



TECHNICAL COMMITTEE  
ON RULES OF ORIGIN

OC0113E1b

-  
25<sup>th</sup> Session  
-

O. Eng.

Brussels, 6 February 2007.

DRAFT REPORT OF THE 25<sup>TH</sup> SESSION  
OF THE TECHNICAL COMMITTEE ON RULES OF ORIGIN

1. The Technical Committee on Rules of Origin (TCRO) held its 25<sup>th</sup> Session on 5 and 6 February 2007 at the Headquarters of the World Customs Organization in Brussels. The meeting was chaired by Mrs. L Ghrairi (Morocco).
2. The following 62 Member and Observer administrations were represented :

ALBANIA  
ALGERIA  
ANGOLA  
AZERBAIJAN  
BANGLADESH  
BARBADOS  
BELGIUM  
BURKINA FASO  
CANADA  
CHINA (People's Rep. of )  
COLOMBIA  
CONGO (Rep. of the)  
CÔTE D'IVOIRE  
CROATIA  
CZECH REPUBLIC  
DEMOCRATIC REPUBLIC OF  
THE CONGO  
DENMARK  
DOMINICAN REPUBLIC  
EGYPT  
ESTONIA  
ETHIOPIA

EUROPEAN  
COMMUNITIES (EC)  
GABON  
GAMBIA  
GERMANY  
GUATEMALA  
HAITI  
HONG KONG, CHINA  
HUNGARY  
INDONESIA  
IRELAND  
ITALY  
JAPAN  
JORDAN  
KUWAIT  
LIBYAN ARAB  
JAMAHIRIYA  
LITHUANIA  
MALAYSIA  
MOLDOVA  
MYANMAR  
NIGERIA

NORWAY  
PANAMA  
PHILIPPINES  
QATAR  
SAUDI ARABIA  
SENEGAL  
SERBIA  
SLOVENIA  
SOUTH AFRICA  
SPAIN  
SURINAME  
SWEDEN  
SWITZERLAND  
CHINESE TAIPEI  
THAILAND  
TOGO  
TONGA  
UGANDA  
UKRAINE  
UNITED ARAB EMIRATES  
VIETNAM

3. The Secretariat of the World Trade Organization (WTO) and the European Free Trade Association (EFTA) were also represented at the meeting with observer status.
4. The list of participants is set out at Annex A to this Report.

### I. ADOPTION OF THE AGENDA

(Doc. OC0106E1a)

5. The Chairperson briefly explained the content of the Agenda. The Technical Committee agreed. The Agenda is reproduced in Annex B to this Report. She also informed the Committee that for the first time translation into Arabic is provided for this meeting.

### II. ADOPTION OF THE REPORT OF THE 24<sup>th</sup> SESSION

6. The draft Report of the 24<sup>th</sup> Session was adopted with adding CÔTE D'IVOIRE into the list of participants.

### III. REPORT BY THE SECRETARIAT

#### (1) Position regarding Members and Observers of the Technical Committee on Rules of Origin

(Doc. OC0107E1a)

7. The Chairperson introduced the document, which had been updated periodically to reflect new accessions to the WTO. She indicated that Viet Nam had become a 150<sup>th</sup> Member of the WTO on 11 January 2007.
8. The Technical Committee took note of the working document.

#### (2) Intersessional developments

##### (a) Director's report

(Doc. OC0108E1a)

9. The Chairperson briefly introduced Doc. OC0108E1a concerning intersessional developments, and invited the Director to present it in detail.
10. The Director described the developments which had taken place since the Technical Committee's 24<sup>th</sup> Session, including in particular the WCO Council's 107<sup>th</sup>/108<sup>th</sup> Sessions.

107<sup>th</sup> and 108<sup>th</sup> WCO Council Sessions

11. The WCO Council had held its 107<sup>th</sup>/108<sup>th</sup> Sessions between 29 June and 1 July 2006. The senior Technical Attaché briefly summarized the works done in the origin domain. The Observer for the WTO reported on the status of the work in Geneva.
12. The Chairperson of the Technical Committee on Rules of Origin had been unable to attend the Council sessions, and in her absence the Director, Tariff and Trade Affairs had presented the TCRO's report. His report was appended to Doc. OC0108E1a.

