

ANNEX II

CONCERNING PREFERENTIAL RULES OF ORIGIN AND METHODS OF ADMINISTRATIVE COOPERATION

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TITLE I
GENERAL PROVISIONS

Article 1
Scope

Annex II shall be applied for determining the origin of products eligible for preferential concessions under the Preferential Trade Agreement (hereinafter referred to as "this Agreement") between the Republic of Turkey and the Islamic Republic of Iran (hereinafter referred to as "Turkey" and "Iran" or "the Contracting Parties" where appropriate)

Article 2
Definitions

For the purposes of this Annex:

- (a) "chapters" and "headings" means the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System (hereinafter referred to as HS);
- (b) "classified" refers to the classification of a product or material under a particular heading;
- (c) "consignment" means products which are either sent simultaneously from one 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;
- (d) "customs value" means the transaction value of imported goods, which is the price actually paid or payable for the goods when sold for export to the country of importation, including other leviable charges and adjustment. In cases where the Customs value cannot be determined on the basis of transaction value, it will be determined using one of the following methods:
 - i. The transaction value of identical goods;
 - ii. The transaction value of similar goods;
 - iii. The deductive value method;
 - iv. The computed value method;
 - v. The fall-back method;

- (e) "goods" means both material and the products;
- (f) "manufacture" means any kind of sufficient working or processing including assembly or specific operations on both of industrial and agricultural products;
- (g) "material" means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (h) "product" means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (i) "territories" means territories of Contracting Parties including territorial waters;
- (j) "value of materials" means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the non-originating materials in a Contracting Party;
- (k) "value of originating materials" means the value of such materials as defined in subparagraph (j) applied mutatis mutandis;
- (l) "value added" shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other Contracting Party or where the customs value is not known or cannot be ascertained, the first ascertainable price paid for the materials in a Contracting Party;
- (m) "ex-works price" means the price paid for the product ex-works to the manufacturer in a Contracting Party in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported.

TITLE II ORIGINATING PRODUCTS

Article 3 General requirements

Products covered by the Agreement imported into the territory of a Contracting Party from the other Contracting Party which are consigned directly within the meaning of Article 12 hereof, shall be eligible for preferential concessions if they conform to the origin requirement under any one of the following conditions:

- (a) products wholly produced or obtained in the exporting Party as defined in Article 4 or
- (b) products obtained in a Contracting Party incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in that Contracting Party within the meaning of Article 5.

Article 4

Wholly produced or obtained products

1. Within the meaning of Article 3(a), the following shall be considered as wholly produced or obtained in the exporting Party:

- (a) raw or mineral products extracted from its soil, its water or from its seabed;
- (b) agricultural products harvested, picked or gathered there including forestry products;
- (c) live animals born and raised there;
- (d) products obtained from animals born and or raised there;
- (e) products obtained by hunting, fishing or aquaculture activities conducted there;
- (f) products of sea fishing and other marine products taken from the sea outside the territorial waters of the Contracting Parties by their vessels;
- (g) products processed and/or made on boards its factory ships exclusively from products referred to in subparagraph (e) and (f) above;
- (h) used articles collected there, fit only for the recovery of raw materials;
- (i) waste and scrap resulting from manufacturing operations conducted there;
- (j) goods produced there exclusively from the products referred to in paragraph (a) to (i) above.

2. The terms "their vessels" and "their factory ships" in paragraph 1(f) (g) shall apply only to vessels and factory ships:

- a) which are registered or recorded in a Contracting Party;
- b) which sail under the flag of a Contracting Party;

- c) which are owned to an extent of at least 60 percent by nationals of a Contracting Party, or by a company with its head office in a Contracting Party, of which the manager or managers, Chairman of the Board of Directors or the Supervisory Board, and the majority of the members of such boards are nationals of a Contracting Party and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to the Contracting Parties or to public bodies or nationals of the Contracting Parties.

Article 5

Sufficiently worked or processed products

1. Within the meaning of Article 3 (b), non-originating materials which are used in the manufacture of the products obtained in a Contracting Party shall be regarded as sufficiently worked or processed provided that the value of such materials does not exceed 60 percent of the ex-works price of the product.
2. Paragraph 1 shall apply subject to the provisions of Article 7.

Article 6

Cumulation of origin

1. Products which comply with origin requirements provided for in Article 3 and which are used by a Contracting Party as input for a finished product eligible for preferential treatment by the other Contracting Party shall be considered as a product originating in the Contracting Party where working or processing of the finished product has taken place provided that they have undergone working or processing going beyond the operations referred to in Article 7.
2. Where the working or processing carried out in a Contracting Party does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in that Contracting Party provided that the value added there is greater than the value of the materials used originating in the other Contracting Party.

