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# **Regulations for Determining the Country of Origin of Goods Imported to Georgia**

## **Part I General Provisions**

### **Article 1**

1. These Regulations are issued pursuant to the Customs Code of Georgia and Article 11-14 of the Law of Georgia on Customs Tariffs and Duties of April 20, 1998. They define the country of origin of goods imported into Georgia, for the purposes of:

- (a) determining the applicable Customs Tariff of Georgia;
- (b) applying measures other than tariff measures;
- (c) preparing and issuing certificates of origin;
- (d) applying antidumping and countervailing duties;
- (e) administering import quotas and tariff preferences; and
- (f) collecting trade statistics.

### **Article 2**

These Regulations are based on the Agreement on Rules of Origin of the GATT 1994, and in particular are to be interpreted consistently with Article 3 of that Agreement. They apply in all situations except those in which the import of goods is governed by an international agreement establishing a free trade area, customs union, or other autonomous trade regime that is consistent with Article 24 of the GATT 1994.

## **Part II General Rules for Determination the Country of Origin of Goods**

### **Article 3 (follows EC ROO Art 23)**

1. Unless otherwise provided in an international treaty governing import of the goods in question, goods wholly obtained or produced in a given country shall be deemed to originate in that country. The expression "goods wholly obtained in a given country" means:

- (a) mineral products extracted within that country;
- (b) vegetable products harvested therein;
- (c) live animals born and raised therein;
- (d) products derived from live animals raised therein;
- (e) products of hunting or fishing carried on therein;
- (f) products of sea-fishing and other products taken from the sea outside a country's territorial sea by vessels registered or recorded in the country concerned flying the flag of that country;
- (g) goods obtained or produced on board factory ships from the products referred to in subparagraph (f) provided that such factory ships are registered or recorded in that country and fly its flag;
- (h) products taken from the seabed or subsoil beneath the seabed outside the territorial sea provided that the country has exclusive rights to exploit that seabed subsoil;
- (i) waste and scrap products derived from manufacturing operations, and used articles, provided they were collected in the country and are fit only for the recovery of materials; and
- (j) goods which are produced therein exclusively from goods referred to in subparagraphs (a) to (i) or from their derivatives, at any stage of production.

2. For the purposes of this Article the word "country" includes that country's territorial sea.

#### **Article 4** **(follows WTO ROA Art 3 and EC ROO Article 24)**

1. Unless otherwise provided in an international treaty governing import of the goods in question, goods whose origin cannot be determined under Article 3 and goods whose production involved more than one country shall be deemed to originate in the country where they underwent their last substantial transformation.

(a) For the purpose of this Article, the term "substantial transformation" shall mean a substantial and economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture.

(b) In the absence of substantial evidence to the contrary, a good manufactured from materials each of which has undergone a change in tariff classification at the four-digit level as a result of incorporation into the good in question shall be deemed to have undergone a substantial transformation. However, a change in tariff classification shall not be regarded as sufficient to indicate "substantial transformation" if the classification change results solely from:

- (i) a change in the use of the goods;
- (ii) packaging operations such as bottling, wrapping and the like;
- (iii) the application of the Harmonized System's General Interpretive Rule 2(a) (General Interpretive Rule 2(a) of the CIS Goods Nomenclature of Foreign Economic Activity) with respect to incomplete or unassembled goods;
- (iv) attaching or connecting together goods such as a computer, monitor, keyboard and mouse to form an assembled whole; or
- (v) the mere addition of preservatives.

2. Goods classified as "sets" under the Harmonized System (the CIS Goods Nomenclature of Foreign Economic Activity, adopted November 3, 1995) or defined as such under Harmonized System's General Interpretive Rule 3 (General Interpretive Rule 3 of the CIS Goods Nomenclature of Foreign Economic Activity) shall be regarded as originating in the country where the set was assembled.

### **Article 5** **(fulfills req. of ROA Art's 3(e), 5(2))**

Laws, regulations, judicial decisions and administrative rulings of general application relating to rules of origin shall be published in the newspaper "Phinansebi." Regulations and administrative rulings of general application relating to rules of origin shall not take effect until 60 days following such publication.