Work of the WTO Committee on Rules of Origin

13. The WTO Secretariat representative presented an update on the activities of the CRO. Since the 24<sup>th</sup> Session of the TCRO, the CRO had held one official meeting, on 12 October 2006. The Committee had re-elected Ms. Vera Thorstensen (Brazil) as its Chairperson, and Mr. Tomoyoshi Watanabe as its Vice-Chair. He explained that Chairperson had conducted three rounds of intensive consultations on the 94 issues with Members.
14. He added, responding to a question from the delegate of Spain about what has been progressed in WTO last year, that the CRO has been focusing on how to finish the negotiation on HWP rather than how to harmonize the differences of Members' opinions on specific issues.
15. He also informed the TCRO that the WTO General Council had decided to extend the deadline for the completion of negotiations on the policy issues to July 2007. The General Council had also agreed that once these policy issues had been resolved, the CRO should complete its remaining technical work by the end of 2007. The report of the WTO Secretariat representative is reproduced at Annex C to this Report.

Technical assistance activities

16. The Director indicated that since the 24<sup>th</sup> Session of the TCRO, the Secretariat had carried out, at the request of Members, a technical assistance activities relating to the harmonization of non-preferential rules of origin, but also to preferential rules of origin and had conducted advisory missions.
17. On the subject of technical assistance, the Delegates of Burkina Faso expressed that more technical assistance on rules of origin is needed in Africa. The Secretariat took note of

OC0113E1b

the request and replied that the WCO would examine how additional technical assistance could be provided subject to the resources available.

18. The TCRO took note of the comments made by the Director and by the representative of the WTO Secretariat, and of the information contained in the working document (Doc. OC0101E1a).

(b) Work on the Horizon -  
Impact of regional trade agreements (Research Paper)

(Doc. OC0111E1a)

19. The Director briefly introduced the research paper annexed to Doc. OC0108E1a and presented the actions for consideration by the WCO which had been suggested by the paper. He then asked the TCRO to provide any comments or suggestions.

(c) Discussion groups on rules of origin;  
Follow up reporting and discussion

(Doc. OC0112E1a)

20. Four discussion groups were established to examine the points raised in Doc. OC0108E1a and to consider the discussion topics set out in Doc. OC0112E1a.
21. Each discussion group presented the results of their findings to the meeting. The results and key recommendations from the groups can be summarised as follows :

The WCO should work to establish a database of preferential arrangements to support customs services and the business community;

A study on existing preferential arrangements should be launched to examine the existing rules and administrative arrangements with a view to identifying and establishing standards and best practices for WCO members;

Common interpretations of technical rules should be prepared to improve their understanding and application;

Work should be undertaken to deepen the relationship between customs services and the business community in the area of the management and application of rules of origin;

There should be a greater use of risk management to support controls and to ensure compliance with the rules;

Targeted technical assistance should be provided (in so far as resources allow) on a regional basis to those WCO members who request it.

22. The delegates to the TCRO endorsed these findings and recommendations. The WCO Secretariat will prepare a note for the Policy Commission outlining the views and recommendations from the TCRO and will prepare specific proposals for the Policy Commission to endorse.

#### IV. PERMANENT RESPONSIBILITIES OF THE TECHNICAL COMMITTEE

- (a) Eighth Periodic Report on technical aspects of the operation and status of the Agreement for the period from 1 January to 31 December 2006  
(Doc. OC0109E1a)

23. The TCRO adopted the Eighth Periodic Report of the Technical Committee for the period from 1 January to 31 December 2006. This document is reproduced at Annex D to this Report.

- (b) Eighth Annual Review on technical aspects of the implementation and operation of Parts II and III of the Agreement for the period from 1 January to 31 December 2006  
(Doc. OC0110E1a)

24. The Technical Committee adopted the report on the Eighth Annual Review on technical aspects of the implementation and operation of Parts II and III of the Agreement for the period from 1 January to 31 December 2006. This document is reproduced at Annex E to this Report.

