determined in accordance with the provisions of the First Schedule paid for the product ex-works to the manufacturer in the Partner State in whose undertaking the last working or processing is carried out;
“Heading”	means four digit codes used in the harmonized Commodity Description and Coding System;
“HS”	means the Harmonized Commodity Description and Coding System of the World Customs Organization;
“Importer”	means a person located in the territory of a Partner State where a good is imported by such a person;

“Manufacturing”	means any process that requires technology, infrastructure and manpower investment by which a commodity is finally produced;
“Materials”	means raw materials, semi-finished products, products, ingredients, parts and components used in the production of goods;
“Non-originating materials”	means materials originating from outside the Partner States;
“Origin declaration”	means an appropriate statement as to the origin of the goods made, in connection with their exportation, by the manufacturer, producer, supplier, exporter or other competent person on the commercial invoice or any other document relating to the goods;
“Originating materials”	means materials which have been produced in a Partner State and meet the requirements of the EAC Rules of Origin;
Partner State	means the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the United Republic of Tanzania, the Republic of Uganda, and any other country granted membership to the Community under Article 3 of the Treaty;
“Produced” and “a process of production”	Include the application of any operation or processes with exception of any operation or processes as at out in rule 7 of the Rules;
“Producer”	means a person who grows, mines, harvests, fishes, traps, hunts, manufactures, processes or assembles goods;
Product	means a manufactured product, including a product intended for later use in another manufacturing operation;
“Proof of Origin”	means EAC Certificates of Origin or origin declarations;
Protocol	means the Protocol on the Establishment of the East African Community Customs Union;
“Rules”	means the EAC Customs Union Rules of Origin, 2015;
“Secretariat”	means the Secretariat of the Community established by Article 9 of the Treaty;
“Subheading”	means six digit codes used in the Harmonized Commodity Description and Coding System;
“Supplier”	means a natural or legal person who supplies goods for further manufacture within a Partner State or for export to another Partner State;
“Third country”	means any country other than the EAC Partner countries;
“Value added”	means the ex works price of a finished product minus the customs value of the material imported from outside the Partner State and used in the process of production;

Foreword

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CHAPTER 1 INTRODUCTION

1.1 Background

Rules of Origin play an important role in international trade. In fact, the implementation of Customs Union and the application of trade measures, such as, import bans and prohibitions, discriminatory restrictions, tariff quotas, among others, depend on the application of Rules of Origin.

The Treaty Establishing the East African Community, in Article 75 sets out the undertaking by Partner States to the effect that they, inter alia, shall; establish a Customs Union, details of which shall be contained in a Protocol which shall among others, includes Rules of Origin. The Protocol Establishing the East African Community (EAC) Customs Union (hereinafter referred to as the "Protocol" provides, in Article 14 that goods shall be accepted as eligible for Community Tariff treatment if they originate in the Partner States, and the definition of such products shall be as provided in Annex III of the Protocol of the EAC Customs Union. The EAC Rules of Origin are the cornerstone of the EAC trade regime.

The determination of the eligibility of products to EAC origin and the granting of Community Tariffs to goods originating in the Partner States are important processes in the implementation of the EAC trade regime. The effective and uniform implementation of the provisions of the EAC Rules of Origin by the Partner States is important as it helps in strengthening the EAC trade regime.

The implementation of the EAC Rules of Origin requires Partner States to apply common procedures in determining the eligibility of products to EAC origin and the granting of Community Tariff preferences as provided under the EAC trade regime.

1.2 Scope

This manual covers the provisions governing the determination of the origin status of goods under the intra-EAC trade, the administration procedures of the rules of origin, simplified procedures for small scale cross border trade and organizational requirements for implementing the rules of origin. In addition the manual is a useful tool for training purposes.

1.3 Purpose of the Manual

The purpose of this manual is to:

- (a) Translate the EAC Rules of Origin for practical application
- (b) Explain the basic origin criteria under the EAC preferential trade regime
- (c) Provide guidance on the procedures for the approval and registration of exporters
- (d) Provide guidance on the issuing of EAC Certificates of Origin
- (e) Provide guidance on origin verification
- (f) Explain the dispute settlement procedure under the EAC trade regime
- (g) Give guidance on the organizational requirements for the effective implementation of the EAC Rules of Origin.

1.4 Users

This Manual is intended for use by competent authorities (customs administrations, Chambers of Commerce, Export Promotion Boards, etc) government institutions, manufacturers, traders, other agencies and other stakeholders involved in intra-EAC trade.

CHAPTER 2 EAC RULES OF ORIGIN

2.1 Purpose

Under the EAC trade regime, goods qualify for Community Tariff treatment if they originate in the Partner States. This means that all goods that meet the requirements of the EAC Rules of Origin shall qualify for Community Tariff treatment when they are traded within EAC.

EAC Rules of Origin refers to a set of criteria that is used to distinguish between goods that are produced within the EAC Customs territory and are eligible to Community preferential tariff treatment and those produced outside the EAC customs territory that attract import duties specified in the Common External Tariff (CET).

2.2 Origin Determination [Rule 4]

Article 14 of the Protocol establishing the East African Community Customs Union provides that goods shall be accepted as eligible for Community preferential tariff treatment if they originate in the Partner States. Goods have to meet the criteria set out in the EAC Rules of Origin.

The EAC Rules of Origin provide under Rule 4 the criteria to enable the competent authorities in Partner States to determine which goods qualify as originating EAC. For goods to qualify as originating in the EAC, they must be wholly produced entirely in the EAC or must undergo sufficient working or processing in EAC using materials imported from third countries. Materials imported from third countries are regarded as non-originating materials.

In terms of Rule 4, goods shall be accepted as originating in a Partner State where:

- (a) they have been wholly produced as provided for in Rule 5 of these rules; or
- (b) they have been obtained in a Partner State incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the Partner State within the meaning of Rule 6.

In terms of Rule 6, products can be considered as originating in a Partner State if they meet the conditions specified in Part 1 of the First Schedule.

2.3 Steps to follow to find the rules of origin for the products to be traded

To find the rules for a particular product, the following steps should be followed:

Step 1:

Check whether the product meets the EAC requirements for a *“wholly produced”* good as set out in Rule 5 of the Rules of Origin (refer to paragraph 2.4 below) If the good does not meet these requirements, proceed to Step 2.

Step 2:

The good should have undergone “*sufficient working or processing*” and be covered by one of the EAC product-specific rules set out in Part 1 of the *First Schedule*. Details on the application of Part 1 of the First Schedule are provided in paragraphs 2.5 to 2.5.4 below.

2.4 Wholly produced goods [Rule 5]

Products are regarded as wholly produced in a Partner State if only that Partner State has been involved in their production. No materials from outside the EAC should be used in their production and any use of such materials disqualifies the products from being "wholly produced". This criterion generally applies to the natural resources of a Partner state and to goods made entirely from them. Rule 5 contains a comprehensive list of such goods. Below is a list of goods that are deemed to be wholly produced in the Partner States.

- (a) Mineral products extracted from the ground or sea-bed of the Partner State;*
- (b) Vegetable products including plant and plant products harvested, gathered or picked within the Partner State;*
- (c) Live animals born and raised within the Partner State;*
- (d) Products obtained from live animals within the Partner State;*
- (e) Products from slaughtered animals born and raised there;*
- (f) Products obtained by hunting or fishing conducted within the Partner State;*
- (g) Products of aquaculture, including mariculture, where the fish are born and raised;*
- (h) Products of sea fishing and other products taken from the sea outside the exclusive economic zones of the Partner States by their vessels;*
- (i) Products manufactured in a factory of a Partner State exclusively from the products referred to sub-paragraph (h);*
- (j) Products extracted from marine soil or subsoil outside their territorial waters provided that they have sole rights to work that soil or subsoil;*
- (k) Used articles fit only for the recovery of materials, provided that such articles have been collected from users within the Partner State;*
- (l) Scrap and waste resulting from manufacturing operations within the Partner State; and*
- (m) Goods produced within the Partner State exclusively or mainly from the following:*
 - (i) Products referred to in sub- paragraphs (a) to (i); and*
 - (ii) Materials containing no elements imported from outside the Partner State or which are of in determined origin.*

Box 1: Examples of products wholly produced in Partner States

- i. Gold mined in Tanzania is wholly produced because it is extracted in Tanzania.*
- ii. Maize harvested in Rwanda is wholly produced even if the maize seed planted was originally imported from, say, Argentina.*
- iii. Hides from cattle that are born and raised in Uganda and slaughtered in Uganda are regarded as wholly produced in Uganda.*
- iv. Fish caught in the territorial waters of Kenya are regarded as wholly produced in Kenya. Territorial waters are defined by the 1982 United Nations Convention on the Law of the Sea as a belt of coastal waters extending at most 12 nautical miles from the baseline of a coastal state.*
- v. Copper recovered in Burundi from scrap electrical wire is wholly produced in Burundi, regardless of where the wire was originally produced. If the copper is used to make copper plates, the plates are also wholly produced in Burundi.*

2.5 Sufficiently worked or processed products [Rule 6]

The minimum operations or processes required to be carried out on non-originating goods are contained in Part 1 of the First Schedule. There are four criteria used to determine sufficient working or processing:

- (i) working or processing of certain wholly produced materials;
- (ii) working or processing where the value of all the non-originating materials used in manufacture does not exceed a certain maximum threshold;
- (iii) working or processing where the 4-digit Harmonized System heading or 6-digit Harmonized System sub-heading of the manufactured products becomes different from the 4-digit Harmonized System heading or 6-digit sub-heading, respectively of the materials used;
- (iv) a specific working or processing operation is carried out.

2.5.1 What is considered when determining sufficient working or processing?

To determine whether a product has been subjected to sufficient working or processing operations, the following will be considered, among others:

- (i) Complexity of the working or processing operations carried out in the Partner State
- (ii) Time involved in the working or processing operations in the Partner State in which they are performed
- (iii) Physical or chemical change in the material or article as a result of the working or processing operations carried out in the Partner State.
- (iv) Skills level required in the working or processing operations carried out in the Partner State.
- (v) Level of technology required in the working or processing operations carried out in the Partner State.

2.5.2 Examples to illustrate the concept of sufficient working or processing:

1. Working or processing of certain wholly produced materials:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3
Chapter 2	Meat and edible meat offal	Manufacture in which all the meat and edible meat offal in the products of this Chapter is wholly produced

Explanation:

This example shows that meat and meat offal of Chapter 2 of the Harmonized System (HS) can qualify as originating in a Partner State only if it is wholly produced, that is, it must be obtained from slaughtered animals that would have been born and raised in a Partner State. The rule also allows for the use of any other non-originating materials of other headings other than Chapter 2.

2. Working or processing where the value of all the non-originating materials used in manufacture does not exceed a certain maximum threshold

It is necessary in this case for the value of the imported materials not to exceed a particular percentage of the ex-works price of the finished product. For example:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3
84.08	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product

Explanation:

In this example, an engine of HS heading 84.08 can qualify as originating in a Partner State if the customs value of the materials imported from outside the EAC region used in producing the engine does not exceed 70% of the *ex-works price* of the engine. This means that the value of originating materials and the working or processing carried out in a Partner State including the production costs and profit must account for 30% of the *ex-works price* of the finished product. This means that the value added in the Partner State is 30% of the finished product.

Calculation of the ex-works (factory) price:

1. In the calculation of the ex-works price, for purposes of fulfilling the conditions specified in Part 1 of the First Schedule, the following elements of cost, charges and expenses in paragraphs 2 and 3 shall be included plus the factory profit margin:

2. Materials:

- (a) The cost of non-originating materials, including the cost of waste materials and materials lost in the process of manufacture, as represented by landed cost of these materials at the factory, including any charges incidental to the delivery of such materials to the factory or if this is not known or cannot be ascertained, the first ascertainable price paid for them in the Partner State where they were used in a process of production;

The following expenses, where included may be deducted:

- (i) the costs of freight, insurance, packing and all other costs incurred in transporting the materials to a Partner State or between the territories of two or more Partner States to the location of the producer;
 - (ii) duties, taxes and customs brokerage fees on the material paid in the territory of one or more of the Partner States, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable; and
 - (iii) the cost of originating materials used in the production of the non-originating material in the territory of a Partner State.
- (b) The cost of local materials, including the cost of waste materials and materials lost in the process of manufacture, as represented by their delivery price at the factory.

