



Session 1: Utilising the Rules of Origin under the EU-Singapore FTA and beyond: benefits and challenges for businesses

**Webinar on Customs, Trade Facilitation and
Rules of Origin in the EUSFTA**

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Agenda



- Claiming preferential tariff treatment ?
- EUSFTA rules of origin
 - Determination of the origin of goods
 - Territoriality and transport provisions
 - Origin certification
- Access2Markets portal

Claiming preferential tariff treatment ?

1. The classification of the product to be exported should be determined, according to the Harmonized System (HS).
 2. Depending of the applicable MFN customs duties at import in the EU for the determined HS code, the EU importer will claim, or not, a preferential tariff treatment.
- If the MFN duty rate is 0%, there is no interest for the EU importer to claim a preferential tariff treatment.



The TARIC database:

Database integrating all measures relating to EU customs tariff, commercial and agricultural legislation:

https://ec.europa.eu/taxation_customs/dds2/taric/taric_consultation.jsp?Lang=en

Example: canned pork luncheon meat (16024919)



1602 49 19 20 ▼ - - - - - Canned pork luncheon meat; Pork floss

ERGA OMNES (ERGA OMNES 1011)

- Import control of organic products (01-01-2017 -) (CD808) [R0834/07](#)
Excluding: Switzerland (CH) , Iceland (IS) , Liechtenstein (LI) , Norway (NO)
[Show conditions]
- Third country duty (01-07-2000 -) : **85.70 EUR / 100 kg** [R2204/99](#)
- Non preferential tariff quota (01-01-2021 - 30-06-2021) : **428.00 EUR / 1000 kg** (Order number: 090121) [R0442/09](#)
Excluding: United Kingdom (GB)



Example: canned pork luncheon meat (16024919)



Singapore (SG)

→ Tariff preference (21-11-2020 - 20-11-2021) : **57.13 EUR / 100 kg**

[D1875/19](#)

→ Preferential tariff quota (21-11-2020 - 20-11-2021) : **57.13 EUR / 100 kg** ^(CD742) (Order number: [097951](#)) [R1927/19](#)

[\[Show conditions\]](#)

EUSFTA Rules of Origin

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Protocol 1

Goods imported in the EU (Singapore) may benefit from the EUSFTA if:

1. They are **originating** in Singapore (the EU)
2. The **transport and territoriality provisions** are respected
3. The origin is properly **certified**

1. Determination of the origin

Determination of the origin (Article 2)

- Goods are originating in Singapore/the EU if:
 - They are **wholly obtained** (Article 4), or
 - They are **sufficiently worked** *or processed* products (“product specific rules” – Annex B and B(a))(Article 5)
 - The processing goes beyond a **list of insufficient operations** (Article 6)

Sufficiently worked or processed (Article 5)

- Reference to
 - Annex B: product specific rules for products originating in the EU and in Singapore
 - Annex B(a): more flexible rules for certain products originating in Singapore, under **quota**
- 3 types of rules:
 1. Value added rule
 2. Specific operation
 3. Change of tariff classification
- For some products, alternative rules are provided

Insufficient operations (Article 6)

- Some examples:
 - preserving operations to ensure that the products remain in good condition during transport and storage;
 - breaking-up and assembly of packages;
 - peeling, stoning and shelling, of fruits, nuts and vegetables;
 - simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
 - affixing or printing marks, labels, logos on products or their packaging;
 - simple mixing of products, whether or not of different kinds; mixing of sugar with any material;
- Simple = no special skills or machines, apparatus or tools especially produced or installed for those operations are required

Tolerances (Article 5 and Introductory notes)

- Tolerance to use non-originating materials:
 - **10 % of the weight** of the product for products falling within **Chapters 2 and 4 to 24** of the Harmonized System, **except processed fishery products of Chapter 16**
 - **10 % of the ex-works price** of the product **for other products**, except for textiles and clothing
 - **Textiles and clothing** in Chapters 50 to 63 of the Harmonized System: tolerances mentioned in **Notes 6 and 7** of Annex A to this Protocol apply

Cumulation (Article 3)