## V. OTHER

### Presentation of the E-learning module

25. A technical officer of the Capacity Building Directorate presented the WCO e-learning programmes which are designed to meet training needs of the Member administrations and in which customs expertise and skills are combined with multimedia scenarios providing a comprehensive on-line training environment for both customs and the private sector. It was recalled that a module on European rules of origin is currently elaborated by the Secretariat.
26. Responding to a question from the delegate of Spain, the officer of the Capacity Building Directorate informed the Committee that the e-learning courses are delivered in English and French and translations into Spanish, Portuguese, Chinese and Russian are undertaken by relevant Member administrations.
27. The delegate of Senegal voiced concern about the lack of IT infrastructure in developing countries limiting a full use of the e-learning programmes by these countries.
28. In the concluding remarks the technical officer answered a question from the delegate of Barbados confirming that the e-learning programmes are made in conjunction with the Columbus Programme launched by the Capacity Building Directorate which provides a new dimension to the ongoing effort to facilitate the sustainable development of customs administrations.

## VI. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSONS

29. This Agenda Item was chaired by the Director.
30. The Delegate of Albania proposed a re-election of Mrs. L. Ghairi, Head of the Moroccan Customs Administration's Rules of Origin Service, as Chairperson for the year 2007, pointing out that she has successfully led TCRO for three consecutive sessions. The Delegate of Spain proposed Mr. A.K. Nacro, Customs Counsellor at the Embassy of Burkina Faso in Brussels, for Vice-Chairperson of the TCRO for the year 2007.
31. The Technical Committee elected Mrs. L. Ghairi as Chairperson and Mr. A.K.Nacro as Vice-Chairperson for the year 2007, by acclamation.

VII. DATE AND PLACE OF NEXT SESSION

32. It was proposed, on a provisional basis, that the TCRO's next session be held in January or February 2008. The duration of the session would depend on the progress made by the CRO by the end of 2007. In accordance with the Technical Committee's Rules of Procedure, the date and place of the next session would be fixed by the Secretary General in consultation with the Chairperson.

L.GHRAIRI,  
Chairperson.

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Anexo al  
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Anexo al  
(OC/25/Feb./fév./feb. 2007)

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Anexo al  
(OC/25/Feb./fév./feb. 2007)

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Annex to  
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Anexo al  
(OC/25/Feb./fév./feb. 2007)

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Annex to  
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(OC/25/Feb./fév./feb. 2007)

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Annex to  
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Anexo al  
(OC/25/Feb./fév./feb. 2007)

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\* \* \*

Annex to  
Annexe A au Doc. OC0113  
Anexo al  
(OC/25/Feb./fév./feb. 2007)

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\* \* \*

AGENDA FOR THE 25<sup>TH</sup> SESSION  
OF THE TECHNICAL COMMITTEE ON RULES OF ORIGIN

(from Monday 5 to Tuesday 6 February 2007)

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraphs</u>
I.	<u>ADOPTION OF THE AGENDA</u>	
	Draft Agenda	5
II.	<u>ADOPTION OF THE REPORT OF THE 24<sup>th</sup> SESSION</u>	6
III.	<u>REPORT BY THE SECRETARIAT</u>	
	(1) Position regarding Members and Observers of the Technical Committee on Rules of Origin	7 – 8
	(2) Intersessional developments	
	(a) Director's report	9 - 18
	(b) Work on the Horizon – Impact of regional trade agreements (Research Paper)	19
	(c) Discussion groups on rules of origin; Follow up reporting and discussion	20 - 22
IV.	<u>PERMANENT RESPONSIBILITIES OF THE TECHNICAL COMMITTEE</u>	
	(a) Eighth Periodic Report on technical aspects of the operation and status of the Agreement for the period from 1 January to 31 December 2006	23
	(b) Eighth Annual Review on technical aspects of the implementation and operation of Parts II and III of the Agreement for the period from 1 January to 31 December 2006	24
V.	<u>OTHER BUSINESS</u>	
	Presentation of the E-learning module	25 – 28
VI.	<u>ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSONS</u>	29 – 31
VII.	<u>DATE AND PLACE OF NEXT SESSION</u>	32

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REPORT BY WTO SECRETARIAT REPRESENTATIVE

Thank you Chairman,

Last year the Committee on Rules of Origin held a meeting on 19 October. The Committee re-elected Ms. Vera Thorstensen (Brazil) as Chairperson and Mr. Yoshitomo Kondo (Japan) as Vice-Chairman. The Committee heard the report of the work of the TCRO, and carried out the China Transitional Review and Annual Review of the Implementation and Operation of the Agreement on Rules of Origin.