3. Other input costs:

- (a) The cost of direct labour as represented by the wages paid to the operatives responsible for the manufacture of the goods;
- (b) The cost of direct factory expenses are represented by:
 - (i) The operating cost of the machine being used to manufacture the goods;
 - (ii) The expenses incurred in the cleaning ,drying polishing, pressing or any other process, as may be necessary for the finishing of the goods;
 - (iii) The cost of putting the goods up in their retail packages and the cost such retail packages but excluding any extra cost of packing the goods for transportation or export and the cost of any extra packages;
 - (iv) The cost of special design, drawings or layouts; and
 - (v) The hire of tools, or equipment for the production of goods; and
- (c) The cost of factory overhead as represented by:

- (i) Rent, rates and insurances charges directly attributed to the factory;
 - (ii) Indirect labour charges, including salaries paid to the factory managers, wages paid to foremen, examiners and testers of the goods.
 - (iii) Power, light , water and other service charges directly attributed to the cost of manufacture of the goods;
 - (iv) Consumable stores, including minor tools, grease, oil and other incidental items and materials used in the manufacture of the goods; and
 - (v) Depreciation and maintenance of factory buildings, plant machinery, tools and other items used in the manufacture of the goods; and others.
4. In the calculation of the ex-works price for purposes of fulfilling the conditions specified in Part 1 of the First Schedule, the following elements of cost, charges and expenses are excluded:
- (a) Administration expenses represented by:
 - (i) Office expenses, office rent and salaries paid to accountants, clerk's manager and other executive personnel.
 - (ii) Directors fees other than salaries paid to directors who act in the capacity of factory managers;
 - (iii) Statistical and costing expenses in respect of manufactured goods; and
 - (iv) Investigation and experimental expenses;
 - (b) Selling expenses represented by:
 - (i) The cost of soliciting and securing of orders, including expenses such as advertising charges and agents or salespersons' commissions or salaries; and
 - (ii) Expenses incurred in the making of design , estimates and tenders;
 - (c) Distribution expenses, represented by all the expenditure incurred after the goods have left the factory, including:
 - (i) The cost of any material and payments of wages incurred in the packaging of the goods for export;
 - (ii) Warehousing expenses incurred in the storage of the finished goods; and
 - (iii) The cost of transporting the goods to their destination;

(d) Charges not directly attributed to the manufacturer of the goods represented by:

- (i) Any customs duty and other duties and charges of equivalent effect paid on the imported raw materials;
- (ii) Any excise duty paid on raw materials produced in the country where the finished goods are manufactured;
- (iii) Any other indirect taxes paid on the manufactured products;
- (iv) Any royalties paid in respect of patents, special machinery or designs; and
- (v) Finance charges related to working capital.

Determination of the percentage value of imported materials:

Example:

Manufacturer M based in Kenya incurs the following costs to make chairs for export to other Partner States:

Raw wood imported from Malaysia	- KSh100
Metal screws (imported from China)	- KSh20
Plastic parts (imported from South Africa)	- KSh5
Local materials	- KSh50
Labour	- KSh5
Overheads	- KSh15
Ex-factory cost	- KSh195
Profit	- KSh40
Ex-Factory (works) price	- KSh235

The alternative rule for furniture of heading 94.03 in Part 1 of the First Schedule states that “*Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product*”. From the above details, the percentage value of imported materials is calculated as follows:

$$\begin{aligned} \text{Value on non-originating materials} &= \text{KSh } (100 + 20 + 5) = \text{KSh125} \\ \text{Value on non-originating materials (\%)} &= \frac{125 \times 100 \%}{235} = \underline{\underline{53\%}} \end{aligned}$$

The material content should be calculated to the nearest whole number.

Explanation:

In the above example, the value of non-originating products is 53% of the ex-works price which is less than the maximum stipulated threshold of 70%, therefore enabling the chairs to qualify as originating in Kenya. In this case, the value added is therefore 100% less 53% which gives 47%.

3. Working or processing where the 4-digit Harmonized System heading or 6-digit Harmonized System sub-heading of the manufactured products becomes different from the 4-digit Harmonized System heading or 6-digit sub-heading respectively of the materials used.

In this case, finished products are considered to be sufficiently worked or processed when the imported raw materials used in production are classified within a tariff heading or subheading that is different from that of the finished product. For example:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3
11.01 [4-digit]	Wheat or meslin flour	Manufacture from materials of any heading, except that of the product
7218. 91 and 7218. 99 [6 –digit subheading]	Semi-finished products	Manufacture from materials of heading 72.01, 72.02, 72.03, 72.04, 72.05 or subheading 7218.10.

Explanation:

How to identify Chapters, headings, subheadings and tariff items under the Harmonized System:

No. of digits	Identifies	Description of product
01	Chapter	Live animals
01.01	Heading	Live horses, asses, mules and hinnies
0101.01	Sub-heading	Pure – bred breeding animals
0101.01.00	Tariff item	Horses

Product: Wheat of HS heading: 11.01

Wheat flour of HS heading 11.01 can qualify as originating in a Partner State if it is produced from wheat imported from third countries and milled into flour in a Partner State. This is because wheat is classified in heading 10.01 and the milling of wheat into flour is a sufficient production process that confers origin.

Product: Semi-finished stainless steel products of subheading 7218.99

Semi-finished stainless steel products of subheading 7218.99 can qualify as originating in a Partner State if they are made from ingots of subheading 7218.10.

4. A specific working or processing operation is carried out

Finished products are considered sufficiently worked or processed when particular specific working or processing is carried out. For example:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3
63.05	Sacks and bags, of a kind used for the packing of goods	Weaving or knitting and making-up (including cutting)

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Explanation:

In this case, a producer of say hessian bags based in a Partner State can import the raw materials from third countries and then weave and finally make up to size. The hessian bags can be regarded as originating in the given Partner State.

5. Application of alternative rules:

In this case, a producer has an option to use either rule in column 3. For example:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3
Ex Chapter 39	Plastics and articles thereof; except for:	<p>Manufacture from materials of any heading, except that of the product.</p> <p>Or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product</p>

Product: Plastic tank

HS Heading: 39.25

Explanation:

First option: [Rule in column 3]

In this case, the producer can opt to use materials imported from third countries and ensure that those materials used come from a heading other than that of the finished tank (39.25). For example, a producer in a Partner State can import plastic granules of heading 39.01 from, say, India and make plastic tanks of heading 39.25.

Second option: [Rule in column 3]

Alternatively, the producer can opt to use non-originating materials and the value of all such materials used must not account for more than 70% of the ex-works price of the finished plastic tank. In other words, the value of originating materials and the working undertaken (i.e. the value added) should account for 30% of the ex-works price of the tank.

6. Cases where there are more than one criterion indicated in column 3 for a product, all the criteria set out in that column must be met.

Example:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3
Chapter 8	Edible fruit and nuts; peel of citrus fruits or melons.	Manufacture in which all the Edible fruit, nuts and peels of citrus fruits or melons of Chapter 8 used must be wholly produced, and - the weight of sugar used does not exceed 30% of the weight of the final product

Explanation:

In order for the products of Chapter 8 to be considered as originating in a Partner State, they must fulfill both the conditions set out in column 3. This means that all the materials of Chapter 8 used must be wholly produced, i.e. they must be harvested in a Partner State and the value of non-originating sugar used should not exceed 30% of the weight of the finished product. This rule allows for the use of both originating and non-originating sugar. However, fulfilling one of these conditions is not enough.

2.5.3 What flexibilities are provided for exporters in Rule 6?

2.5.3.1 Absorption principle

The absorption principle provides flexibility by allowing the use of more non-originating materials than the amounts of non-originating materials under the limitations provided for in product specific rules contained in Part 1 of the First Schedule. It allows intermediate products produced in a given Partner State to maintain their originating status when they are used for further manufacturing operations of originating goods in the same Partner State and to disregard the part of all former non-originating materials contained in intermediate products for the determination of the origin of the finished product. The effect of this is that:

- the value of the non-originating materials contained in intermediate products which acquire originating status is disregarded in the calculation of the value added;
- the non-originating parts contained in intermediate products are not considered for the determination of origin under a change of tariff classification rule ;or
- the manufacturing processes of non-originating materials contained in intermediate products are not taken into account when assessing the requirements of other technical operations for the origin determination of a final product.

Box 2: Application of absorption principle:

Example:

Intermediate product X meets the origin requirement for a change of tariff heading (CTH) rule in Company A based in a Partner State S. Product X is then sold to company B also based in the same Partner State where it is used with other materials to make product Y. The origin rule for product Y requires Y to be made from non-originating materials of a value not exceeding 70% of the ex-works price, for example. To determine the percentage of non-originating materials used, the value of non-originating materials used to make product X will not be included as product X is now an originating input into the making of product Y.

2.5.3.2 Tolerance provisions

Rule 6 allows for the use of non-originating materials to be used in the manufacture of goods without affecting the originating status of goods. Under the tolerance provisions, goods that do not completely satisfy the origin criteria in Part 1 of the First Schedule can qualify as originating if they meet the following conditions:

- (a) Agricultural products (Chapters 2 and 4 to 24) -15 % of the weight of the finished product.

Example:

Total weight of the finished product = 100 kg

Weight of materials used in production not meeting origin criterion = 15 kg or less

- (b) Products (other than textiles of Chapters 50 to 63) - 15 % of the ex-works price of the finished product

Example:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3
ex 44.21	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading except drawn wood of heading 44.09

Explanation:

In this example because of the tolerance provisions contained in Rule 6, it is in fact possible to use materials of heading 44.09 up to a value of 15% of the ex-works price of the finished products listed in column 2. The tolerance provision makes this possible even though the rule specifically excludes the use of materials of heading 44.09, that is “Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed.”

- (c) Textiles of Chapters 50 to 63 -Tolerances are based on weight and are provided in Part 2 of the First Schedule, which contains the Explanatory Notes to the list in Part 1 of the First Schedule.

Example:

Total weight of the finished product = 500g

Tolerance allowed =10% of the total weight

Therefore, the weight of materials allowed to be used in production not meeting origin criterion = 50g or less

2.5.3.3 Use of average values and ex-works prices

Rule 6 allows for the use of *average values* of imported materials as well as *average ex-works prices* for purposes of applying the material content criterion, where the origin rule requires that the value of non-originating materials used in manufacture must not exceed a certain percentage of the ex-works price of

the finished product. The use of such averages is meant to address the problem of fluctuating material costs and exchange rates.

The averages are based on the sum of the value of all the non-originating materials used in the manufacture of the products and the sum of the ex-works prices charged for all sales of the products carried out during the preceding financial year. If figures for a complete financial year are not available, the averages may be based on a shorter period, but not less than three months.

Example: Product X produced in a Partner State has the following details:

	January	February	March	Average
Value of imported materials used [currency units]	10	14	12	12
Ex-works price [currency units]	15	25	20	20

For purposes of calculating the value of non-originating materials the value of imported materials used is 12 currency units while the ex-works price to be used is 20 currency units.

However, where it is established that the fluctuations in costs or currency rates which justified the use of such a method have ceased, the use of averages may be discontinued.

2.6 How to apply the First Schedule

Recognizing the provisions of Rule 6, it is advisable to read the Explanatory Notes in Part 2 of the First Schedule which explain and provide clarity using examples on how Part 1 of the First Schedule should be applied. Part 1 of the First Schedule is structured as providing for such working or processing operations that are conducted on non-originating materials and is structured as follows:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3

Column 1 – provides the tariff classification of the product to be exported, that is, the HS heading, Sub-heading or Chapter.

Column 2 – provides a description of the product to be exported

Column 3 – provides the origin rule to be met for the product to be regarded as originating. For some products, it also provides alternative origin rules.

To determine whether a product qualifies as an originating good one should follow the following steps:

Step 1:

Establish the tariff classification of the product to be exported. (I.e. heading, sub-heading or Chapter as provided in Part 1 of the First Schedule)

Step 2:

Establish the applicable specific rule (i.e. check Column 3). Where two or more rules are provided in Column 3, one has a choice of using any of the rules in Column 3. If rule is met, then the product may be regarded as originating in a Partner State. If not, then the product does not qualify.

Step 3:

Where a specific rule is not mentioned for the given product, refer to the section dealing with the Chapter you are concerned with. For example, plastic bottles are classified in heading 39.23 and Column 1 in Part 1 of the First Schedule makes no reference to a specific rule for products of heading 39.23. In such a case, the rule to be applied is that found at the beginning of the section which reads “ex Chapter 39”. The rules for “ex Chapter 39” for “*Plastics and articles thereof; except for*” are “*Manufacture from materials of any heading, except that of the product (CTH) or Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product*” as provided in Column 3. Here one has a choice of using a CTH rule or a material content rule.

Step 4:

If the product qualifies as originating, a Certificate of origin to support its originating status is then completed. Alternatively, an origin declaration can be made on the commercial documents. (Refer to Chapter 3 for details on Proof of Origin).

Note:

If all products of a given heading, subheading or Chapter are not subject to the same rule(s), the heading, subheading or Chapter number is preceded by “ex”. “Ex” means that the rule in Columns 3 applies to goods classified in the heading, subheading or Chapter with certain exceptions. The exceptions are then listed separately and will have their own rules in column 3.

Example:

HS Heading	Description of the product	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
1	2	3
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20% of the ex-works price of the product Or Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product
34.04	Artificial waxes and prepared waxes: - With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax	Manufacture from materials of any heading, except that of the product

Explanation:

Chapter 34 comprises of 7 headings, namely, 34.01, 34.02, 34.03, 34.04, 34.05, 34.06 and 34.07 and of the 7 headings, only heading 34.04 has been provided for separately. This means those products of headings 34.01, 34.02, 34.03, 34.05, 34.06 and 34.07 need to satisfy any of the two rules in Column 3 if they are to qualify as originating in a Partner State. For example, candles of heading 34.06 can qualify if they meet either the liberal CTH rule in Column 3 or the imported material content rule also in Column 3.

2.7 Processes not conferring origin [Rule 7]

In applying the EAC Rules of Origin, there are certain processes that have a minor effect on the finished product such that they cannot be regarded as conferring originating status on finished products. Such minor processes can either be carried out individually or combined with other processes.