- Use of materials originating in another country as if they are originating in Singapore or the EU.
- A processing beyond insufficient working or processing (Article 6) is enough to confer origin.
- Types of cumulation:
 - Bilateral cumulation
 - Cumulation with ASEAN countries having an FTA with the EU
 - Cumulation with ASEAN countries benefitting from the GSP

Cumulation (Article 3)

- Bilateral cumulation:
 - between the EU and Singapore
 - Applicable without conditions
- Cumulation with ASEAN countries having an FTA with the EU:
 - Possible at the moment: Vietnam
 - Annex C: “Negative” list of materials excluded from cumulation
 - Applicable under some conditions which are not yet fulfilled

Cumulation (Article 3)

- Cumulation with ASEAN countries benefitting from the GSP
 - At the moment: Cambodia, Indonesia, Laos, Myanmar/Burma, Philippines and Vietnam (until 31 Dec 2022)
 - Annex D: “Positive” list of Products for which this type of cumulation is allowed
 - Applicable under some conditions which are not yet fulfilled

Annex B(a) – Quota for products originating in SGP

Example: Curry fish balls made of fish meat, curry, wheat starch, salt, sugar, and compound condiments

Annex B:	Chapter 16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates	Manufacture in which all the materials of Chapters 2, 3 and 16 used are wholly obtained
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Annex B(a)



ex1604.20	Curry fish balls made of fish meat, curry, wheat starch, salt, sugar, and compound condiments	Manufacture from materials of any heading, except that of the product	400
ex 1604.20	Four colour rolls made of fish meat, crab stick, seaweed, beancurd skin, vegetable oil, sugar, salt, potato starch, monosodium glutamate and seasonings		
ex1604.16	Spicy crispy anchovies (sambal ikan bilis) made of anchovies, onion, chilli paste, tamarind, belachan, brown sugar, and salt		

Annex B(a) – Quota for products originating in SGP

- EU regulation establishing the quota: Regulation (EU) 2019/1927
- That regulation defines the “order number” of the quota (first column):

09.7952	ex	1604 20 10	05	Curry fish balls made of fish meat, curry, wheat starch, salt, sugar, and compound condiments; Four colour rolls made of fish meat, crab stick, seaweed, beancurd skin, vegetable oil, sugar, salt, potato starch, monosodium glutamate and seasonings.	From 21.11.2019 to 31.12.2019 From 1.1.2020 to 31.12.2020 and for each year thereafter from 1.1 to 31.12	45 tonnes
	ex	1604 20 30	05			
	ex	1604 20 40	05			
	ex	1604 20 50	05			
	ex	1604 20 90	05			
	ex	1604 16 00	10	Spicy crispy anchovies (sambal ikan bilis) made of anchovies, onion, chilli paste, tamarind, belachan, brown sugar, and salt	400 tonnes	

Tariff quota consultation:

https://ec.europa.eu/taxation_customs/dds2/taric/quota_consultation.jsp?Lang=en

Tariff quota consultation

Tariff publication: Search on origins

Origin: Singapore

Order number: [List](#) Validity period (start date in)

Critical: Not specified

Status: None

2022
 2021
 2020
 2019
 2018
 2017
 2016
 2015
 2014

[Search](#)

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Order number	Origins	Start date	End date	Balance	
097951	Singapore	01-01-2021	31-12-2021	500000 Kilogram	[More info]
097952	Singapore	01-01-2021	31-12-2021	400000 Kilogram	[More info]
097953	Singapore	01-01-2021	31-12-2021	350000 Kilogram	[More info]

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2. Territoriality and transport provisions

Territoriality (Article 12)

- The origin should be acquired without interruption in the EU or in Singapore
- If originating products leave the EU/Singapore and return, they keep their origin if it can be demonstrated that:
 - The products are the same as the ones exported
 - They have not been subject to operations others than the ones necessary to preserve the goods in good condition

Transport provision (Article 13)

- The goods imported in a Party should be the same as the ones exported from the other Party.
Goods have not been subject to operations others than the ones necessary to preserve the goods in good condition
- Adding or affixing of marks, labels, seals or any other documentation to ensure compliance with specific domestic requirements applicable in the Union is allowed
- Storage of products in a country of transit may take place if they remain under customs supervision.
- Splitting of consignments in a country of transit may take place if carried out by the exporter or under his responsibility and if the goods concerned remain under customs supervision.
- Considered respected unless customs authorities of the importing Party have reasons to believe the contrary.