As concerns the Harmonization Work Programme, the Chairperson (on behalf of the Chairman of the General Council) conducted three rounds of intensive consultations on the 94 issues with Members last year. In order to summarise the state of play, I would like simply to quote the report made by the CRO Chair to the General Council at its meeting on 27 July 2006.

"Following consultation in February 2006, I, in my capacity as the CRO Chair, made the following suggestions for future work.

- (a) recognizing that the implications issue and horizontal issues on machinery, due to high sensitivity, needs more time and effort for decision, Members would first take up the product-specific issues with a view to completing the work by May 2006;
- (b) the CRO Chair would circulate by early April 2006, the final package for 83 product-specific rules of origin concerning the agricultural products, cement, chemicals, leather, textiles, footwear, steel and watches, except those for machinery;
- (c) Members would discuss the proposed final package at the open-ended consultations on 30 May 2006, with a view to endorsing (or not endorsing) the package as a whole."

The final package was circulated on 18 April 2006 and is contained in document JOB(06)/86/Rev.2.

Strong support for the whole package was expressed by most Members on the consultation on 30 May. A number of Members also emphasised that the final package was well-balanced and that any amendment to this package would unravel it. They also stated that this was the time for decision, not the time for discussion. However, some of them reserved their positions on a limited number of issues. They needed more time to work with their industries.

Some Members, however, due to concerns over particular issues, could not support the whole package. Their concerns are related mainly to dairy products, sugar, wine and coffee issues. They also expressed their concern over the implications issue. I am convinced that their concerns can be addressed in light of discussion on the implications issue and the general understanding of the role and use of non-preferential rules of origin in the current trade regime.

The summary of these statements are contained in document JOB(06)/86/Rev.2/Add.1.

I am asking once again the General Council to decide to continue its work until July 2007, taking up the following issues in sequence: machinery, the implications issue with regard to anti-dumping and countervailing duties, safeguard measures, labelling and marking, fish taken from the EEZ and unresolved issues under the final package. And I also request the General Council to mandate the Committee on Rules of Origin to complete its remaining technical work by the end of 2007, completing the technical issues in the Committee, the overall coherence exercise, the time-frame for the entry into force of the outcome of the work, an amendments mechanism of the harmonized rules of origin, and the technical rectifications of harmonized rules of origin relating to HS 2007 changes."

I think this rather long quotation describes well what happened in the first half of 2006. I would like again to quote what the CRO Chair suggested at the informal meeting on 19 October 2006, in summary, as the activities to be done by the Members of the CRO in the second half of 2006 and early this year.

"Following the consultations conducted in small groups and one-to-one modes, the CRO Chair made the following suggestions for future work :

- (a) the CRO Chair consult with Members by e-mail to draft a Chair's compromise proposal for machinery (Chs. 84-90);
- (b) the CRO Chair circulate as soon as possible, the compromise proposal for rules of origin of machinery;
- (c) Members discuss the compromise proposal for machinery at the next open-ended consultations in early 2007 with a view to endorsing (or not endorsing) the package as a whole;
- (d) Members discuss all 94 core policy issues before submitting to the General Council in July 2007;
- (e) Members address the remaining work including the overall architecture, technical issues and the overall coherence exercise referred to in Article 9.3(b) of the Agreement on Rules of Origin by November 2007."

Finally, the General Council, at its meeting in July 2006, agreed to extend the deadline for completion of negotiations on the core policy issues until July 2007. The General Council also agreed that the CRO should complete its remaining technical and other necessary works by the end of 2007.

This brings me to the end of my report.

\* \* \*



TECHNICAL COMMITTEE  
ON RULES OF ORIGIN

OC0109E1a

-  
25<sup>th</sup> Session

O. Fr.

Brussels, 18 December 2006.

EIGHTH PERIODIC REPORT ON TECHNICAL ASPECTS  
OF THE OPERATION AND STATUS OF THE ORIGIN AGREEMENT  
FOR THE PERIOD FROM 1 JANUARY TO 31 DECEMBER 2006

(Item IV (a) on the Agenda)

Reference documents :

OC0071E2 (TCRO/20)  
OC0079E1 (TCRO/21)  
OC0085E2 (TCRO/21)  
OC0089E1 (TCRO/22)

OC0091E1 (TCRO/22)  
OC0096E1a (TCRO/23)  
OC0102E1a (TCRO/24)  
G/RO/W/103 (CRO)

I. DRAFT EIGHTH PERIODIC REPORT

Technical aspects of the operation and status of the Agreement

1. There has been no change in the texts of the Agreement.

Parts I, II and III and Annexes I and II to the Agreement

**Notifications by Members**

2. Thirty-six Members have notified their non-preferential rules of origin and 41 have indicated that they did not have any. Seventy-nine Members have notified preferential rules of origin and four have indicated that they did not have any.