The following operations and processes are considered as insufficient to confer originating status on the finished products:

- (a) packaging, bottling, placing in flasks, bags, cases and boxes, fixing on cards or boards and all other simple packaging operations;
- (b) (i) simple mixing of ingredients imported from outside a Partner State;
(ii) simple assembly of components and parts imported from outside a Partner State to constitute a complete product;
- (c) operations to ensure the preservation of merchandise in good condition during transportation and storage such as ventilating, spreading out, drying, freezing, placing in brine, sulphur dioxide or other aqueous solutions, removal of damaged parts and similar operations;
- (d) change of packing and breaking up or assembly of consignments;
- (e) marking, labeling or affixing other like distinguishing sign on products or their packages;
- (f) simple operations consisting of removal of dust, sifting or screening, sorting, classifying and matching, including the making up of sets of goods, washing, planting and cutting up ;
- (g) ironing or pressing of textiles;
- (h) simple painting and polishing operations;
- (i) husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (j) operations to colour sugar or form sugar lumps; partial or total milling of crystal sugar;
- (k) peeling, stoning and shelling, of fruits, nuts and vegetables;

- (l) sharpening, simple grinding or simple cutting;
- (m) a combination of two or more operations referred to in subparagraph (a) to (l) of this Rule;
and
- (n) slaughter of animals.

Note:

Operations and processes are considered “simple” when neither special skills nor machines, apparatus or tools especially produced or installed for those operations are required for their performance.

Box 3: Processes not conferring origin:

Example:

Compound D fertilizer is imported in bulk from Brazil into a Partner State, where it is packed into different packaging and exported to other Partner States. The origin rule for fertilizer is “Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20% of the ex-works price of the product or Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product”. As repackaging is not a sufficient operation to confer origin, the fertilizer retains its Brazilian origin.

2.8. Cumulation of origin [Rule 8]

Cumulation provides flexibility to the EAC rules of Origin by allowing producers in the Partner States to use materials from cumulating partners without losing origin thereby enhancing economic relations between the partners. For goods to obtain EAC originating status, they must be produced in the Community using materials originating in the Community or in one or more countries specified in Rule 8 with which cumulation is applicable in the production of the products. The following forms of cumulation are provided in Rule 8.

2.8.1 Cumulation in the Partner States (Full cumulation)

Full cumulation allows performing sufficient working or processing in the EAC customs territory. It means that all operations carried out in the EAC customs territory are taken into account when assessing the final origin of the finished product. All the working or processing that is necessary to confer originating status on a product is carried out not in the territory of a given Partner State, but in the area formed by the customs territories of the EAC, namely, Burundi, Kenya, Rwanda, Tanzania and Uganda.

Box 4: Application of full (regional) cumulation:

Example:

A textile producer in Tanzania imports synthetic fibre from Germany and makes yarn. The yarn is then exported to Uganda where it is woven into a fabric and the fabric is then exported to Rwanda where it is used to make men’s shirts. According to the rules of cumulation of working and processing, the making of the fibre into yarn carried out in Tanzania and the weaving of the yarn into fabric carried out in Uganda are considered as

Documentary evidence

- (i) The evidence of originating status of raw materials or semi-finished goods imported from another Partner State is given by a Certificate of Origin issued by the competent authority in the exporting Partner State.
- (ii) The evidence of originating status of semi-finished products within a Partner State is given by means of a supplier's declaration. *For example, Company A in Partner State X imports materials from a third country and makes an intermediate product which is used by Company B in Partner State X to make a final product for export to another Partner State Y.*
- (iii) *Evidence of the working or processing carried out in the Partner States is given by means of a supplier's declaration. For example, where goods are manufactured in a Partner State do not meet the required origin rule in the Part 1 of the First Schedule and are exported to another Partner State for further manufacture.*

2.8.2 Cumulation with countries or Regional Economic Communities (RECs) that EAC has concluded a Free Trade Area with

This rule allows producers in the EAC Partner States to use materials originating in countries or Regional Economic Communities (RECs) that EAC has concluded a Free Trade Area with to make originating products for export into the EAC region. The materials from the countries or Regional Economic Communities (RECs) that EAC has concluded a Free Trade Area with are considered as if they originate in the EAC Partner States.

Documentary evidence

The evidence of originating status of raw materials or semi-finished goods is given by a Certificate of Origin issued by the competent authority in the exporting country or REC that EAC has concluded an FTA with. *For example, a Movement Certificate Form EUR1 for materials imported from the EU under the EAC-EU EPA.*

2.8.3 Cumulation with other countries benefiting from duty-free quota-free access to the market of the countries or Regional Economic Communities (RECs) that EAC has concluded a Free Trade Area with

This rule allows producers in the EAC Partner States to use materials originating in the countries or group of countries benefitting from duty-free quota-free access to the market of the countries or Regional Economic Communities (RECs) that EAC has concluded a Free Trade Area with. For example, the EU has signed agreements with a number of countries worldwide, such Mexico, Brazil, Chile and EAC producers can use materials originating in these countries and they will be considered as if they originate in the EAC Partner States.

Documentary evidence

The evidence of originating status of raw materials or semi-finished goods is given by a Certificate of Origin issued by the competent authority in the exporting country or REC or by means of a Supplier' Declaration issued by a supplier in the exporting country.

2.8.4 Working or processing of materials whose import from rest of the world into the EAC is MFN duty free and quota free

This rule allows producers in the EAC Partner States to use materials imported from any country in the world which according to the EAC CET are duty free. However, agricultural products are excluded from cumulation.

Example:

Heading No.	HS Code /Tariff No.	Description	Unit of quantity	Rate
39.01		Polymers of ethylene, in primary forms.		
	3901.10.00	-Polyethylene having a specific gravity of less than 0.94	kg	0%
	3901.20.00	- Polyethylene having a specific gravity of 0.94 or more	kg	0%
	3901.30.00	- Ethylene-vinyl acetate copolymers	kg	0%
	3901.90.00	- Other	kg	0%

EAC Partner States can agree to provide for cumulation in respect of the above products, and these when used in a process of manufacture may be regarded as originating in the Partner States.

2.9 Unit of qualification [Rule 9]

It is important to establish the correct tariff classification of the goods to be exported under the Harmonized System (HS) of Classification. This is because the way the goods are treated for tariff classification purposes is the same way they are treated for purposes of determining their origin. In order for goods to qualify for Community Tariff preferences, each item in the consignment shall be considered separately. However where goods are classifiable within the single heading in accordance with the HS General Interpretative Rules, such goods shall be treated as one.

Box 5: Application of Rule 9

Example:

A tool set made up of an adjustable spanner (82.04), a hand drill (82.05) and screwdriver (HS 82.05) is classified in heading 82.06. Hence to determine the origin of the set, it is the rule applicable to heading 82.06 that will be applied and not the rule applicable to the individual components.

2.10 Tools, parts and accessories [Rule 9]

Tools, parts and accessories which are dispatched with a piece of equipment, machine, apparatus or vehicle and are part of the normal equipment whose price is included in the price thereof or not separately invoiced, are regarded as one with the piece of equipment, machine, apparatus or vehicle in question. For example, jacks and wheel spanners are part of the normal equipment that is supplied with a new car. In determining the origin of the car, the origin of the jack and that of the wheel spanner are disregarded.

2.11 Split consignments [Rule 9]

Unassembled or disassembled articles, which for transport or production reasons may have to be exported at different times shall for purposes of granting preference, be treated as one article. This means that upon importation of the first consignment the importer should satisfy the Customs requirements for the goods to be treated as one article and hence a single proof of origin (certificate) should be produced.

2.12 Treatment of Sets [Rule 10]

The tariff classification of sets is governed by Rule 3 of the General Interpretative Notes to the HS. To determine the tariff classification of a set, one needs to determine the article that gives the set its essential character and the same applies for purposes of determining the origin of sets. In addition, one also needs to determine the origin of the individual components that make up the set. If all the components are originating then the whole set is originating. However, sets containing originating and non-originating components may also be regarded as originating in a Partner State if the value of the non-originating components does not exceed 15% of the ex-works price of the set.

Box 6: Application of Rule 10:

Example:

A men's shirt (value TSHs 30) and a trousers (value TSHs 60) originating in Tanzania are put into a set together with a silk tie imported from China (value TSHs 10). The ex-works price of the set is TSHs 120. The set is considered as originating in Tanzania as the value of the tie represents 8.3% which is less than 15 % of the ex-works price of the set.

2.13 Separation of materials [Rule 11]

For the purposes of determining origin of goods, the exporter who is a manufacturer of goods whose material are impractical to physically separate may apply to the Customs/competent authority of a Partner State for permission to use an accounting system (e.g., FIFO, LIFO) provided that the exporter proves that:

- (i) he/she regularly exports the manufactured goods to Partner States;
- (ii) it is impracticable to physical separate the goods; and
- (iii) the identity and interchangeability of the originating and non-originating materials concerned are of the same kind and commercial quality and possess the same technical and physical characteristics, and cannot be distinguished from one another for origin purposes when incorporated into the finished product on account of any markings or other identification.

The accounting system to be applied shall:

- (i) be adequate to ensure that no more goods are deemed to originate in the Partner State than would have been the case if the producer had been able to physically separate the materials; and

(ii) make a clear distinction between originating materials and non-originating materials acquired and/or left in stock.

Box 7: Application of Rule 11

Example:

Company X, a manufacturer of wooden furniture based in Uganda imports 2000 steel nails from China on 6 August 2013. On 8 August, 2013 he buys 1000 originating nails of the same type from a company in Uganda and these are intermingled at Company X's warehouse. If Company X elects LIFO method, the first 1000 nails used to fill an order are considered Ugandan, regardless of their actual origin.

2.14 Treatment of packing [Rule 13]

Packaging materials and containers, in which goods are packed for retail sale which are classified with the goods by application of Rule 5 of the HS General Interpretative Rules are disregarded when determining whether all the non-originating materials used in the production of the goods undergo the applicable change in tariff classification set out in Part 1 of the First Schedule.

Where goods are subject to a maximum value of non-originating materials requirement, the value of the retail packaging materials and containers is taken into account as non-originating materials when calculating the maximum value of non-originating materials used in making the finished products.

2.15 Treatment of neutral elements (Rule 14):

Neutral elements are those factors of production that do not form an integral part of the finished product. Such elements like electrical power, fuel, plant, machinery and tools used in the production of the goods are regarded as wholly produced in the Partner States.

Box 8: Application of Rule 14:

Example:

Fork-lift trucks are manufactured in Rwanda using materials originating in EAC and materials imported from USA. These trucks are manufactured using state of the art plant and equipment originating in the USA. One of the origin rules for such trucks is "Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product."

When using this rule, to calculate the value of the non-originating materials, the manufacturer does not add the cost of the plant and equipment to determine the value of non-originating materials used in manufacture. He will instead add the costs incurred to run the plant and equipment as local overhead costs in calculating the ex-works price of the truck.

2.16 Territoriality [Rule 16]

Rule 16 defines the territory in which goods acquire their originating status, that is the geographical location where the goods acquire their origin status, either as wholly produced or as goods resulting from sufficient working or processing.

The rule also allows and lays out the conditions for goods originating in the EAC region to be exported temporarily outside the region whether for further working or processing or not and are returned to the EAC region without losing their originating status. For example, goods may be sent for exhibition to third countries and are returned to the EAC region without having undergone any working or processing. If it can be proved to the Customs Authorities that the goods being returned are the same goods that left the EAC region, they may be regarded as originating goods upon their return to the EAC Region. If not, such returned goods will be regarded as non-originating goods.

For originating materials sent out for further working or processing outside the EAC region, the materials must be sent out under outward processing procedure as provided for under Part XV of the EAC Customs Management Act, 2004. Upon return, such goods may still be regarded as originating goods if:

- (i) the materials exported for working or processing originate in the EAC region; and
- (ii) it can be shown that the re-imported goods have been obtained by working or processing the exported materials; and
- (iii) the value acquired outside the EAC region does not exceed 10 percent of the customs value of the finished product for which originating status is claimed.

2.17 Direct Transport [Rule 17]

In order for goods produced in the Partner States to benefit from the Community tariff treatment provided under the EAC, they shall be transported directly from the exporting Partner State to the importing Partner State. For this purpose, the goods may transit through other Partner States on their way to the importing Partner State. This rule serves to prevent ineligible goods from benefiting from preferential origin.

2.18 Treatment of goods produced under export promotion schemes

Goods produced under export promotion schemes such as Export Processing Zones (EPZs) or under Manufacturing under Bond (MUB) within the Partner States shall not qualify for Community tariff treatment as provided under the Protocol if they are sold in the EAC Customs Union Territory.

2.19 Treatment of goods produced under licence

Goods produced under licence shall be granted Community Tariff treatment if they meet the requirements of the criteria under the EAC Rules of Origin. Companies manufacturing goods under licence of international firms should ensure that the name and address of the company producing the products in the Partner State is indicated on the product. This will enable the goods in question to be considered as goods of EAC origin.

CHAPTER 3
ADMINISTRATIVE PROCEDURES FOR IMPLEMENTING THE EAC RULES OF ORIGIN

3.1 Introduction

For effective administration of EAC preferential trade regime, common administrative procedures shall apply in the Partner States. This will ensure that only goods originating in the EAC region benefit from Community Preferential Tariff treatment.

3.2 Procedures in the exporting Partner State

3.2.1 Registration of exporters

Companies wishing to export under the EAC preferential tariff regime should be registered with the relevant competent authority in the Partner State. The review of the registration of these companies shall be made periodically.

Minimum Requirements:

- (a) Companies wishing to be registered as exporters should submit a written application on a form provided in **Appendix I** together with supporting evidence to the competent authority.
- (b) Upon registration an exporter shall be issued with a registration number.

