EXPORT TO JAPAN - FIRST STEPS

Differences with other FTA’s

This presentation has been prepared with the sole purpose of simplifying the understanding of some parts of the EU-Japan EPA and bears no legal standing.
Table of contents

1. Legal basis
2. Export – What to start with?
3. Proof of preferential origin
4. EU/Japan EPA ↔ Other FTA’s
   Main differences
5. Import duties in Japan / Schedule / Rules of Origin
6. The EU import document (codes box 44)
7. Supplier’s declarations with origin criteria
8. Additional information
9. Brexit
1. Legal basis
1. Legal basis

COUNCIL DECISION (EU) 2018/1907
of 20 December 2018
on the conclusion of the Agreement between the European Union and Japan for an Economic Partnership

- Publication → OJ - L330 (27/12/2018)
- Origin → Chapter 3 (pages 21 till 32)
  → Annexes 3-A → 3-D (pages 634 – 686)
2. Export
What to start with?
2. Export – What to start with?

- Obtain status of « Registered Exporter » (REX)
- REX = Self-certification
- Application form for registration
- Belgian REX numbers: BE+REX+EORI (BEREXBE0123456789)
- Registration valid for all existing and future FTA’s
- No possibility to use the approved exporter’s authorisation number
- REX number not compulsory < 6000 €
2. Export – What to start with?

1. Exporter’s name, full address and country, EORI or TIN (2).

1 EORI number = 1 Registration

2. Contact details including telephone and fax number as well as e-mail address where available.

3. Specify whether the main activity is producing or trading.

Both can be selected
2. Export – What to start with?

4. Indicative description of goods which qualify for preferential treatment, including indicative list of Harmonised System headings (or chapters where goods traded fall within more than twenty Harmonised System headings).

Description + Headings (4 digits)

5. Undertakings to be given by an exporter

- Information given is correct
- Cooperation with authorities
- Keep accounting records for at least 3 years
- Accept control by authorities
- Inform authorities in case of change
- ...

www.eu-japan.eu/epa-helpdesk
6. Prior specific and informed consent of exporter to the publication of his data on the public website

The undersigned is hereby informed that the information supplied in this declaration may be disclosed to the public via the public website. The undersigned accepts the publication of this information via the public website. The undersigned may withdraw his consent to the publication of this information via the public website by sending a request to the competent authorities responsible for the registration.

Consent is **NOT** compulsory
2. Export – What to start with?

TAXATION AND CUSTOMS UNION

REX number validation

Retrieve REX number validation

You can launch a validation request by entering the REX or EORI/TIN number and clicking the corresponding "Validate" button.

Search on REX number
Search on **** number

REX number validation

Retrieve REX number validation

You can launch a validation request by entering the REX or EORI/TIN number and clicking the corresponding "Validate" button.

Search on REX number
Search on **** number

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Under the supervision of
## 2. Export – What to start with?

### Retrieve REX number validation

You can launch a validation request by entering the REX or EORI/TIN number and clicking the corresponding "Validate" button.

**Search on REX number**

<table>
<thead>
<tr>
<th>REX number</th>
<th>EORI / TIN number</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>BEREXBE0456453195</td>
<td>BE0456453195</td>
<td>The REX number is valid</td>
</tr>
</tbody>
</table>

1 result(s) match(es) your search

When you have given your consent
3. Proof of preferential origin
3. Proof of preferential origin

Since the day of entry into force (01/02/2019)

- Preferential treatment for goods if origin statement made out as from 01/02/2019
- Origin statement = valid 12 months from date it is made out
3. Proof of preferential origin

Origin statement in EU

(Period: from . . . . to . . . . (1))

The exporter of the products covered by this document (Exporter Reference No. .... (2)) declares that, except where otherwise clearly indicated, these products are of . . . . . . . . (3) preferential origin.

(Origin criteria used (4))

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

(Place and date (5))

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

(Printed name of the exporter)

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

Max 12 months

Identical products
Same subheading
Same origin rule

REX number

See next slide

May be omitted

Exemption from signature

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Origin criteria used
A – Wholly obtained or produced products
B – Products produced exclusively from originating materials
C – Products produced using non-originating materials, with the specific requirements for the product:
   1 – Change in tariff classification rule
   2 – A value rule
   3 – A specific process rule
   4 – Specifics rules related to vehicles and parts of vehicles
D – Use of accumulation
E – Use of tolerances