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Article 7

Insufficient working or processing

Any one or combination of two or more of the following operations or processes shall not by themselves constitute the final process of manufacture:

- (a) packing;
- (b) simple mixing;
- (c) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple-packaging operations;
- (d) labelling, affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (e) splitting into lots;
- (f) sorting or grading;
- (g) marking;
- (h) putting up into sets;
- (i) simple assembly¹;
- (j) preserving operations to ensure that the products remain in good condition during transport and storage;
- (k) breaking up and assembly of packages;
- (l) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (m) ironing or pressing of textiles;
- (n) simple painting and polishing operations, husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (o) operations to colour sugar or form sugar lumps;
- (p) peeling, stoning and shelling of fruits, nuts and vegetables;
- (q) sharpening, simple grinding or simple cutting;
- (r) sifting, screening, sorting, classifying, grading, matching; (including the making-up of sets of articles);
- (s) slaughter of animal.

¹ Simple assembly describes activity which does not require the use of specially designed machines or apparatus or equipment and relevant training.

Article 8
Unit of qualification

1. For the purposes of this Annex, goods, materials and products shall be classified in accordance with HS.
 - (a) If a product is composed of a group or assembly of articles but is classified in a single heading, it shall be regarded as a single item under the terms of the HS;
 - (b) If a consignment consists of a number of identical products but is classified under the same heading of the HS, each product must be taken into account individually for classification purposes.

2. Where, under General Rule 5 of the HS, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

Article 9
Accessories, spare parts and tools

Accessories, spare parts and tools dispatched with a piece of machine, equipment, apparatus or vehicle shall be deemed to have the same origin as the machine, equipment, apparatus or vehicle, provided that;

- a) they are the part of the normal equipment; and
- b) they are included in the price thereof; or
- c) they are not separately invoiced.

Article 10
Sets

Sets, as defined in general rule 3 of the HS, shall be regarded as originating when all component products are originating. Nevertheless, when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating in accordance with the requirements in Article 5 or 6.

Article 11
Neutral elements

In order to determine whether a product originates, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) goods which do not enter and which are not intended to enter into the final composition of the product.

TITLE III
TERRITORIAL REQUIREMENTS

Article 12
Direct transport

The following shall be considered as directly consigned from the exporting Party to the importing Party:

- (a) If the products are transported without passing through the territory of any non-Contracting Party;
- (b) The products whose transport involves transit through one or more intermediate non-Contracting Parties with or without transshipment or temporary storage in such countries, provided that:
 - (i) The transit entry is justified for geographical reasons or by considerations related exclusively to transport requirements;
 - (ii) The products have not entered into trade or consumption there;
 - (iii) The products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition and
 - (iv) Evidence that the conditions set out in (ii) and (iii) above has been complied with, such as Bill of Lading or a single transport document covering the passage from the exporting country through the country of transit; or failing these, any substantiating documents.

Article 13
Exhibitions

1. Originating products, sent for exhibition outside the Contracting Parties and sold after the exhibition for importation in a Contracting Party shall benefit on importation from the provisions of this Agreement provided it is shown to the satisfaction of the customs authorities that:
 - (a) an exporter has consigned these products from a Contracting Party to the country in which the exhibition is held and has exhibited them there;
 - (b) the products have been sold or otherwise disposed of by that exporter to a person in a Contracting Party;
 - (c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition; and
 - (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A certificate of origin must be issued or made out in accordance with the provisions of Title IV and submitted to the customs authorities of the importing country in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

TITLE IV
CERTIFICATE OF ORIGIN

Article 14
General requirements

Products originating in a Contracting Party shall, on importation into the other Contracting Party benefit from this Agreement upon submission of a certificate of origin, a specimen of which is annexed herewith.

Article 15

Procedure for the issue of a Certificate of Origin

1. A Certificate of Origin shall be issued by the designated/relevant competent authorities of the exporting country on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative.
2. For this purpose, the exporter or his authorized representative shall fill out both the Certificate of Origin and the application forms, specimens of which are annexed herewith. The said forms shall be completed in one of the official languages of the Contracting Parties or in English language and in accordance with the provisions of the domestic law of the exporting country. If they are handwritten, they shall be completed in ink in printed characters. The description of the products must be given in the Box.8 of the annexed forms, which is reserved for this purpose without leaving any blank lines. Where the said box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.
3. The exporter applying for the issue of a Certificate of Origin shall be prepared to submit at any time, at the request of the designated/relevant competent authorities of the exporting country where the Certificate of Origin is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Annex.
4. A Certificate of Origin shall be issued by the designated/relevant competent authorities of a Contracting Party if the products concerned can be considered as products originating in one of the Contracting Parties and fulfil the other requirements of this Annex.
5. The designated/relevant competent authorities issuing the Certificate of Origin shall take any steps necessary to verify the originating status of the products and the fulfilment of the other requirements of this Annex. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The issuing designated/relevant competent authorities shall also ensure that the forms referred to in paragraph 2 are duly completed. In particular, they shall check whether the space reserved for the description of the products in Box.8 has been completed in such a manner as to exclude all possibility of fraudulent additions.
6. The place and date of issue of the Certificate of Origin shall be indicated in Box.11 of the certificate.
7. A Certificate of Origin shall be issued by the designated/relevant competent authorities and made available to the exporter as soon as actual exportation has been effected or ensured.