3.2.2 What an exporter should do to obtain a Certificate of Origin

- (a) An exporter intending to export goods to another Partner State and desiring to have such goods granted EAC preferential tariff treatment in the importing Partner State must obtain a certificate of origin (specimen provided in **Appendix II**) from the designated authority in his State. The certificate, when presented by the importer to the Customs Authorities in the importing Partner State will serve as evidence to enable the goods to be accorded the EAC preferential tariff treatment that is being sought.
- (b) In order to obtain an EAC certificate of origin, the exporter must present to the designated certifying authority evidence that the goods have been produced in conformity with the conditions specified in Rule 4 of the EAC Rules of Origin.
- (c) An exporter who has been registered by the designated competent authority of a Partner State should do the following:
 - (i) Ensure that the product(s) for which he is seeking a certificate have been approved, as per his letter of approval.
 - (ii) Complete a certificate of Origin for each shipment based on his letter of approval issued by the designated competent authority.
 - (iii) Quote his registration number in the appropriate box of the certificate of origin.
 - (iv) Attach the certificate of origin to the export goods declaration.

(v) The export declaration, together with the certificate of origin and other supporting documents should be submitted to the designated competent authority for authorization of the export.

3.2.3 Action to be taken if the exporter is not the producer of the goods

- (a) Where the goods have been produced by a company or enterprise that is not the exporter who is seeking the certificate of origin, then the exporting company or enterprise where applicable, shall obtain from the producer a declaration in the form containing the information indicated in **Appendix III** concerning the specific origin laid down in Rule 4 which has been complied with in respect of the goods being exported.
- (b) The supplier's declaration is a formal document which should be printed on a company letterhead, where the name and address of the declaring company is clearly identifiable. A readable stamp stating the name and address of the company making the declaration may be used.
- (c) The person signing the declaration should have sufficient knowledge on EAC Rules of Origin and should be authorized to sign on behalf of the company.
- (d) The exporter should satisfy himself/herself that the information furnished by the producer is true and correct and that on the basis of that information he/she can properly request the issuance of an EAC Certificate of Origin.

3.2.4 Completion of the EAC Certificate of Origin

A certificate of origin can be in manual or electronic form.

- (a) The exporter must enter on the form of the certificate of origin all information required in Boxes 1 to 10 of the form, except Box 4, which is reserved for official use.
- (b) This form may be filled by any process provided that the entries are indelible and legible. Neither erasures nor super-impositions are allowed on the form, and any alterations must be made by striking out the erroneous entries and thereafter making or inserting any required additions. Any such alterations must be initialed by the person who completed the form and endorsed by the authority or body designated to issue the certificate.
- (c) Any unused spaces on the form should be crossed out in such a manner as to prevent any subsequent addition.
- (d) The Certificate of origin must be completed as follows:

Box 1: Exporter

Details of the registered exporter, who may be a natural person ordinarily resident in a Partner State, or is a registered company operating in the Partner State must be entered in this box.

Box 2: Consignee

Details of the consignee in the importing Partner State must be entered in this box.

Box 3: Particulars of Transport

Details of transport used to ferry the goods from the exporting Partner State to the importing Partner State must be entered in this box. E.g. Truck reg. no. 721 – 505 P.

Box 4: For Official use

The competent authority can use this box to enter any pertinent information regarding the export shipment. e.g. where EAC originating goods are re-shipped from one Partner State to another, the reference number of the Certificate of origin issued by the first exporting Partner State can be entered in this box.

Box 5: Marks and numbers; number and kind of package; description of goods.

Any identifying marks and numbers of the packages should be entered in this box.

- If the goods are not numbered in any way, the words “No marks and numbers” should be entered.
- Number and kind of package: This refers to, for example, boxes, drums, bags, etc.
- For goods in bulk, the words “in bulk” should be entered.
- Description of goods: Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

Box 6: Customs Tariff

The tariff code as per the EAC tariff schedule must be entered in this box.

Box 7: Origin Criterion

The specific qualifying criterion under Rule 4 of the EAC Rules of Origin must be entered in this box. For this purpose, the following letter should be used against each item entered in the certificate, as appropriate.

“P” for goods which are wholly produced

“M” for goods to which material content criterion applies

“C” for goods where the 4-digit Harmonized System heading or 6-digit Harmonized System sub-heading of the manufactured products becomes different from the 4-digit Harmonized System heading or 6-digit sub-heading respectively of the materials used

“S” for goods where specific working or processing is carried out.

Box 8: Gross weight or other quantity

It is recommended that exporters give weights and other measures in metric system.

Box 9: Invoice No.

State the number(s) and date(s) of the invoice(s) relating to the goods described in box 6.

Box 10: Declaration by Exporter/Producer/Supplier

Before signing the Declaration, the Exporter should ensure that all the particulars entered by him in the form are correct. While the exporter is free to decide who will sign declarations on his behalf, it is recommended that the person so authorized be a member of the exporting firm.

Declarations signed by shipping or forwarding agents and the like are not acceptable.

The signature must not be mechanically reproduced or made with a rubber stamp, as by signing the form, the exporter declares that the goods described in Box 6 qualify as EAC originating products. If this declaration is incorrect, the exporter would have committed an offence under the EAC Customs Management Act 2004.

The Exporter must furnish any additional evidence, which may be requested by the certifying authority for purposes of the issuance of the certificate.

Box 11: Certification of Origin

This box should be filled in by the competent authority of the exporting Partner State. The Authority should endorse its origin verification stamp in this box in the appropriate space. The impression of the stamp should be very clear to avoid raising doubt by authorities of the importing Partner State as to its authenticity.

Certificate of origin forms should be completed in triplicate.

e) The specifications of the manual certificate of origin shall be as follows:

The EAC Certificate of Origin shall be made out on the form of which a specimen appears in **Appendix II** and have the following specifications:

- i. a yellow paper measuring 210 by 297mm with an EAC watermark
- ii. the EAC Customs Union Seal ¹
- iii. a serial number on the top right hand corner for identification
- iv. EAC logo

f) . The specifications of the electronic certificate of origin:

An electronic certificate of origin shall be developed and procedures for its issuance shall be incorporated in this manual.

3.2.5 Procedures for processing the EAC Certificate of Origin

(a) The declaration furnished by an exporter claiming that the goods being exported by him are eligible for Community Tariff treatment must be issued by the competent authority of the exporting Partner State, if the goods are to be accepted by the importing Partner State as originating in a Partner State.

¹ The implementation of this provision shall be applicable when the Customs Union seals are available to Partner States.

(b) The competent authority will process the certificate as follows:

(i) Ensure that the Certificate of Origin form has been completed in triplicate;

(ii) Confirm that product meets the requirements of the EAC Rules of Origin;

(iii) Confirm that the exporter's registration number has been entered in the appropriate box, i.e. on the top right hand corner of the certificate in the space "Ref. No...."

(iv) Compare the particulars entered in the certificate with those in the commercial invoice;

(v) If everything is in order, enter country of origin, stamp and sign the certificate in Box 11.

(vi) The stamp to be used is the EAC Customs Union seal as provided under the East African Community Customs Management Act 2004. The names and specimen signatures of officials that sign the certificate should be circulated to other Partner States through the Directorate of Customs of EAC.

(c) Distribution of the Certificate of Origin

(i) Original copy should be returned to the exporter for onward transmission to the importer in the importing Partner State to which the goods are consigned to enable the importer to complete the necessary documents for entry of the goods.

(ii) Duplicate copy should be retained by the competent authority.

(iii) Triplicate copy should be returned to the exporter for his records.

3.2.6 Signing the Certificate of origin

(a) The power to sign certificates of origin should only be entrusted to the authorised officials of the competent authority.

(b) Before endorsing the certificate of origin, the certifying official should insert a reference number in the space provided at the top right hand corner of the form.

3.2.7 EAC Customs Union Seal

The EAC Customs Union Seal prescribed in the EAC Customs Management Act, 2004 shall be the official seal for certification of origin of goods.

3.2.8 Certificates of origin issued after exportation

Certificates of Origin may in exceptional circumstances be issued after exportation of the goods if it is demonstrated to the satisfaction of the competent authority that the certificate was not

issued at the time of exportation because of errors or involuntary omissions or special circumstances. When such a certificate is issued retrospectively the inscription 'ISSUED AFTER EXPORTATION' shall be inserted in Box 4.

3.2.9 Duplicate certificates of origin

A duplicate Certificate may be issued where the original has been stolen or destroyed. The certificate shall be made on the basis of the export documentation in possession of the Customs Authority at the place where the goods were entered for export. The inscription 'DUPLICATE OF CERTIFICATE NO.... OF' shall be inserted in Box 4 in the Certificate when such certificate is issued. The exporter shall apply for a duplicate certificate in writing to the Issuing Authority where the original Certificate was issued and give reasons why a duplicate is required and also provide the number and date of the original Certificate.

3.2.10 Re-exportation of EAC originating goods

- (a) Re-exportation of EAC originating goods shall be allowed only when goods remain under customs control and do not undergo any operations except those meant to preserve the goods and unloading and reloading;
- (b) Where a whole or a partial consignment of the originating goods is meant for re-exportation from one importing EAC Partner State to another EAC Partner State, the exporter in the second EAC exporting Partner State shall, make an application in the form. After approval the exporter shall submit an export customs declaration together with the EAC Certificate of Re-Exportation of Originating Goods. A photocopy of the original certificate of origin shall be attached to the Certificate of re-Exportation of originating goods.
- (c) If the Customs Authority in the second EAC exporting country is satisfied that the consignment being re-exported is originating from the exporting EAC Partner State, the Certificate of Re-exportation of Originating Goods shall be accordingly approved and provided to the re-exporter. The Customs Authorities in the second importing country shall accept this Certificate of Re-exportation of Originating Goods with the appropriate entries from the second exporting country to grant EAC preferential treatment;
- (d) The Customs authority in the second importing country may in exceptional circumstances require, in case of doubt, further verification of the authenticity and accuracy of the statement contained in the certificate of re-exportation. Such request of verification should be made within three months from the date of issuance of the certificate of re-exportation. The re-exporting country should forward the result of the verification to the second importing country as soon as possible but not later than twelve weeks from the date of request being made; and
- (e) The Original Certificate of Origin issued by the first exporting country and other relevant documentary evidence shall be preserved, by the appropriate authorities of the second exporting Partner State for at least five years.
- (f) The EAC Certificate of Origin shall be used for this purpose as a Certificate of re-exportation of Originating goods printed with a words "Re-exportation of Originating Goods" quoting the original Certificate of Origin number in Box 4.

3.2.11 Approved exporters

(a) The EAC rules of origin also provide for the use of simplified procedures for the issue of origin certification in the form of an origin declaration made on an exporter's commercial documents instead of using certificate of origin forms.

(b) Competent authorities can extend use of the simplified procedure in (a) above to producers or traders who apply in writing for "approved exporter" status on a form in **Appendix I**.

(c) What competent authorities consider when granting "Approved exporter" status:

- (i) How frequently the exporter exports originating goods to other Partner States; i.e. how often exports are made to other Partner States
- (ii) Applicant's knowledge of the EAC Rules of origin
- (iii) Applicant's ability to provide evidence to support the origin status of goods exported
- (iv) Applicant's compliance record with customs laws
- (v) Applicant's ability to meet his/her obligations placed upon him/her by competent authority

(d) Obligations of approved exporters:

The exporters are expected to:

- (i) issue origin declarations only for goods that qualify as originating in the Partner States;
- (ii) be responsible for the way the authorisation is used and not misuse the approved exporter status;
- (iii) ensure that the company representative responsible for completing origin declarations knows and understands the EAC Rules of Origin;
- (iv) keep all documentary proofs of origin for a period of at least five years from the date that the origin declaration is made;
- (v) produce proof of origin to the customs authorities and allow them to carry out their inspections at any reasonable time.
- (e) Obligations and rights of competent authorities:
Competent authorities must regularly monitor the approved exporter status of registered exporters
- (f) Competent authorities may revoke and withdraw approved exporter status where exporter is in breach of his/her obligations
- (g) Competent authorities must submit their national numbering system for approved exporters to the Secretariat for circulation to other Partner States.
- (h) Send the following details of approved exporters to the Secretariat for inclusion in the regional database of registered exporters:

(i) Name of approved exporter: e.g. TC Plastics (Pvt) Ltd

(ii) Location: e.g. Bujumbura

(iii) Authorisation number: e.g. PS/AE/01/year

Where:

PS - is the alpha code of the Partner State (i.e. BU-Burundi, KE-Kenya, RW-Rwanda, TZ-

Tanzania and UG-Uganda)

AE – stands for approved exporter

01 – the first company granted approved exporter status

Year – e.g. 2015

(iv) Approved originating products: e.g. Plastic bottles – HS heading 39.23

(v) Contact person: e.g. Mr Another (Exports Manager)

3.2.12 Completion of the origin declaration

An approved exporter should always bear the following points in mind when completing the origin declaration:

(a) An origin declaration may be made out on any commercial document, e.g. invoice, delivery note, etc.

(b) The declaration must be worded as indicated in **Appendix IV**.

(c) The declaration must bear the original signature of the exporter or of the authorized representative.

(d) An origin declaration may be made out on the reverse side of an invoice or on a separate sheet of the invoice provided that the sheet is part of the invoice.

(e) An origin declaration given on a delivery note or other commercial document must identify the exporter.

3.2.13 Procedures for processing exports made by “approved exporters”

(i) Ensure that the origin declaration has been completed in line with Appendix II on an original commercial document which should be submitted in triplicate.

(ii) Confirm that product meets the requirements of the EAC Rules of Origin as per exporter’s authorization.

(iii) Confirm that the exporter’s registration number has been entered in the appropriate space on the declaration.