Example: C1E (Non-originating materials, CTH and tolerance)
Origin criteria

- Absence of origin criterion → Denial of preference
- Invoice with different headings → Criterion for every heading
  If link Heading Criterion unclear → Denial of preference
- Sets → No origin criterion foreseen (till now)
- If possibility of several criteria
  28.01-28.53
  CTS;H;
  A chemical reaction, purification, production of standard materials, or isomer separation is undergone;
  MaxNOM 50 % (EXW); or
  RVC 55 % (FOB).
  → Mention of the real applied criterion
  If all criteria are fulfilled → Choice for the exporter
Origin criteria – Additional information asked by Japan

Article 3.16, §3

… The customs authority of the importing Party may request, to the extent that the importer can provide such explanation, the importer to provide an explanation, as part of the customs import declaration or accompanying it, that the product satisfies the requirements of this Chapter.

Clarification by Japanese Customs and EU Commission

The exporter in the EU who made out a statement on origin, when requested by the importer in Japan to provide an explanation, is not obliged to provide such explanation. And this will not lead to a denial of the preference in Japan.
4. EU/Japan EPA ↔ Other FTA’s
    Main differences
“Alternative” proof of origin

Second possibility of proof of origin = **Importer’s knowledge**

Why “Alternative”?

• The importer claims preferential origin treatment
• No use of origin statement
• No need to be registered
• All information on origin in possession of importer

Relation Exporter / Importer → Same company?
Importer and Exporter → access to the same data
Retrospective statement

Not foreseen explicitly !!!

Article 3.16
• Preferential origin treatment claimed by the importer at the moment of importation.
• The origin statement has to be issued before the claim for preferential treatment is made.

Nevertheless …
Retrospective statement

... Nevertheless

Solution in the EU $\rightarrow$ Art 56, §3 of UCC

$\rightarrow\rightarrow$ Preferential origin treatment may be granted retrospectively

But in Japan no real solution… till now…
Authorization number in Japan

EU → REX number
Japan → Japan Corporate Number

- Japan Corporate Number = 13-digit single-byte number (e.g. 1234567890123)
- Check possible in online-database
Statement on separate document

Statement can be issued:

- On the invoice itself
- On any other commercial document

Statement can be provided on separate document

- Invoice or other commercial document must refer to that separate document
**Full cumulation** (besides bilateral cumulation)

Parties are allowed to use, from each other, non-originating materials

- **Working not sufficient**
  - → **Non-originating product**

- **Export with EU pref origin**

- **1st working**

- **2nd working**

- **After 2 processings**
  - → **Sufficient working rule fulfilled**

---

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Under the supervision of
Full cumulation (besides bilateral cumulation)

It works, of course, also in the opposite way

Working not sufficient → Non-originating product

Export with JP pref origin

1st working

2nd working

After 2 processings → Sufficient working rule fulfilled
Drawback prohibition not foreseen

3rd country raw materials

Sufficient working rule fulfilled

EU Inward processing

Japan

Suspension of duties

Export of finished product with proof of preferential origin

WITHOUT Payment of duties on the 3rd country materials used
## Sufficient working rules - Layout

### Traditional FTA’s

<table>
<thead>
<tr>
<th>HS heading</th>
<th>Description of product</th>
<th>Working or processing, carried out on non-originating materials, which confers originating status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ex Chapter 88</td>
<td>Aircraft, spacecraft, and parts thereof; except for:</td>
<td>Manufacture from materials of any heading, except that of the product.</td>
</tr>
<tr>
<td>ex8804</td>
<td>Rotochutes</td>
<td>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</td>
</tr>
<tr>
<td>8805</td>
<td>Aircraft launching gear, deck-arrester or similar gear; ground flying trainers; parts of the foregoing articles</td>
<td>Manufacture from materials of any heading, including other materials of heading 8804.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</td>
</tr>
</tbody>
</table>
### Sufficient working rules - Layout

**Japan**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harmonized System classification (2017) including specific description</td>
<td>Product specific rule of origin</td>
</tr>
<tr>
<td>Chapter 88</td>
<td>Aircraft, spacecraft, and parts thereof</td>
</tr>
<tr>
<td>88.01-88.05</td>
<td>CTH;</td>
</tr>
<tr>
<td></td>
<td>MaxNOM 50% (EXW); or</td>
</tr>
<tr>
<td></td>
<td>RVC 55% (FOB).</td>
</tr>
</tbody>
</table>

**Change in Tariff Heading**

**Maximum value non-originating materials**

**Minimum regional value content**
Sufficient working rules - Example 1905 32 (Waffles)

Traditional FTA’s
Manufacture from materials of any heading, except those of Chapter 11 (wheat flour)

- For wheat flour → supplier’s declaration(s) proving EU origin
- For other ingredients → Heading different from 1905
Sufficient working rules - Example 1905 32 (Waffles)

Japan

CTH, provided that:
— the weight of non-originating materials of Chapter 4 used does not exceed 10 % of the weight of the product;
— the total weight of non-originating materials of headings 10.03, 10.06 and 11.01 to 11.08 used does not exceed 10 % of the weight of the product; and
— the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 30 % of the weight of the product.