Article 16

Certificate of Origin issued retrospectively

1. Notwithstanding paragraph 7 of Article 15, a Certificate of Origin may exceptionally be issued after exportation of the products to which it relates if:
 - (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
 - (b) it is demonstrated to the satisfaction of the designated/relevant competent authorities that a Certificate of Origin was issued but was not accepted at importation for technical reasons.
2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the Certificate of Origin relates, and state the reasons for his request.
3. The designated/relevant competent authorities may issue a Certificate of Origin retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.
4. Certificate of Origin issued retrospectively must be endorsed with the following
 - *"ISSUED RETROSPECTIVELY"*
5. The endorsement referred to in paragraph 4 shall be inserted in the Box.7 (Remarks) of the Certificate of Origin.

Article 17

Issue of a duplicate Certificate of Origin

1. In the event of theft, loss or destruction of a Certificate of Origin, the exporter may apply to the designated/relevant competent authorities which issued it for a duplicate made out on the basis of the export documents in their possession.
2. The duplicate issued in this way must be endorsed with the following
 - *"DUPLICATE"*
3. The endorsement referred to in paragraph 2 shall be inserted in the Box.7 (Remarks) of the duplicate Certificate of Origin.
4. The duplicate, which must bear the date of issue of the original Certificate of Origin, shall take effect as from that date.

Article 18

Issue of proofs of origin on the basis of a Certificate of Origin issued or made out previously

When originating products are placed under the control of a customs office in a Contracting Party, it shall be possible to replace the original Certificate of Origin by one or more Certificate of Origin for the purpose of sending all or some of these products elsewhere within a Contracting Party. The replacement Certificate(s) of Origin shall be issued by the designated/relevant competent authorities under whose control the products are placed.

Article 19

Validity of Certificate of Origin

1. A Certificate of Origin shall be valid for six months from the date of issue in the exporting country, and must be submitted within the said period to the customs authorities of the importing country.
2. Certificate of Origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit these documents by the final date set is due to exceptional circumstances.
3. In other cases of belated presentation, the customs authorities of the importing country may accept the Certificate of Origin where the products have been submitted before the said final date.

Article 20

Submission of Certificate of Origin

Certificate of Origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. The said authorities may require a translation of a Certificate of Origin and may also require the relevant document to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of this Agreement.

Article 21

Importation by instalments

Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing country, dismantled or non-assembled products within the meaning of general rule 2(a) of the HS falling within Sections XVI and XVII or heading Nos. 7308 and 9406 of the HS are imported by instalments, a single Certificate of Origin for such products shall be submitted to the customs authorities upon importation of the first instalment.

Article 22

Supporting documents

The documents referred to in Article 15(3) used for the purpose of proving that products covered by a Certificate of Origin can be considered as products originating in one of the Contracting Parties and fulfil the other requirements of this Annex may consist *inter alia* of the following:

- (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal bookkeeping;
- (b) documents proving the originating status of materials used, issued or made out in one of the Contracting Parties where these documents are used in accordance with domestic law;
- (c) documents proving the working or processing of materials in one of the Contracting Parties, issued or made out in that Contracting Party, where these documents are used in accordance with domestic law;
- (d) Certificate of Origin proving the originating status of materials used, issued or made out in a Contracting Party in accordance with this Annex.

Article 23

Preservation of Certificate of Origin and supporting documents

1. The exporter applying for the issue of a Certificate of Origin shall keep for at least three years the documents referred to in paragraph 3 of Article 15.
2. The designated/relevant competent authorities of the exporting country issuing a Certificate of Origin shall keep for at least three years the application form referred to in paragraph 2 of Article 15.
3. The customs authorities of the importing country shall keep for at least three years the Certificate of Origin submitted to them.

Article 24

Discrepancies and formal errors

1. The discovery of slight discrepancies between the statements made in the Certificate of Origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto render the Certificate of Origin null and void if it is duly established by the customs authority of the importing country that this document does correspond to the products submitted.
2. Obvious formal errors such as typing errors on a Certificate of Origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

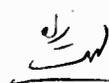
TITLE V

ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

Article 25

Mutual assistance

1. The customs authorities of the Contracting Parties shall provide each other with specimen impressions of stamps used in their designated/relevant competent authorities for the issue of Certificate of Origin and with the addresses of the customs authorities or relevant competent bodies responsible for verifying those certificates.
2. In order to ensure the proper application of this Annex, the Contracting Parties shall assist each other, through the competent customs administrations and relevant competent and duly authorized bodies, in checking the authenticity of the proofs of origin and the correctness of the information given in these documents.