(iv) Ensure that the declaration has been signed by an authorized signatory.

(v) If everything is in order, stamp and sign the commercial document.

(vi) Retain a copy of the stamped and signed commercial document.

(vii) The stamp to be used is the EAC Customs Union seal as provided under the East African Community Customs Management Act, 2004. The names and specimen signatures of officials that sign the certificate should be circulated to other Partner States through the Directorate of Customs of EAC.

3.2.14 Validity of Proof of Origin

The certificate of origin or origin declaration must be submitted to the Customs authorities of the importing Partner State within six months from the date of issue/declaration by the competent authority of the exporting Partner State.

The customs authorities in the importing Partner State may accept the certificate of origin or origin declaration after the six months validity period has expired where the failure to observe the time limit is due to exceptional circumstances.

3.2.15 Treatment of non-commercial goods

The following products if properly declared by individuals as meeting the EAC Rules of Origin requirements are exempted from proof of origin:

- (i) Products sent as small packages from private persons to private persons within the EAC Customs Union territory valued at USD500 or less.

Products forming part of travellers' personal luggage for personal use valued at USD 1200 or less. This concession applies to movements within the EAC Customs Union territory.

3.2.16 Furnishing details of authorized signatories and registered exporters

(a) Partner States must furnish the Secretariat with lists of the names and specimens of the signatures of officials, authorized to sign the certificates of origin using the form in **Appendix V**. This information should be kept up-to-date by promptly notifying any changes to the original notifications, which had been made. This information will be exchanged through the Directorate of Customs which will monitor the system on a regular basis to ensure its proper working.

(b) To minimize the possibility of any delay which could occur in supplying this information through the EAC Secretariat, Partner States may transmit the notifications directly to the other Partner States but should, at the same time send copies to the Directorate of Customs.

(c) In addition to the above, Partner States will also furnish the Directorate of Customs with details of all registered exporters and any changes on a regular basis.

(d) Partner States should also send their numbering systems used for the registration of exporters to the Directorate of Customs for circulation to other Partner States.

3.3 Procedures in the importing Partner States

3.3.1 Submission of proofs of origin in the Importing Partner State

(a) In order that goods may be admitted in any EAC Partner State as originating in another Partner State, the importer of the goods concerned must present to the Customs Authorities, along with the requisite import entry, a proof of origin duly completed and signed by the exporter in the exporting Partner State and certified by the competent authority of that Partner State.

(b) If the Customs Authorities in the importing Partner State are satisfied that the goods to which the documents relate are eligible for tariff treatment as claimed, they will be so admitted.

3.3.2 Checks carried out by the Customs Authorities of the importing Partner State

(a) The checks which the Customs Authorities in the importing Partner State should carry out are:

- i. confirmation of the authenticity of the Customs Union seal
- ii. a comparison of the signature of the certifying official appearing in the certificate of origin with that notified by the exporting Partner State.
- iii. whether the particulars of the goods given in the certificate of origin correspond with the invoice and the Customs import entry.

(b) The Customs Authorities may refuse a claim of EAC preferential tariff treatment if there is reason to doubt the correctness of the particulars declared to them.

Preferential treatment may be refused for the following reasons, among others:

(i) The goods to which the proof of origin relates are not eligible for preferential treatment;

(ii) The description of goods in Box 5 of the Certificate of origin is not filled in or refers to goods other than those presented;

(iii) The proof of origin contains any erasures or words written over one another showing that it may have been tampered with;

(iv) If altered, unless any alterations are made by deleting the incorrect particulars, by adding any necessary corrections and such alterations are initialed by the person who completed the proof of origin and endorsed by the officer of the competent authority who signs the certificate.

(i) The proof of origin has been submitted after expiry of its period of validity and there is no justification for its acceptance exceptionally, as provided in Rule 25.

(c) Where preferential treatment is refused, the proof of origin should be marked "Inapplicable"

and retained by the customs authorities of the importing Partner State to prevent any further attempt to use it. The customs authorities of the importing Partner State should also inform the customs authorities of the exporting Partner State about the refusal to grant preferential tariff treatment.

3.3.3 Treatment of minor queries

Minor inaccuracies or omissions of a clerical or similar nature detected on a proof of origin (for example, the omission of the weight or other quantity, or insertion of an incorrect Customs tariff number), may be allowed to be put right by the importer without rejection of the claim to EAC preferential tariff treatment. Similarly, it may become necessary in some cases to direct that the goods be physically examined to dispel any doubt or uncertainty that may have arisen in the course of the processing of the import entry as regards the origin of the goods, without at that stage making a formal query or questioning eligibility for EAC preferential tariff treatment. Foreign markings on the goods or other physical evidence (e.g. instructions in a foreign language, packaging of an unrelated kind) should not be overlooked in the Customs examination as these may point to the need for further enquiry into the claim to EAC preferential tariff treatment.

3.3.4 Treatment of queries of a more serious nature

- (a) Where serious doubts arise about the eligibility of any consignment of goods for EAC tariff treatment a formal query of the evidence of origin may be communicated by the Customs Authority in the importing Partner State to the Customs Authority in the exporting Partner State where the proof of origin was issued. The procedure governing the raising of queries and the subsequent verification of the evidence of origin is discussed in the next section of this Manual.
- (b) Serious doubts may arise, where, for example:
 - (i) A claim of “wholly produced” is made for certain kinds of machinery;
 - (ii) The description of goods on the invoice is different from that appearing in the certificate of origin;
 - (iii) There is indication of dubious transport route used;
 - (iv) The proof of origin has not been signed or dated by the competent issuing authority;
 - (v) The stamp used to endorse the proof of origin is different from the one that was notified to the Secretariat; or
 - (vi) The proof of origin has not been signed by the exporter.

3.4 Origin verification procedures

3.4.1 Action by the importing Partner State

- (a) Where the Customs Authorities in an importing Partner State are in doubt about the correctness of the proof of origin or origin declaration, they may request the submission of supporting evidence. Depending upon the nature of the query, basically two courses of action may be taken:
- (i) the query may be such as to require the importer to contact the exporter for the evidence or other information called for by the Customs Authorities in the importing Partner State. The exporter may furnish the information sought to the certifying authority in his own State for onward transmission to the Customs Authorities in the importing Partner State or may send it directly to the importer.
 - (ii) the Customs Authorities in the importing Partner State may decide to refer the query directly to the authority in the exporting Partner State that issued the proof of origin in the first place.
- (c) When a question of admissibility to EAC consignment of goods for preferential tariff treatment is raised, the query sent should draw attention to the particular aspect of the transaction that has given rise to doubt in the minds of the Customs Authorities in the importing Partner State. Any information which is needed in such cases should also be clearly specified.

3.4.2 Provision of information in response to a query

- (a) Verification requests should be dispatched within 48 hours of the query of EAC origin status. A copy of the "query" form should at the same time be given to the importer.
- (b) Information in respect of which evidence of origin is required shall be made by the exporter or a customs authority and submitted to the requesting authority in the importing Partner State. The information shall be contained on the Form for Verification of Origin indicated in **Appendix VI**.
- (c) In completing the form furnishing the information which is called for, only the relevant sections of Part A need to be completed according to the particular criterion in the Second Schedule under which EAC origin status is claimed.
- (d) To facilitate the check of the information provided in Part A of the Form for Verification of origin with the particulars of the goods covered by the proof of origin under query, the total quantity or the unit of quantity of the goods to which the detailed manufacturing costs being supplied are related, and the period when the manufacture took place, should be stated in the response to the query.
- (e) Where the value of any materials imported from the outside of the EAC cannot be readily determined, then the value which is to be inserted at Part A (3) of the form is the earliest ascertainable price paid for them in the Partner States where they were used in a process of production.

- (f) If the check in the exporting Partner State established that the goods do not meet the conditions laid down in the EAC Rules of Origin for them to be accepted as originating in a Partner State, the form should be returned under cover of a confidential note explaining the results of this further check and indicating what action, if any, is proposed against the exporter.

It is important to note that in these circumstances, a full historical audit of the traders books in relation to all goods exported to other EAC Partner States should be regarded as normal procedure. All previous consignments for which EAC preference was incorrectly or fraudulently claimed should be identified and notified to the Customs in the importing Partner State to enable them to call for duty arrears and penalties thereof in accordance with the EAC Customs Management Act, 2004.

- (g) It is important that any query and the ensuing check be handled expeditiously since inordinately long delays in the verification process could prove both frustrating and costly to traders.
- (h) Replies to queries should be furnished within twelve weeks. In the event that there has been no response within the twelve weeks, the EAC Secretariat should be notified.
- (i) Customs should not withhold delivery of goods solely because further evidence has been called for. The importer should be allowed delivery of the goods, provided sufficient security has been given for any duty that is payable. Delivery may be withheld, however, where there is reason to believe that the goods are prohibited or restricted as provided in the EAC Customs Management Act, 2004.
- (j) Where the Customs Authorities in an importing Partner State refuse clearance of any consignment of goods and fail to activate the query/verification procedure, the importer of the goods shall proceed with appeal procedures specified in the EAC Customs Management Act 2004.

3.4.3 Verification of supplier/producer declarations

- (a) Supplier's/producer's declarations (Appendix IV(A)) are used by exporters as evidence to support applications for the issue of EAC Certificates of origin or as a basis for making out origin declarations and also for cumulation purposes.
- (b) Supplier's/producer's declarations (Appendix IV(B)) are also used where materials used under full cumulation are imported into a Partner State without preferences which would require materials that can be used in full cumulation be indicated separately. The supplier's/producer's declaration allows producers in one Partner State to forward origin relevant information of previous manufacturing processes.
- (c) To verify the accuracy or authenticity of a supplier's/producer's declaration, the competent authorities may ask the exporter to obtain from the supplier an EAC Information Certificate using the form appearing in **Appendix VII**. They can also call for any evidence and carry out any inspection of the supplier's accounts or any other check that they consider necessary.
- (d) The completed certificate authenticated by the Customs Authorities of the exporting Partner State will be forwarded to the relevant customs authority within three months from the date of

the verification request. Where there is no reply within three months or where the reply does not contain sufficient information to demonstrate the real origin of the products, the Customs Authorities of the country of export will declare the EAC Certificates of Origin or the origin declarations made out on the basis of the documents in question null and void.

3.4.4 Joint on-the-spot investigation

In any case where despite the response to a query by an exporting Partner State affirming the original claim of EAC origin, doubts persist in the minds of the Customs Authorities in the importing Partner State about the validity of the claim, prompt steps should be taken to resolve the matter. At the initiative of either the importing or the exporting Partner State, arrangements should be made with the minimum of delay for representatives from both sides to meet in the Partner State where production is carried out to examine together “on the spot,” evidence on which the claim of EAC originating status is based.

(a) The two parties should do the following, among others, before carrying out the joint investigation:

- Agree on the dates on which to carry out the joint investigation.
- The customs authorities of the importing Partner State should provide the competent authority in the exporting Partner State with the names of the officials who will participate in the investigation so that it can arrange for their transport and accommodation in the exporting Partner State. However, the visiting delegation should meet its accommodation expenses.
- The competent authority should also ensure that the visiting delegation has access to its records pertaining to the registered exporter who is to be investigated.
- Depending on the origin criterion that is applicable to the goods under investigation and the nature of the production process involved, the two authorities may agree to co-opt independent technical experts to assist in the investigations.

The two authorities will share any costs incurred in co-opting the experts.

(b) Preparing for the visit to an exporter’s premises

It is advisable for the registered exporter to be informed of the intended visit. Mutual co-operation and consultation between the Customs/designated Authority and registered exporter is important for successful verification to be carried out.

Before leaving for the visit, the investigating officials should:

- (i) note any specific points requiring investigation
- (ii) study the bills of entry and supporting documents carefully, noting any features that may require further enquiry.
- (iii) Obtain the following information regarding the registered exporter:-

- past history of exportation
- Origin Ruling related to the registered exporter and the goods
- previous visit reports (if any) concerning the registered exporter
- information from other sources, e.g. Customs Investigations
- any other relevant information.

(c) Report of visit

The investigating officials should write a report after concluding the investigation.

The report of visit may include the following items:

- Date(s) of visit
- Name and position in company of person(s) seen.
- Registered exporter's function, e.g. distributor.
- Confirmation that the signature in box 11 of the Certificate of Origin was made by an officer or authorized representative of the company investigated, and that the signatory was in full possession of the facts and entitled to sign the certificate.
- Principal countries to which the goods are exported.
- Main types of goods imported by the registered exporter, e.g. raw materials, finished goods, etc.
- Purposes for which the goods are imported, e.g. own use, further manufacture, resale as imported.
- Details of procedures undertaken in auditing records and documents, whether held in computer or not.
- Details of any irregularities found in the course of the investigation.
- Any specific action taken against the registered exporter
- Any other relevant information.

(d) Results of the joint investigation

- At the conclusion of the investigations, the officials from the two authorities involved in the investigations should discuss and agree on the outcome of the investigation.
- The customs authorities of the importing Partner State should advise the EAC Secretariat of the outcome of the investigation.
- The EAC Secretariat should, in turn, notify the other EAC Partner States of the results.

- Normally, such joint-on-the-spot investigations should help in resolving the origin query, however, where the two parties fail to agree, Partner States should follow dispute settlement procedures covered in paragraph 3.4.6 below.