Main rule = Change in Tariff heading (CTH), BUT …
Sufficient working rules - Example 1905 32 (Waffles)

Japan

Main rule = Change of Tariff heading, BUT ...
Limited use of different non-originating ingredients

NOT IN VALUE, BUT IN WEIGHT

Supplier’s declaration(s) proving EU origin for all these ingredients
# Sufficient working rules - Example 2 – Chapter 84)

## Traditional FTA’s

<table>
<thead>
<tr>
<th>ex Chapter 84</th>
<th>Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof, except for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture:</td>
<td>— from materials of any heading, except that of the product, and</td>
</tr>
<tr>
<td></td>
<td>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product</td>
</tr>
<tr>
<td>Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ex8401</th>
<th>Nuclear fuel elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture from materials of any heading, except that of the product</td>
<td></td>
</tr>
<tr>
<td>Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8402</th>
<th>Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); superheated water boilers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture:</td>
<td>— from materials of any heading, except that of the product, and</td>
</tr>
<tr>
<td></td>
<td>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product</td>
</tr>
<tr>
<td>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</td>
<td></td>
</tr>
</tbody>
</table>

---

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Under the supervision of the [European Commission](http://www.eu-japan.eu/epa-helpdesk)
### Sufficient working rules - Example 2 – Chapter 84)

**Japan**

<table>
<thead>
<tr>
<th>Chapter 84</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>84.01-84.06</td>
<td>CTH; MaxNOM 50% (EXW); or RVC 55% (FOB).</td>
</tr>
<tr>
<td>84.07-84.08 (1)</td>
<td>MaxNOM 50% (EXW); or RVC 55% (FOB).</td>
</tr>
<tr>
<td>84.09-84.24</td>
<td>CTH; MaxNOM 50% (EXW); or RVC 55% (FOB).</td>
</tr>
<tr>
<td>84.25-84.30</td>
<td>CTH except from heading 84.31; MaxNOM 50% (EXW); or RVC 55% (FOB).</td>
</tr>
</tbody>
</table>

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5. Import duties in Japan
+ Rules of Origin
+ Schedule
TRADE
Market Access Database

European Commission > Trade > Market Access database > Tariffs and Rules of Origin

Replaced by

Access2Markets

Home  Goods  Services  Investment  Markets  Toolbox  Contact

My Trade Assistant
Including ROSA Rules of Origin Self-Assessment

Product name or HS code  Country of origin  Country of destination

How to use this form

Managed by www.eu-japan.eu/epa-helpdesk  Under the supervision of
Access2Markets

My Trade Assistant
Including ROSA Rules of Origin Self-Assessment

Product name or HS code | Country of origin | Country of destination
------------------------|-------------------|---------------------
Product name or HS code | Select origin country | Select destination country

Enter tariff heading
Select origin country
Select destination country

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Articles of apparel and clothing accessories, of leather or of composition leather

- Articles of apparel
  - Trimmed with furskin or combined or trimmed with precious metal, metal clad with precious metal, metal plated with precious metal, precious stones, semi-precious stones, pearls, coral, elephants' tusks or Bekko
  - Other
Results for product code 4203.10.10 from Belgium to Japan

<table>
<thead>
<tr>
<th>Tariffs</th>
<th>Rules of origin - ROSA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td></td>
</tr>
<tr>
<td>Procedures and formalities</td>
<td></td>
</tr>
<tr>
<td>Trade barriers</td>
<td></td>
</tr>
<tr>
<td>Trade flow statistics</td>
<td></td>
</tr>
<tr>
<td>More results</td>
<td></td>
</tr>
<tr>
<td>Tariffs under a heading</td>
<td></td>
</tr>
<tr>
<td>Rules of origin for other agreements</td>
<td></td>
</tr>
</tbody>
</table>