**Technical assistance activities**

3. During 2006, the following technical assistance activity relating to the harmonization of non-preferential rules of origin was conducted at the request of Members :

Type of Activity	Date	Venue	Participants
National seminar	10-14 April 2006	Faridabad, India	33 participants

Part IV of the Agreement – Harmonization of Rules of Origin – (Article 9)

**Status of the Harmonization Work Programme**

4. With regard to the Harmonization Work Programme carried out by the Committee on Rules of Origin, the number of outstanding issues, namely 137, has remained unchanged.

**Meetings of the Technical Committee**

5. During the period under review, one formal session of the Technical Committee on Rules of Origin (TCRO) (24<sup>th</sup> Session) was held on 30 and 31 January 2006. The questions to be examined are contained in the Report (Doc. OC0105E1a).

Election of Chairperson and Vice-Chairperson

6. The Technical Committee re-elected Mrs. L. Ghrairi (Morocco) as Chairperson and elected Mr. A.K. Nacro (Burkina Faso) as Vice-Chairperson for the year 2007.

**II. CONCLUSION**

7. The Technical Committee is requested to approve the Eighth Periodic Report as set out above.
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TECHNICAL COMMITTEE  
ON RULES OF ORIGIN

OC0110E1a

-  
25<sup>th</sup> Session

O. Fr.

Brussels, 18 December 2005.

EIGHTH ANNUAL REVIEW ON TECHNICAL ASPECTS OF THE  
IMPLEMENTATION AND OPERATION OF PARTS II AND III OF THE  
ORIGIN AGREEMENT FOR THE PERIOD FROM 1 JANUARY TO 31 DECEMBER 2006

(Item IV (b) on the Agenda)

Reference documents :

OC0080E1 (TCRO/21)  
OC0085E2 (TCRO/21)  
OC0090E1 (TCRO/22)  
OC0091E1 (TCRO/22)

OC0097E1a (TCRO/23)  
OC0103E1a (TCRO/24)  
G/RO/W/103 (CRO)

I. DRAFT EIGHTH ANNUAL REVIEW

Technical aspects of the implementation and operation of Parts II and III of the Agreement

1. There has been no change in the texts of the Agreement.

Technical review of Part II – Disciplines to govern the application of Rules of Origin –  
(Articles 2 and 3)

Article 2 (Disciplines during the transition period)

2. No difficulties with regard to specific issues were reported to the Technical Committee on Rules of Origin (TCRO) relating to the disciplines during the transition period.

Article 3 (Disciplines after the transition period)

3. Article 3 was not applicable during the period under review.

Annex E to Doc. OC0113E1b  
(OC/25/Feb. 2007)

Technical review of Part III – Procedural arrangements on notification, review, consultation and dispute settlement – (Articles 4, 5, 6, 7 and 8)

Article 4 (Institutions)

4. At its 24<sup>th</sup> Session, the Technical Committee elected its Chairperson and Vice-Chairperson for the year 2007.

The following items were discussed and conducted at the 24<sup>th</sup> Session of the TCRO :

- An account of the work done by the WTO Committee on Rules of Origin;
- Technical assistance activities.

Article 5 (Information and procedures for modification and introduction of new Rules of Origin)

5. According to the World Trade Organization, 36 Members have notified their non-preferential rules of origin and 41 have indicated that they did not have any. 79 Members have notified preferential rules of origin and 4 have indicated that they did not have any (G/ROW/103).

Article 6 (Review)

6. No specific issues were raised during the period under review.

Article 7 (Consultation)

7. No specific issues were reported to the Technical Committee during the period under review.

Article 8 (Dispute settlement)

8. No issues related to dispute settlement were reported to the TCRO during the period under review.

## II. CONCLUSION

9. The Technical Committee is requested to approve the Eighth Annual Review as set forth above.

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