3. Origin certification



Origin Declaration (Annex E)

- *"The exporter of the products covered by this document (customs or competent governmental authorisation No ... (1)) declares that, except where otherwise clearly indicated, these products are of ... (2) preferential origin."*
- Made out on any commercial document by the exporter (Article 17): invoice, delivery note, packing list, ...

Origin Declaration (Annex E)

- Origin declarations are made out:
 - In the EU, by “approved exporters”
 - In Singapore, by exporters registered with the competent authority and who have received a Unique Entity Number

Approved exporters in the EU (1/2)

- Specific authorization granted after an extensive control by the customs authorities
- The conditions for granting the authorization are not laid down in the FTA , also not in an EU legislation, but are established by the EU MSs
- Existing authorizations of approved exporters are **not automatically** valid for the EUSFTA
- The format of the authorization numbers is communicated by the European Commission to Singapore, it is normally not public

Approved exporters in the EU (2/2)

- The authorization numbers are not public.
- It is not possible for an importer in Singapore or the customs authorities in Singapore to verify the validity of an approved exporter number (subsequent verification)
- Authorizations are monitored by the EU customs authorities; an authorization may be withdrawn
- Guidance:
https://ec.europa.eu/taxation_customs/sites/taxation/files/guidance-on-approved-exporters.pdf

Access2Markets portal

Access2Markets

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Product name or HS code Country of origin Country of destination

Product name or HS code Country of origin Country of destination Search >



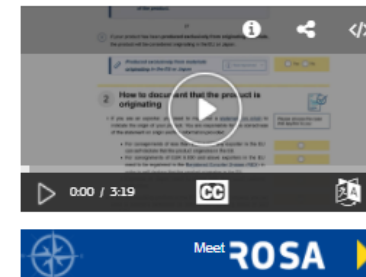
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Product-by-product information on

- tariffs & taxes
- rules of origin
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- customs procedures
- trade barriers
- statistics

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EU-South Korea FTA

EU-UK Trade and Cooperation Agreement

EU-Singapore Free Trade Agreement



The agreement removes customs duties and bureaucracy that European firms face when exporting to Singapore. It also removes other trade obstacles and improves trade in key goods like electronics, food products and pharmaceuticals. The agreement also opens up Singapore's market for EU services exports, for example in transport and telecoms.

The agreement at a glance

The EU-Singapore Free Trade Agreement (EUSFTA) entered into force on 21 November 2019. See the [full text and annexes of the agreement](#).

The EU and Singapore have also signed an Investment Protection Agreement (EUSIPA). It will enter into force after its ratification by all EU [Member States](#).

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Rules of origin

This section introduces the main [rules of origin](#) and the [origin procedures](#) of the trade agreement.

Origin is the 'economic nationality' of traded [goods](#). If you are new to the topic, you can find an [introduction](#) to the main concepts in the [goods](#) section.

→ Rules of origin

To qualify for the preferential rate, your product needs to comply with certain rules that prove its origin.

Where can I find the rules of origin?

The rules of origin are set out in [Protocol 1](#) of EUSFTA.

Does my product originate in the EU or Singapore?

To qualify for the lower or zero preferential [tariff](#) under the EU-Singapore Free Trade Agreement, your product must originate in the EU or Singapore. A product is considered [originating](#) in the EU or in Singapore, if it is

- [wholly obtained](#) in the EU or Singapore or
- manufactured in the EU or Singapore using [non-originating materials](#) and fulfils the [product specific rules](#) set out in [Annex B to the protocol on rules of origin](#). See also Annex A [Introductory notes to the list in Annex B](#) for a description of how to read the rules. Furthermore, [Annex B\(a\) Addendum to Annex B](#) provides for alternative [product specific rules](#) for certain products [originating](#) in

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<https://trade.ec.europa.eu/access-to-markets/en/home>