### **Article 6** **(fulfills req. of ROA Art 3(g))**

In accordance with Article 6 of the Civil Code of Georgia, changes to rules of origin or new rules of origin shall not have retroactive force.

### **Article 7** **(fulfills req. of ROA Art. 3 (i))**

The Customs Department of Georgia shall treat as strictly confidential all information that is by nature confidential or is provided on a confidential basis for the purpose of applying these Regulations. Except as required by law in the context of judicial proceedings, such information shall not be disclosed without the specific permission of the person or government providing it.

## **Part III Proof of origin**

### **Article 8**

1. The origin of goods may be proved by an original or officially certified copy of a Certificate of Origin satisfying the following conditions:

- (a) it shall be issued by an authority authorized by the country in which it is issued;
- (b) it shall contain all data required for establishing the identity of the goods, including:
  - (i) the name and address of the exporter;
  - (ii) the name and address of the importer;
  - (iii) piece numbers, types, marks and numbering of packages;
  - (iv) types of goods;
  - (v) the gross and net weight of the goods, or, if the goods are exposed to a considerable change in weight in the course of transportation, or if the weight can not be established, the quantity and volume of the goods; and
  - (vi) if possible, the means and route of transportation;
- (c) it shall be in English;
- (d) it shall contain a statement by the sender that the goods meet the relevant criteria of origin; and
- (e) it shall contain a confirmation by the authorized body of the issuing country that the data provided therein are accurate.

2. A properly-issued Certificate of Origin remains valid for four years from the date it is signed.

3. A Certificate of Origin is not required in the case of the importation of goods valued at less than US\$1,000 or the equivalent in other currencies.

4. In case of doubt in connection with the validity or accuracy of a Certificate of Origin, the customs authorities of Georgia may apply to any competent organization in the country in which the Certificate was issued and request clarifying information.

## **Part IV Advance Ruling procedure**

### **Article 9 (meets req. of WTO ROA Art. 3(f, i))**

1. At the request of an exporter, importer, or any person with a justifiable cause, the Customs Department of Georgia shall issue an advance ruling on the country of origin of a good involved in a proposed transaction. The request must be written in Georgian and must contain a complete statement of all relevant facts, including:
  - (a) the names, addresses and other identifying information of all interested parties (if known);
  - (b) the name of the port or place at which the goods involved in the proposed transaction will be imported; and
  - (c) a description of the transaction itself.
2. The Customs Department of Georgia shall treat the information received in a request for an advance ruling as confidential. The ruling may be released only to the person to whom the ruling was issued.
3. The Customs Department of Georgia shall issue the ruling within four months after the request, together with all necessary supporting information, is submitted.
4. Unless revoked or modified as a result of the appeal procedure provided in Article 10 of which actual notice has been provided to the interested parties, an advance ruling shall remain valid for three years from the date it is issued, provided that the facts and conditions, including the rules of origin under which the ruling was made, remain unchanged in any material way.
5. An advance ruling may be revoked by the Customs Department of Georgia if it is determined that the goods actually imported differ materially from the goods which were the subject of the ruling or if the person requesting the ruling has failed to act in accordance with the terms and conditions of the ruling.

## **Part V Appeals of Determinations of Origin**

### **Article 10 (fulfills req. of ROA Art. 3(h))**

1. The Customs Department of Georgia shall provide, in regard to a determination of the country of origin of goods, a right of appeal by the person who completed and signed the Certificate of Origin or by the importer.
2. The initial right of appeal shall be to the Customs Department of Georgia, from which further appeal may be taken to a judicial authority.

3. An appellant shall have the right to file one protest covering multiple entries filed in the same region if all the entries involve the same goods and the protest involves a decision common to all entries.

4. If requested by all appellants, the Customs Department of Georgia shall consolidate multiple appeals of a single determination of origin and one notice of its decision shall be issued to all appellants without regard to whether the notice reflects confidential business information. In the absence of such a request from all appellants, the Customs Department of Georgia shall issue separate, confidential notices to each appellant.

5. The decision of the Customs Department of Georgia on appeal shall be provided in writing, shall include the reasons for the decision, and shall provide information on the right, if any, of further appeal.

### **Article 11**

These regulations shall have effect immediately upon publication.