### Tariffs

<table>
<thead>
<tr>
<th></th>
<th>GEN</th>
<th>MFN</th>
<th>EU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tariff</td>
<td>Tariff applicable to 7 countries</td>
<td>Tariff applicable to 227 countries</td>
<td>Tariff applicable to 27 countries</td>
</tr>
<tr>
<td>and territories</td>
<td>and territories</td>
<td>and territories</td>
<td>and territories</td>
</tr>
<tr>
<td>Duty Rate</td>
<td>40%</td>
<td>16%</td>
<td>11.6%</td>
</tr>
</tbody>
</table>

3rd country duty rate

EU origin duty rate
**420310.100**

1 Trimmed with furskin or combined or trimmed with precious metal, metal clad with precious metal, metal plated with precious metal, precious stones, semi-precious stones, pearls, coral, elephants' tusks or Bekko

**Staging category code:** B10

**Agreement entered into force date:**
01/02/2019

**Base rate:** 16.0%

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
<th>BOUND DUTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/02/2019</td>
<td>31/03/2019</td>
<td>14.5%</td>
</tr>
<tr>
<td>01/04/2019</td>
<td>31/03/2020</td>
<td>13.1%</td>
</tr>
<tr>
<td>01/04/2020</td>
<td>31/03/2021</td>
<td>11.6%</td>
</tr>
<tr>
<td>01/04/2021</td>
<td>31/03/2022</td>
<td>10.2%</td>
</tr>
<tr>
<td>01/04/2022</td>
<td>31/03/2023</td>
<td>8.7%</td>
</tr>
<tr>
<td>01/04/2023</td>
<td>31/03/2024</td>
<td>7.3%</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>31/03/2025</td>
<td>5.8%</td>
</tr>
<tr>
<td>01/04/2025</td>
<td>31/03/2026</td>
<td>4.4%</td>
</tr>
<tr>
<td>01/04/2026</td>
<td>31/03/2027</td>
<td>2.9%</td>
</tr>
<tr>
<td>01/04/2027</td>
<td>31/03/2028</td>
<td>1.5%</td>
</tr>
<tr>
<td>01/04/2028</td>
<td></td>
<td>0%</td>
</tr>
</tbody>
</table>
Results for product code 4203.10.10 from Belgium to Japan

<table>
<thead>
<tr>
<th>Tariffs</th>
<th>Taxes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules of origin - ROSA</td>
<td>Procedures and formalities</td>
</tr>
<tr>
<td></td>
<td>Trade barriers</td>
</tr>
<tr>
<td></td>
<td>Trade flow statistics</td>
</tr>
<tr>
<td></td>
<td>More results</td>
</tr>
<tr>
<td></td>
<td>Tariffs under a heading</td>
</tr>
<tr>
<td></td>
<td>Rules of origin for other agreements</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tariffs</th>
<th>40% GEN Tariff applicable to 7 countries and territories</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16% MFN Tariff applicable to 227 countries and territories</td>
</tr>
<tr>
<td></td>
<td>11.6% EU Tariff applicable to 27 countries and territories</td>
</tr>
</tbody>
</table>

- **3rd country duty rate**: 40%
- **EU origin duty rate**: 11.6%
Production from non-originating materials of any Chapter, except that of the product (CC);

or

Production from non-originating materials of any heading, except that of the product (CTH) and in which the value of all non-originating materials used does not exceed 45% of the ex-works price of the product (MaxNOM 45% (EXW));

or

Production from non-originating materials of any heading, except that of the product (CTH) and in which the minimum regional value content of a product is 60% of the free on board price of the product (RVC 60% (FOB)).
# 4203 10 – Import duties EU

## Tariff measures

<table>
<thead>
<tr>
<th>EU/BE</th>
<th>Geographical area</th>
<th>Measure type</th>
<th>Tariff</th>
</tr>
</thead>
<tbody>
<tr>
<td>🇪🇺</td>
<td>ERGA OMNES</td>
<td>Third country duty</td>
<td>4%</td>
</tr>
<tr>
<td>🇪🇺</td>
<td>ERGA OMNES</td>
<td>Suspension - goods for certain categories of ships, boats and other vessels and for drilling or production platforms</td>
<td>0%</td>
</tr>
<tr>
<td>🇧🇪</td>
<td>ERGA OMNES</td>
<td>Suspension of import duties on certain military equipment</td>
<td>0%</td>
</tr>
<tr>
<td>🇪🇺</td>
<td>JP - Japan</td>
<td>Tariff preference</td>
<td>0%</td>
</tr>
</tbody>
</table>