3.4.5 Post Clearance or “Ex-post facto” verification checks

- (a) In exercising controls over the flow of trade between the Partner States under the EAC arrangements, the Customs Authorities must strike a balance dictated by, on the one hand, the objective of promoting intra-EAC trade and, on the other, the need to guard against Customs fraud. To help overcome fears of risk to Customs revenue in responding to the charge to Partner States’ customs administration as provided for under the EAC Treaty to, inter alia, “facilitate the speedy movement of goods and services across their frontiers,” a system of ex-post facto checks is suggested.
- (b) These checks would operate in the following manner: after goods accepted as of EAC origin have been cleared, the Customs Authorities in the importing Partner States could select a small percentage of the EAC documents processed by them and subject these to thorough checks (including going all the way through the normal query and verification process) to test the adequacy of their controls and the extent to which, in seeking to facilitate the flow of intra-EAC trade, fraudulent or irregular transactions may be escaping detection.
- (c) In making these random ex-post facto checks, selection of the transactions to be investigated could be guided by the sensitivity of certain kinds of goods where there may be a greater inducement to seek to evade Customs controls, or by the known past record of suspect traders. If an analysis is made of the highest risk traders, the highest risk transactions and the highest risk goods, and this is supplemented by information on traders who have previously been the subject of a detection of error or fraud then these can be combined into a data base and provide a useful tool to aid detection and control. It is then possible to concentrate manpower and resources on the areas of highest revenue risk.
- (d) Where cases are identified which indicate serious error or fraud against the revenue, follow up visits to the trader’s premises should be carried out to fully investigate the position and carry out a full historical audit. If a situation is identified in which it is clear that there has been a substantial loss of revenue, the arrears of duties should be called for from the importer and consideration as to whether this should be followed by Court proceedings given.

3.4.6 Period of retention of documents

- (a) Persons and firms engaged in intra-EAC trade shall keep adequate records so that they can justify any statement or other information supplied in connection with any consignment of goods for which EAC tariff treatment is being or, has been, claimed. Such persons are under legal obligation under the Protocol and the EAC Customs Management Act to keep and produce any records on imports or exports for a period of at least five years.
- (b) The records should carry some reference to the EAC certificate of origin to which they relate to assist in any subsequent checks that may become necessary.
- (c) Producers and exporters should retain among others:

- i) copies of import entries and relevant invoices in respect of imported materials utilised in production,
 - ii) records of purchases of local materials,
 - iii) accounting records relating to wages, utilities and other expenses incurred in connection with the production of goods entering into intra-EAC trade.
 - iv) Copies of EAC Certificates of Origin, export declarations and supporting commercial documents.
- (d) The Customs authorities in the exporting and importing Partner States should also retain copies of certificates of origin and other related documentary evidence issued and accepted in respect of goods traded under the EAC tariff treatment arrangements for a minimum period of five years.

3.4.7 Dispute settlement procedure

- (a) Any dispute between Partner States relating to the application of the provisions of the EAC Rules of Origin shall, in so far as is possible, be settled by negotiation between them. A dispute which is not so settled shall be referred to the Committee on Trade Remedies which shall in accordance with the EAC Dispute Settlement Regulations establish a Dispute Settlement Panel or an Arbitration Panel.
- (b) The parties to the dispute shall supply all documents and/or information to the Dispute Settlement/Arbitration Panel. The documents and /or information so supplied, shall also be supplied at the same time, to the other party to the dispute and the Secretary General.
- (c) The Dispute Settlement/Arbitration Panel shall conduct its proceedings in such manner as it considers appropriate provided that the parties to the dispute shall be treated with equality and that during the proceedings, each party shall be given a full opportunity of presenting its case.
- (d) Upon request by any party to the dispute during the panel proceedings, the panel shall hear evidence, oral or written, from any witness including experts invited by any party to the dispute.
- (e) The general terms of reference of the Dispute Settlement/ Arbitration Panel shall be as provided in the EAC Dispute Settlement Regulations.
- (f) The Dispute Settlement/Arbitration Panel shall consider the submissions from the parties to the dispute and any witness (es) and may request additional information or clarification from the parties to the dispute or the Secretary General, and make its recommendation(s).
- (g) In making its recommendations, the Panel shall, in addition refer to any relevant authorities and provisions whether or not cited by the parties to the dispute.
- (h) If the Dispute Settlement/Arbitration Panel is unable, through its findings and recommendation(s), to resolve the dispute in a manner consistent with the overall development objectives of the region and to the satisfaction of the parties to the dispute, it shall refer the matter, through the Secretary General, to the Court of Justice for a final ruling which shall be binding on all parties.

- (i) Each party to the dispute shall bear the costs attributable to the Partner it appointed to the Panel while the costs attributable to the third Partner of the Panel shall be borne in equal part by the parties to the dispute.

3.5 Offences and Penalties

Any person who knowingly furnishes or causes to be furnished a document which is untrue in any material particularly for the purpose of obtaining a certificate of origin or during the course of any subsequent verification of such certificate will be guilty of an offence and liable to penalties as provided in the EAC Customs Management Act, 2004

3.6 Role of the Directorate of Customs

- (a) The EAC Secretariat has the Directorate of Customs established by the Council. Its primary function among others is to initiate policy, formulate strategy, coordinate and monitor the implementation and management of the EAC Rules of Origin. The Directorate of Customs develops standards, provide technical guidance and assistance, and undertake programmes to ensure application of international best practices.
- (b) The Directorate of Customs shall monitor and evaluate the application of Rules of Origin in the region to identify areas that require review and make policy recommendations.
- (c) The Directorate of Customs shall provide technical advice and assistance to the Customs Services and other competent authorities of the Partner States and provide assistance on a “good offices” basis for investigations where there are serious doubts on the origin of the goods.
- (d) The Directorate shall regularly carry out a training needs analysis, and, in co-operation with the Customs Services and other competent authorities of the Partner States, undertake training of the officials and stakeholders in line with identified needs.
- (e) The Directorate shall ensure that regular and routine contact is maintained between the Customs Services and other competent authorities in the Partner States and the Directorate on related matters such as the exchange of lists of officials authorised to sign proofs of origin. The Office will also arrange periodic meetings to maintain good liaison between them and the Partner States.
- (f) The Directorate of Customs has further responsibility on editing, publishing and distribution of the EAC Rules of Origin and Manuals on EAC Rules of Origin.
- (g) The Directorate shall undertake research and studies on the implementation of EAC Rules of Origin and make regular reports to the Council.
- (h) The Directorate should provide adequate technical support and advice regarding interpretation and implementation of the EAC Rules of Origin where this is required by a Partner State.

- (i) The Directorate should also be kept aware of the instances of the query and subsequent verification of evidence of EAC origin by being provided with copies of all query forms that are sent by the authorities in the Partner States, as well as copies of the verification responses by the exporting Partner States. This information will be circulated to other Partner States by the Directorate.

- (j) The Directorate of Customs will receive the information on the registration of the exporters and maintain a regional data-base of such exporters and circulate information on such exporters to all Partner States and publish on the EAC website, with the exception of confidential information. Such information may include the following about the exporters, among others:
 - (i) Name and address
 - (ii) Registration number
 - (iii) Approved products
 - (iv) Contact details

CHAPTER 4 SIMPLIFIED PROCEDURE FOR SMALL SCALE CROSS BORDER TRADERS

4.1 Introduction

Small-scale cross-border traders play an important role to the economic and social development of Partner States. To facilitate small-scale border traders who import originating goods of a commercial nature not exceeding a value of US\$2000 for each consignment, an EAC simplified Certificate of origin shall apply. See **Appendix VIII**.

4.2 Common list of approved products

- (a) Partner States have developed a list of originating goods that are commonly traded by the small-scale border traders and this list is available at all EAC border stations.
- (b) The goods can either be “wholly produced” or manufactured in the Partner States.
- (c) Originating goods manufactured in the Partner States should have been produced by a manufacturer whose goods qualify for community tariff treatment.
- (d) Wholly produced goods should satisfy Rule 5 of the EAC Rules of Origin.
- (e) The common list of products should be distributed to all offices of the Customs Authorities of the concerned Partner States for reference in authenticating the simplified certificate of origin.
- (f) The Common list of goods should be updated regularly to ensure all goods that qualify under EAC Rules of Origin are covered.

4.3 Issuance of the EAC Simplified Certificate of origin in the exporting Partner State

A small-scale border trader whose consignment qualifies should complete the EAC Simplified Certificate of origin and the Simplified EAC Customs Document, attach his invoice and present these documents to the Customs Authority at the point of exit for authentication. The Customs Authority should confirm that the goods qualify for the simplified procedures. If satisfied, the Customs Authority should endorse its reference number on the certificate, stamp and sign it.

The certified Simplified Certificate of Origin will entitle the goods to the Community Tariff treatment in the importing Partner State. Where the Importer makes an under declaration of value or splits the consignment in order to qualify for a simplified certificate of origin he/she will have committed an offence as provided in the EAC Customs Management Act, 2004.

4.4 Completion of the Simplified Certificate of origin (SCO) by the small-scale trader

Each box on the SCO is identified using a numeral (i.e. 1, 2, 3 etc). The trader should correctly fill all the information required so as to avoid delays. The instructions on how to complete the form are shown below:

Box 1. Exporter (Names and address)

Full names and address of the person/company exporting/supplying the product must be entered in this box.

Box 2. Importer (Names and address)

Full names and address of the person/company importing/buying the product must be entered in this box.

Where the name of an importer is not known the name of the destination market or place is entered in this box.

Box 3. Country of Origin

The Partner State where the goods are originating must be entered in this box.

Box 4. Description of Goods

The names of the goods being exported/imported must be entered in this box. Refer to the common list of eligible goods for correct description of the goods.

Box 5. No. and type of packages

Details of the number and kind of packages in which the goods are packed are entered in this box. This refers to, for example, boxes, drums, bags, etc. For goods in bulk, the words “in bulk” should be entered.

Box 6. Value

The value of goods being exported is entered in this box.

Box 7. Declaration by Exporter

- The name of the person or company exporting the goods must be entered in the space provided.
- Sign at the space provided for signature
- Give the name of the place where the product is being exported from in the space provided.
- Enter the date when this certificate is filled in at the place provided for the date.
- For companies, stamp the form at the place provided for official stamp.

Box 8. Customs endorsement (Official Use Only)

This box is to be filled by a Customs Officer at the border station of the exporting Partner State. The Customs Officer will endorse the origin verification stamp in this box. The impression of the stamp should be very clear to avoid raising doubt by authorities of the importing Partner State as to its authenticity.

4.5 What Customs Authorities in the importing Partner State should do

The Customs Authorities will:

- (i) Check that the goods declared by the trader on the Simplified Certificate of origin appear on the common list of approved products.
- (ii) Confirm that the signature and stamp appearing on the certificate are the same as those notified by the Customs Authority of the exporting Partner State.
- (iii) Ensure that the importer has fulfilled all requirements for the qualification under the simplified procedure
- (iv) If everything is in order, the goods will be entitled to Community preferential tariff treatment in the importing Partner State.

CHAPTER 5

ORGANIZATIONAL REQUIREMENTS FOR IMPLEMENTING THE EAC RULES OF ORIGIN

5.1 Introduction

The effective implementation of the EAC Rules of Origin by the Partner States requires an efficient national system responsible for the administration and enforcement of the EAC Rules of Origin. To achieve this, Partner States should meet the following organizational requirements.

It is desirable for the effective implementation of the EAC Rules of Origin for Partner States to ensure that they have the following units in the administrative structures of their Competent Authorities.

The competent authority should be organized in such a way that there is Headquarters as well as Zonal/Regional/local offices responsible for the administration and enforcement of the EAC Rules of Origin.

5.2 Organisational structure

Headquarters:

In all Partner States, the headquarters of the competent authority necessarily assumes overall responsibility for the proper implementation of the EAC Rules of Origin by a Partner State. The unit at the headquarters should be adequately manned with competent officers in the field of administration of Rules of Origin.

Main functions of the Headquarters unit:

- i. The personnel should actively participate in EAC meetings, especially meetings of the Working Group of Experts on EAC Rules of Origin, Customs sub-committee, and Technical meetings of EAC. This ensures that national points of view and requirements are taken into account.
- ii. Prepare and issue instructions and guidelines to ensure uniform application of the provisions of the EAC Rules of Origin by the Partner State.
- iii. Deal with appeals against decisions taken by regional/local officials and any difficult cases regarding the Rules of Origin.
- iv. Is responsible for the administration of the national database of all registered exporters.
- v. It will be responsible for submitting the names and signatures of officials authorized to sign EAC Certificates of Origin and immediate notification of any changes thereof.
- vi. Carry out verification of origin upon requests by a Partner State.
- vii. It will communicate through the established hierarchy with authorities in other Partner States and the Directorate of Customs on matters relating to the EAC Rules of Origin.

- viii. The unit will also be responsible for arranging and undertake EAC Rules of Origin training of other officials and stakeholders.

Customs/Designated Regional/Local offices

To facilitate the issuance and verification of certificates of origin, competent authorities should have established offices in the major regions/towns within the Partner State.

- register exporters
- authenticate certificates of origin
- deal with enquiries relating to issuance of certificates of origin .
- carry out origin verification on requests from other Partner States.

This verification should be carried out with authority from Headquarters and the results of such investigations should be forwarded to Headquarters for onward transmission to the respective Partner States.