Article 26

Verification of proofs of origin

1. Subsequent verifications of Certificate of Origin shall be carried out at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Annex.
2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the importing country shall return the Certificate of Origin and the invoice or a copy of these documents, to the customs authorities of the exporting country giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the Certificate of Origin is incorrect shall be forwarded in support of the request for verification.
3. The verification shall be carried out by the designated/relevant competent authorities of the exporting country. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.
4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.
5. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results must indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating in one of the Contracting Parties and fulfil the other requirements of this Annex.

Where the cumulation provisions in accordance with Article 6 of this Annex were applied and in connection with Article 15 (4), the reply shall include a copy (copies) of the certificate(s) relied upon.

6. If in cases of reasonable doubt there is no reply within ten months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.

Article 27

Dispute settlement

Where disputes arise in relation to the verification procedures of Article 26, which cannot be settled, between the customs authorities requesting verification and the designated/relevant competent authorities responsible for carrying out this verification or where they raise a question as to the interpretation of this Annex, they shall be submitted to the Joint Committee. In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall be under the legislation of the said country.

Article 28

Penalties

In accordance with national law/legislation of importing country penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining a preferential treatment for products.

Article 29

Free zones

1. The Contracting Parties shall take all necessary steps to ensure that products traded under cover of a Certificate of Origin which in the course of transport use a free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.
2. By means of an exemption to the provisions contained in paragraph 1, when products originating in a Contracting Party are imported into a free zone under cover of a Certificate of Origin and undergo treatment or processing, the authorities concerned shall issue a new Certificate of Origin at the exporter's request, if the treatment or processing undergone is in conformity with the provisions of this Annex.

**TITLE VI
FINAL PROVISIONS**

Article 30

Sub-Committee on customs and origin matters

A Sub-Committee on customs and origin matters shall be set up under the Joint Committee to assist it in carrying out its duties and to ensure a continuous information and consultations process between experts. The said sub-committee shall be composed of experts from the Contracting Parties responsible for customs and origin matters.

Article 31

Appendix

Appendix to this Annex shall form an integral part thereof.

Article 32

Goods in transit and storage

Goods which conform to the provisions of Title II and which on the date of entry into force of this Agreement are either being transported or are being held in a Contracting Party in temporary storage, in bonded warehouses or in free zones, may be accepted as originating products subject to the submission, within four months from the date of entry into force of the Agreement, to the customs authorities of the importing country of Certificate of Origin, drawn up retrospectively, and of any documents that provide supporting evidence of the conditions of transport.

Article 33

Amendments

The Joint Committee may decide to amend the provisions of this Annex.

APPENDIX

SPECIMENS OF CERTIFICATE OF ORIGIN AND APPLICATION FOR A CERTIFICATE OF ORIGIN

Printing instructions

1. Each form shall measure 210 x 297 mm; a tolerance of up to minus 5 mm or plus 8 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25 g/m². It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
2. The competent authorities of the Contracting Parties may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case, each form must include a reference number bearing initials of name (e.g TR for Turkey) of a Contracting Party to such approval. Each form must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.



13. REQUEST FOR VERIFICATION, to	14. RESULT OF VERIFICATION
	Verification carried out shows that this certificate ⁽¹⁾ <input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate. <input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).
Verification of the authenticity and accuracy of this certificate is requested.	
..... (Place and date) <div style="text-align: center;">  <p>Stamp</p> </div> (Place and date) <div style="text-align: center;">  <p>Stamp</p> </div>
..... (Signature) (Signature)
	⁽¹⁾ Insert X in the appropriate box.

NOTES

1. Certificate must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the Customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must precede by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

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End

APPLICATION FOR A CERTIFICATE OF ORIGIN

1. Exporter (Name, full address, country)	Certificate of Origin No A 000.000-TR		
	See notes overleaf before completing this form.		
3. Consignee (Name, full address, country) (Optional)	2. Application for a Certificate of Origin to be used in preferential trade between And (Insert appropriate country)		
	4. Country, in which the products are considered as originating	5. Country of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages ⁽¹⁾ Description of goods	9. Gross mass(kg) or other measure (litres, m ³ , etc.)	10. Invoices (Optional)	

(1) If goods are not packed, indicate number of articles or state « in bulk » as appropriate

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DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enable these goods to meet the above conditions:

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

SUBMIT the following supporting documents (1):

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

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....
(Place and date)

.....
(Signature)

(1) For example: import documents, movement certificates, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state.