[TARBEL : Belgian Customs website](www.eu-japan.eu/epa-helpdesk)
6. The EU import document
## Preferential treatment at import from Japan

<table>
<thead>
<tr>
<th>31</th>
<th>32</th>
<th>33</th>
<th>34</th>
<th>35</th>
<th>36</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colis et désignation des marchandises</td>
<td>Article No.</td>
<td>Code des marchandises</td>
<td>Code P. origine</td>
<td>Masse brute (kg)</td>
<td>Préférence</td>
</tr>
<tr>
<td>Marques et numéros - No(s) conteneur(s) - Nombre et nature</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Statement of origin
- U110

### Multiple shipments
- U111

### Importer’s knowledge
- U112
7. Supplier’s declarations
7. Supplier’s declarations

I, the undersigned, declare that the goods described below:

.............................................................................................................. (1)
.............................................................................................................. (2)

which are regularly supplied to ........................................... (3), originate in ......................... (4)
and satisfy the rules of origin governing preferential trade with (5)
AD (Andorra), AL (Albania), BA (Bosnia-Herzegovina), CA (Canada), CH (Switzerland), CL (Chile),
CO (Colombia), CI (Ivory Coast), DZ (Algeria), EC (Ecuador), EG (Egypt), FO (Faroe Islands),
GE (Georgia), GH (Ghana), IL (Israel), IS (Iceland), JO (Jordan), JP (Japan), KR (South Korea),
LB (Lebanon), LI (Liechtenstein), MA (Morocco), MD (Moldova), ME (Montenegro), MK (Macedonia),
MX (Mexico), NO (Norway), PE (Peru), PS (West Bank / Gaza Strip), SG (Singapore), SY (Syria), TN (Tunisia),
TR (Turkey), UA (Ukraine), VN (Vietnam), XC (Ceuta), XK (Kosovo), XL (Melilla), XS (Serbia), ZA (South
Africa), ACP, Central America, Cariforum, OCT, ESA, SADC, Western Pacific, GSP, CAS

Compulsory to communicate the origin criteria used
7. Supplier’s declarations

Mention of origin criteria used:

- According to criteria in use for statement
- On the supplier’s declaration itself
- On any other document, with a link to supplier’s declaration
- Only useful in case of resale to Japan (no working)
8. Additional information
8. Additional information

- **Belgium - Customs**
  
  [Link to Belgian Customs website in French](https://finances.belgium.be/fr/douanes_accises/entreprises/douane/origine/ue-japon)
  
  [Link to Belgian Customs website in Dutch](https://financien.belgium.be/nl/douane_accijnzen/onderneming/douane/oorsprong/eu-japan)

  PDF document, explaining the most important topics and giving links to latest publications

  In French and Dutch
8. Additional information

Belgium – FPS Economy


Link to → DG Trade
        → EU-Japan Centre
8. Additional information

- **Belgium – EU-Japan Centre for Industrial Cooperation**
  https://www.eu-japan.eu/

Helpdesk – Publications – Webinars – Useful links – …
8. Additional information

➢ France
http://www.douane.gouv.fr/articles/a14896-accord-de-partenariat-economique-ue-japon

- Links to publications
- List of FAQ
8. Additional information

➢ Germany

https://wup.zoll.de/wup_online/index.php
8. Additional information

➢ Germany

Google → Deutschland Zoll Merkblatt Japan

Merkblatt EU-Japan-EPA

(Version 6. Februar 2020)
8. Additional information

- **European Commission**

Different guidelines

Google → EU Japan guidance
9. Brexit
9. Brexit

- UK will leave the EU on 31/12/2020
- From 01/01/2021 → customs document for every commercial exchange between EU and UK.
- Duties to be paid by the importer.
- From 01/01/2021 → UK is a third country. Authorisations for specific products (medicines, weapons, dual use, ...).
- UK is member of the transit convention (T1 – T2)
- Negotiations resumed on the 9th of November
- **Will they reach a deal ????**
9. Brexit

Latest publication of the EU Commission on 14 July 2020

GUIDANCE NOTE

Withdrawing of the United Kingdom and EU rules in the field of customs, including preferential origin

See Next slide
9. Brexit

Simple summary in the field of preferential origin

Any product that can, before the Brexit, wherever it is located (UK or 27 Member States), benefit from the EU preferential origin thanks to a UK input, will become a 3rd country product after the Brexit.
Thank you for your attention!

Roger TENEY

QUESTIONS ?

This presentation has been prepared with the sole purpose of simplifying the understanding of some parts of the EU-Japan EPA and bears no legal standing.