5.3 Competences of the Issuing Authority

The issuance of the EAC Certificate of Origin by issuing authorities demands that they are competent to implement all the provisions of the EAC Rules of Origin and the EAC Customs Management Act, 2004. In particular, the authority must have competency in the following areas:

- (i) The Harmonized Commodity Description and Coding System (Harmonized Systems or HS).
- (ii) Customs Valuation of Goods and the WTO Valuation Agreement
- (iii) Technical Information on Manufacturing Processes:
- (iv) Investigation and Control of export and imports:
- (v) Accounting knowledge:
- (vi) Technical Knowledge of the EAC Rules of Origin

5.4 The importance of effective Customs Administration

- (a) The eligibility of goods for EAC preferential tariff treatment should not be seen as a process confined to only issuance and verification of the certificate of origin as provided for under the EAC Rules of Origin.

The claim of EAC originating status for any goods can be considered as beginning with the production of the goods, either from materials that are wholly obtained within the EAC or wholly or partially from materials obtained from non-EAC sources. The controls that are

implemented under the EAC arrangements must, therefore, extend from the very early stage of the importation of inputs going into production in Partner States, through the production process(es) carried out, the actual exportation and importation of the finished goods and, where the occasions require, query and verification of the evidence of origin.

- (b) If there are ineffective controls over the importation of the goods from Non-EAC sources, then it is not unlikely for finished foreign goods to enter a Partner State where the original import controls are deficient, under a false declaration as primary or semi-finished products, later to be misrepresented as products of the EAC. Similarly, import values could be so manipulated as to affect the application of the percentage value-added criterion in favour of the EAC exporter of the resultant finished goods.

5.5 Mutual assistance and administrative cooperation

- (a) Partner States should regularly exchange information on fraudulent or improper claims of EAC origin status. Such information, which is detected by any Customs Administration, should be circulated on a confidential basis through the EAC Secretariat for the information of the other Partner states.
- (b) Where the responsibility for certifying proof of origin is vested in an agency other than a Customs Authority, an effective collaborative relationship between the two bodies should be developed for the effective certification and verification.
- (c) The certifying authority should also co-operate with other agencies, which can provide information, which may assist the authority to effectively carry out its mandate.

APPENDIX I

(referred to in Chapter 3, paragraph3.2.1)

EAST AFRICAN COMMUNITY APPLICATION FORM FOR REGISTRATION OF EXPORTERS

1.	Full name of exporter <i>(Use capital letters)</i>		
2.	PIN/TIN		
3.	Physical Address		
4.	Contact name and designation		
5.	Phone number		
6.	E-mail address		
7.	Details of goods to be exported under preference	Description of Goods	HS 8-digit Code
8.	Estimated quantities and value of consignments to be exported each year	(a) No of consignments	(b) Value
9.	State nature of the business <i>(tick</i>		

	<i>appropriate box)</i>	<div style="display: flex; justify-content: space-between;"> Company Manufacturer </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> Sole Proprietor </div> <div style="text-align: center;"> <input type="checkbox"/> Supplier </div> </div>															
10.	<p>If you are the manufacturer please give details of how your goods meet the specific origin criteria in the EAC Rules of Origin. Please provide evidence (e.g. manufacturing process, costings, etc)</p>																
11.	<p>If you are not the manufacturer, give details of the supplier(s) who supply you with the goods that you export and attach copies of Supplier/Producer's declarations</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th data-bbox="750 567 1049 632" style="width: 50%;">Supplier</th> <th data-bbox="1049 567 1445 632" style="width: 50%;">Goods supplied</th> </tr> </thead> <tbody> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> </tbody> </table>		Supplier	Goods supplied												
Supplier	Goods supplied																

12.	<p>Declaration (complete and sign)</p> <p>I declare to the best of my knowledge that the information provided in this application form and any supporting documents is correct.</p> <p>Full name: <i>(in capital letters)</i></p> <p>Signature:.....</p> <p>Designation:..... <i>(e.g. Director, Company Secretary, etc)</i></p> <p>Date:.....</p> <p>Company stamp:</p> <div style="border: 1px solid black; width: 150px; height: 80px; margin-left: 20px;"></div>	<p>13. For official use only:</p> <p>Date of receipt of application:.....</p> <p>Date of approval:.....</p> <p>Authorisation/Exporter's number:.....</p> <p>Name of authorising official:..... <i>(Name in full and in capital letters)</i></p> <p>Signature:.....</p> <p style="text-align: center;">Official stamp and date:</p> <div style="border: 1px solid black; width: 250px; height: 100px; margin-left: 20px;"></div>
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Note:

- (i) Please use additional sheets of paper if the space provided in the form is inadequate
- (ii) Certified copies of relevant documents must be attached

APPENDIX II
(referred to in Chapter 3, paragraph 3.2.2)

EAST AFRICAN COMMUNITY CERTIFICATE OF ORIGIN

HATI YA UASILI WA BIDHAA YA JUMUIYA YA AFRICA MASHARIKI

Exporter (Name & Office address) <i>Msafirishi (Jina na Anwani ya ofisi)</i>	Serial No:.....Ref. No..... <i>Mfulizo Na Kumb Na</i>			
Consignee (Name & Office address) <i>Mpelekewa (Jina na Anwani ya ofisi)</i>	 EAST AFRICAN COMMUNITY			
Particulars of Transport <i>Maelezo Kuhusu Usafiri utakaotumika</i>	For official use <i>Kwa matumizi ya kiofisu</i>			
Marks and Numbers; number and kind of package, description of goods; <i>Alama na Namba; namba na aina ya kifurushi, maelezo ya bidhaa</i>	6. Customs Tariff No. <i>Na. ya ushuru wa Forodha</i>	7. Origin criterion <i>Kigezo cha uasili wa bidhaa</i>	8. Gross weight or other quantity <i>Uzitowa jumla au idadi nyingine</i>	9. Invoice No. and date <i>Namba ya Ankara Na tarehe</i>
10. DECLARATION BY EXPORTER/PRODUCER/SUPPLIER <i>Tanko la Msafirishaji/Mzalishaji/Mgavi</i> I,(mimi)..... The undersigned, hereby declare that the above details and statements are correct, that all goods are produced in (country) Place(Mahali)..... ... Date(Tarehe)..... Signature of declarant (saini)	11. CERTIFICATION OF ORIGIN <i>Uthabitisho wa Uasili wa Bidhaa</i> It is hereby certified that the above-mentioned goods are of.....origin Name (Jina)..... Signature of Competent Authority (Saini ya Mamlaka Husika) Date (Tarehe)..... STAMP/SEAL (Muhuri/Lakili)			

See overleaf for instructions

INSTRUCTIONS FOR COMPLETING THE CERTIFICATE OF ORIGIN

1. The exporter must enter on the form of the certificate of origin all information required in box 1 to 10 of the form, except box 4 which is reserved for official use.
2. This form may be completed by any means provided that the entries are indelible and legible.
Neither erasures nor superimpositions are allowed on the form, and any alterations must be made by striking out the erroneous entries and thereafter making or inserting any required additions. Any such alterations must be initialed by the person who completed the form and endorsed by the authority or body designated to issue the certificate.
3. Any unused spaces on the form should be crossed out in such a manner as to prevent any subsequent addition(s).
4. In box 7 headed "origin criterion" the specific qualifying criterion under rule 4 paragraph 1 of the EAC Rules of Origin must be entered. For this purpose, the following letters should be used against each item entered in the form, as is appropriate viz:-

"P" for goods which are wholly produced;
"M" for goods to which material content criterion applies
"C" for goods where the 4-digit Harmonized System heading or 6-digit Harmonized System sub-heading of the manufactured products becomes different from the 4-digit Harmonized System heading or 6-digit sub-heading respectively of the materials used
"S" for goods where specific working or processing is carried out.
5. The declaration by the exporter which is to be given in box 10 of the form should contain in the space provided, immediately following the words "produced in" the country where the goods have been produced.
6. Before signing the declaration at section 11 (section or box) of the form, the exporter should ensure that all the particulars entered by him in the form are correct. He must be prepared to furnish any additional evidence, which may be requested by the certifying authority for purpose of the issuance of the certificate, which is provided in box 11 of the form.
7. While the exporter is free to decide who will sign declarations on his behalf, it is highly desirable that the person so authorized be an official of exporting firm. Declaration signed by shipping or forwarding agents and the like are not acceptable.
8. Certificate of origin forms should be completed in triplicate for presentation to the certifying authority.
9. The stamps/seal of the certifying authority should have security elements which are recognized by EAC

N.B. Any person who knowingly furnishes or causes to be furnished a document which is untrue in any material particularly for the purpose of obtaining a certificate of origin or during the course of any subsequent verification of such certificate will be guilty of an offence and liable to penalties under the EAC Customs Management Act (2004).

Kiswahili

MAELEZO KUHUSU KUJAZA HATI YA UASILI

1. Msafirishajilazimaingizwekwenyefomuyahatiyauasilitaarifainayohitajikakatikakisanduku cha 1 had 10 cha fomu ,isipokuwa kisanduku cha 4,ambacho kimewekwa kwa ajili ya matumizi ya ofisi.
2. Fomu inaweza kutayarisha kwa mchakato wowote ili mradi maingizo yasifutike na yasomeke. Hairuhusiwi kufutafuta au kuongeza chochote katika fomu, na marekebisho lazima yafanywe kwa kukata maingizo yaliyokosewa na ndipo kuingiza nyongeza zinazohitajika.Marekebisho yaainahiyo lazima yawe na herufi za kwanza za jina la mtu aliyejaza fomu na kuidhinishwa na mamlaka au chombo kilichoteuliwa kutoa hati.
3. Nafasi yoyote katika fomua mbayo haijatumika ikatwe kwa mstari kwa namna ambayo itazuia kuongeza chochote.
4. Katika kisanduku cha 7 chenye kichwa cha habari “kigezo cha uasili wa bidhaa” kigezo maalumu kinachostahili chini ya kanuni ya 4 ya aya 1 ya Jumuiya ya Afrika Mashariki ya uasili lazima kiingizwe. Kwa madhumu ni haya, herufi zifuatazo lazima zitumike dhidi ya kila kipengele kilichoingizwa kwenye fomu, kwa jinsi inavyofaa yaani:-
“ P” Kwa bidhaa ambazo kigezo cha uasili timilifu wauzalishaji wa bidhaa kimetumika
“M” Kwa bidhaa ambazo kigezo cha matumizi ya malighafi ya ndani kimetumika
“C” Kwa bidhaa zinazo ainishwa kwa kigezo cha kubadilika kifungu cha utambulisho wa bidhaa katika tarakimu 4 au kifungu kidogo
Cha utambulisho wa bidhaa katika tarakimu 6 tofauti na utambulisho ule ilipoingilia kimetumika
“S” Kwa bidhaa ambazo kuna kiwango cha kazi mahususi au usindikaji umefanyika
5. Taarifa ya msafirishaji ambayo inapaswa kutolewa katika kisanduku cha 10 ujumuishwe katika nafasi iliyowekwa, papo hapo kufuatia maneno “ iliyozalishwa katika” nchi ambako bidhaa zimezalishwa.
6. Kabla ya kutia saina taarifa katika au kisanduku cha 11 ya fomu msafirishaji anapaswa kuhakikisha kuwa maelezo yote aliyoingiza kwenye fomu ni sahihi. Lazima awe tayari kutoa uthibitisho zaidi, ambao unaweza ukatakiwa na mamlaka ya uthibitisho kwa madhumuni ya kutoa hati, katika kisanduku cha 11 cha fomu.
7. Wakati msafirishaji ana uhuru wa kuamua ni nani atie sahihi kwenye taarifa kwa niaba yake, inafaa kwamba mtu aliyeidhinishwa kufanya hivyo awe ofisa wa kampuni ya msafirishaji.Taarifa zinazotiwa saina na mawakala wa meli au wa usafirishaji au wengine kama hawahazikubaliki.
8. Fomu ya hati ya uasili ijazwe katika nakala tatu kwa ajili ya kuwasilishwa kwenye mamlaka yanayothibitisha.
9. Muhuri wa mamlaka yanayoidhinisha unapaswa kuwa na alama za kiusalama ambazo zinatumbuliwa naJumuiya ya Afrika Mashariki.
10. Pamoja na matakwa ya sheria namba 19 na kufuata utaratibu wa sheria namba 18 ni lazima mzigo uambatane na hati ya uasili wa bidhaa husika.

TANBIHI: Mtu yeyote ambaye kwa kufahamu anatoa au kusababisha hati ambazo si sahihi kutolewa katika jambo lolote hususan kwa madhumuni ya kupata hati ya uasili au wakati wa uthibitisho wa hati hizo, atakuwa na hatia,hivyo atastahili adhabu.

APPENDIX III
(referred to in Chapter 3, paragraph 3.2.3)
SUPPLIERS/PRODUCERS DECLARATIONS

A. Supplier/Producer declaration for products having preferential origin status

I, the undersigned, declare that the goods listed on this invoice⁽¹⁾

were produced in⁽²⁾ and satisfy the rules of origin governing preferential trade between the EAC Partner States. I undertake to make available to the customs authorities, if required, evidence in support of this declaration.

.....⁽³⁾⁽⁴⁾

.....⁽⁵⁾

Note

The abovementioned text, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

⁽¹⁾ - If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows: "..... listed on this invoice and markedwere produced"

- If a document other than an invoice or an annex to the invoice is used (see Rule 23(4), the name of the document concerned shall be mentioned instead of the word "invoice"

⁽²⁾ EAC Partner State, EAC Partner States and the countries or Regional Economic Communities (RECs) with which the EAC has a Free Trade Area with or countries benefiting from duty-free quota free access to the market of the countries or Regional Economic Communities (RECs) that EAC has concluded a Free Trade Area with.

⁽³⁾ Place and date

⁽⁴⁾ Name and function in company

⁽⁵⁾ Signature

B. Supplier/Producer declaration for products not having preferential origin status

I, the undersigned, declare that the goods listed on this invoice⁽¹⁾ were produced in⁽²⁾ and incorporate the following components or materials which do not have an EAC Partner State origin for Community preferential trade:.....⁽³⁾
.....⁽⁴⁾⁽⁵⁾

.....⁽⁶⁾

I undertake to make available to the customs authorities, if required, evidence in support of this declaration.

.....⁽⁷⁾⁽⁸⁾

.....⁽⁹⁾
Note

The above mentioned text, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

⁽¹⁾ - If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows:"..... listed on this invoice and markedwere produced"

- If a document other than an invoice or an annex to the invoice is used, the name of the document concerned shall be mentioned instead of the word "invoice"

⁽²⁾ EAC Partner State.

⁽³⁾ Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.

⁽⁴⁾ Customs values to be given only if required

⁽⁵⁾ Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as "third country".

⁽⁶⁾ "and have undergone the following processing in an EAC Partner State, to be added with a description of the processing carried out if this information is required.

⁽⁷⁾ Place and date

⁽⁸⁾ Name and function in company

⁽⁹⁾ Signature

APPENDIX IV
(referred to in Chapter 3, paragraph 3.2.12)
ORIGIN DECLARATION

The origin declaration, the text of which is given below, must be completed by the exporter:

“The exporter of the products covered by this document (Registration Number... ..) declares that, except where otherwise clearly indicated, these products are ofpreferential origin.

(Place and date)

.....

(Signature of the exporter; in addition the full name of the person signing the declaration has to be indicated in clear script)”

APPENDIX V
(referred to in Chapter 3, paragraph 3.2.16)
AUTHORISED SIGNATORIES AND STAMPS NOTIFICATION FORM

A.		General information	
1.	Partner State		
2.	Notifying Competent Authority		
3.	Notification date		
4.	Effective date for new signatures		
B.		Details of authorized signatories	
5.1	Name		
	Position		
	Specimen signature		
	Station		
5.2	Name		
	Position		
	Specimen signature		
	Station		
C.		Specimen impressions of stamps used	
1.		2.	
3.		4.	

Name: Position: Signature:	Official Stamp and date:
---	---------------------------------

Completed form to be sent to the EAC Secretariat, Directorate of Customs, P.O. Box 1096, Arusha, Tanzania.

Explanatory Notes on completion of the form

1. Partner State- Name of Partner State notifying the EAC Secretariat
2. Effective date- Date when the new signatures can be accepted as valid by other Partner States
3. Name - Name of person who is authorized by the competent authority of a Partner State
4. Position - State the position or title person (e.g. Principal Customs Officer)
5. Specimen signature - Insert sample signature
6. Station - office where signatory is stationed (e.g. Arusha, Regional Office)

APPENDIX VI
(referred to in Chapter 3, paragraph 3.4.2)
EAST AFRICAN COMMUNITY FORM FOR VERIFICATION OF ORIGIN



PART A
SEHEMU A

Particular of the Goods in Respect of which Evidence of Origin is required

Maelezo ya Bidhaa zinazohitaji Uthibitisho wa uasili

i. Certificate Number(Copy must be attached)

Namba ya Cheti[Lazima nakala ya cheti iambatishwe]

ii. Production process(es) carried out

Mchakato/michakato ya uzalishaji inayofanywa

iii. Materials imported from outside the Partner State used in the manufacture of the goods described in the Certificate, their respective customs values and HS Codes

VifaavilivyoingizwakutokanjeVinavyotengenezanaNchiWabiakutengenezabidhaazilizotajwakwenyeHati, Thamaniyakeyaforodhana HS Codes

iv. Materials of East African Community origin used in the manufacture of the goods described in the Certificate, the respective custom value and HS Codes

Vifaa vinavyotoka Jumuiya ya Africa Mashariki Vinavyotengeneza bidhaa zilizotajwa kwenye Hati, Thamani yake ya forodha na HS Codes

v. Containers or other forms of interior packing normally sold with the goods at retail level or the materials used in their manufacture, their origin customs values and HS Codes

Makontena au aina nyingine ya ufungashaji wa ndani ambavyo kwa kawaida huuzwa pamoja na bidhaa kwa kiwango cha rejareja au vifaa vinavyotumika kuzitengeneza, thamani yake ya forodha ya asilina HS Codes

vi. Import duty, if any, paid on the materials imported from outside the Partner State

Ushuru wa uingizaji bidhaa, kama upo unaolipwa kutokana na vifaa vinavyoingizwa kutoka nje ya Nchi Wabia

vii. Direct labour costs and factory overheads

Gharama za kazi za moja kwa moja na za uendeshaji wa kiwanda

viii. Ex-factory costs of the goods produced

Gharama za bidhaa zinzoalishwa nje ya kiwanda

ix. The cost of exterior packing

Gharama za ufungashaji wa nje

x. Profit mark-up on the goods produced

Faida inayotokana na ongezeko la bei ya bidhaaz inazoalishwa

xi. The wholesale price of the goods in the country of manufacture

Bei ya jumla ya bidhaa katika nchi zilikotengenezwa

**Declaration
Tamko**

I

.....
(Name and Designation) (Jina na Cheo)

of

.....
(Name of the Firm)(Jina la Kampuni)

.....
...
(Physical Location)(Mahali)

.....
...
(Address) (Anuani)

Declare that the above details and statements are correct and that they are furnished in cognizance of the requirements of the Rules of Origin.

Natamka kuwa maelezo na taarifa zilizotolewa hapo juu ni sahihi na kwamba zimetolewa kwa kuzingatia masharti ya sheria za uasili wa bidhaa.

PART B
Certification

It is hereby certified, on the basis of control carried out that the declaration by the exporter is correct

Inathibitishwa kwa kuzingatia udhibiti uliofanywa kuwa tamko la Msafirishaji ni sahihi

.....
.....
.....

(Place and Date) (Mahali na Tarehe)

.....

Name and Signature (Jina na Saini)

STAMP
MUHURI

APPENDIX VII
(referred to in Chapter 3, paragraph 3.4.3)
EAST AFRICAN COMMUNITY INFORMATION CERTIFICATE

1. Supplier(,)	INFORMATION CERTIFICATE to facilitate the issue of a Certificate of Origin for preferential trade between the				
2. Consignee (1)	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 10px;"> PARTNER STATES OF THE EAST AFRICAN COMMUNITY </td> </tr> </table>		PARTNER STATES OF THE EAST AFRICAN COMMUNITY		
PARTNER STATES OF THE EAST AFRICAN COMMUNITY					
3. Processor (1)	4. State in which the working or processing has been carried out				
6. Customs office of importation (1)	5. For official use				
7. Import document (2) Form No Series..... Date <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>					
GOODS SENT TO THE PARTNER STATES OF DESTINATION					
8. Marks, numbers, quantity and kind of package	9. Harmonised Commodity Description and Coding System heading/subheading number (HS code)	10. Quantity (1)			
		11. Value (4)			

IMPORTED GOODS USED

<p>12. Harmonised Commodity Description and Coding System</p> <p>heading/subheading number (HS code)</p>	<p>13. Country of origin</p>	<p>14. Quantity (3)</p>	<p>15. Value (2)(5)</p>
--	------------------------------	-------------------------	-------------------------

16. Nature of the working or processing carried out

17. Remarks

18. CUSTOMS ENDORSEMENT

Declaration certified:

Document

FormNo.....

Customs office

Date:

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Official Stamp

.....

(Signature)

19. DECLARATION BY THE SUPPLIER

I, the undersigned, declare that the information on this certificate is accurate.

.....

(Place)

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 (Date)

.....

(Signature)

(1)(2)(3)(4)(5) See footnotes on verso

REQUEST FOR VERIFICATION	RESULT OF VERIFICATION
<p>The undersigned customs official requests verification of the authenticity and accuracy of this information certificate.</p>	<p>Verification carried out by the undersigned customs official shows that this information certificate:</p>
	<p>a) was issued by the customs office indicated and that the information contained therein is accurate (*)</p>
	<p>b) does not meet the requirements as to authenticity and accuracy (see notes appended)(*)</p>
<p>-----</p> <p>(Place and date)</p>	<p>-----</p> <p>(Place and date)</p>
<p>Official stamp</p>	<p>Officials stamp</p>
<p>-----</p> <p>(Official's signature)</p>	<p>-----</p> <p>(Official's signature)</p>
	<p>(*) Delete where not applicable</p>

CROSS REFERENCES

- (1) Name of individual or business and full address.
- (2) Optional information.
- (3) Kg, hl, m³ or other measure.
- (4) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (5) The value must be indicated in accordance with the provisions on rules of origin.

APPENDIX VIII
(referred to in Chapter 4 paragraph 4.1)
EAST AFRICAN COMMUNITY SIMPLIFIED CERTIFICATE OF ORIGIN

(For goods of a value not exceeding US \$ 2000)
(Kwa bidhaa zenye dhamani isiyozi US\$ 2000)

<p>1) Exporter (name, full address, country) <i>Msafirishaji (Jina na Anwani)</i></p>	<p>Reference Number</p> <p><i>Kumb Na</i></p> <div style="text-align: center;">  </div>	
<p>2) Importer (Names & address) <i>Mwingizaji Bidhaa, (Jina na anuani yake)</i></p>	<p>3) Country of Origin</p> <p><i>Uthibitisho wa Uasili wa Bidhaa</i></p>	
<p>4) Description of goods <i>(Maelezo ya Bidhaa)</i></p>	<p>5) No. and type of packages</p> <p><i>Namba na aina ya kifurushi</i></p>	<p>6) Value</p> <p><i>Thamani</i></p>

<p>7)Declaration by Exporter/Importer</p> <p><i>Tamko la Msafirishaji/Mzalishaji/Mgavi</i></p> <p>I, the undersigned Mr/Mrs/Ms..... declare that the goods described above have been produced in (country)in accordance with the EAC Rules of Origin.</p> <p>Signature..... <i>(Saini)</i></p> <p>Place..... <i>(Mahali)</i></p> <p>Date..... <i>(Tarehe)</i></p> <p>Official stamp <i>(Mhuri)</i></p>	<p>8)Customs Endorsement</p> <p><i>(Uthibitisho wa Forodha)</i></p> <p>I, the undersigned, hereby endorse the exporters' declaration and certify that the goods qualify under the EAC Rules of Origin.</p> <p>Signature..... <i>(Saini)</i></p> <p>Place..... <i>(Mahali)</i></p> <p>Date..... <i>(Tarehe)</i></p> <p>Official stamp <i>(Mhuri)</i></p>
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APPENDIX IX
CONTACTS IN PARTNER STATES FOR ADDITIONAL ASSISTANCE ON EAC RULES OF ORIGIN

Partner State	Contact organizations	
Burundi	Office Burundais des Recettes P.O. Box 3465 Bujumbura, Burundi Tel:+ 257 22 275692 Fax: +257 2222 5931 E-mail: info@obr.gov.bi	Ministry of Trade, Industry, and Tourism P. O. Box 492 Bujumbura, Burundi Tel: (257) 22 22 5953 / 6837 Fax: +257 2221 8205/2222 5595 E-mail: info@commercetindustrie.gov.bi
Kenya	Kenya Revenue Authority P.O. Box 48240 -00100 GPO Nairobi, Kenya Tel: +254 20 310900 +254 20 2810000 Fax: +254 20 341342 E-mail: cic@kra.go.ke	Ministry of Foreign Affairs and International Trade Directorate of Economic and International Trade P. O. Box 30551-00100Nairobi, Kenya. Tel: +254 20315001/4 or +254-020-3318888 Fax: +254 20 315 011 Email: economic@mfa.go.ke / communication@mfa.go.ke
Rwanda	Rwanda Revenue Authority P.O. Box 3987 Kigali, Rwanda Tel : +250-2529500 Fax: + 250 578488 E-mail : info@rra.gov.rw	Ministry of Trade and Industry B. P 73, Kigali,Rwanda Fax: +250 1 573 902 E-mail: info@minicom.gov.rw
Tanzania	Tanzania Revenue Authority P.O. Box 11491 Dar es Salaam, Tanzania Tel: +255 22 2116453 Fax: +255 22 2111814 E-mail: info@tra.go.tz	Ministry of Industry and Trade P. O. Box 9503 Dar es Salaam, Tanzania Tel: +255 (0) 22 2127 897 Fax: +255 22 212 5832 E-mail: ps@mit.go.tz Tanzania Chamber of Commerce, Industry & Agriculture (TCCIA) P.O.Box9713 Dar esSalaam-Tanzania TEL:+255 22 119435 FAX:+255222119437 Email: dmachemba@tccia.com/hq@tccia.com
Uganda	Uganda Revenue Authority P.O. Box 7279 Kampala, Uganda Tel: +256 (0) 417 443000/ +256 (0) 417 440000 Fax: 006 41 334419 E-mail: info@ura.go.ug	Ministry of Trade, Industry and Cooperatives P. O. Box 7103 Kampala,Uganda. Tel: +256 414 314 000/230916 Fax: +256 347286 E-mail: ps@mtic.go.ug mintrade@mtic.go.ug Uganda Export Promotion Board 2 nd UEDCL Towers Plot 37 Nakasero Road P. O. Box 5045 Kampala Uganda Tel: +256 414 230 250/+256 414 230 233 Fax: +256 414 259 779 Email: info@ugandaexports.go.ug

