



Ottawa, December 19, 2008

MEMORANDUM D11-4-4

In Brief

RULES OF ORIGIN RESPECTING THE GENERAL PREFERENTIAL TARIFF AND LEAST DEVELOPED COUNTRY TARIFF

This In Brief page has been revised to denote changes made as a result of the Government of Canada's Paperwork Burden Reduction Initiative. This revision replaces the In Brief page dated May 27, 2008. In accordance with the above the following change was made:

- (a) The last sentence in paragraph 64 was deleted, as it related to the verification of origin of goods, rather than to the procedural requirements for using the Exporter's Statement of Origin, the subject of this paragraph.
- (b) Memorandum D11-4-4 was also revised to include the most recent GPT and LDC Rules of Origin policy in the "Guidelines and General Information" section of this memorandum. Paragraph 67 was revised to make it clearer to the reader, while paragraph 86 was revised to include updated contact information. Additional editing revisions do not affect or change any of the existing policies or procedures contained in this memorandum.



Printed in Canada



Ottawa, May 27, 2008

MEMORANDUM D11-4-4

RULES OF ORIGIN RESPECTING THE GENERAL PREFERENTIAL TARIFF AND LEAST DEVELOPED COUNTRY TARIFF

This memorandum contains the *General Preferential Tariff and Least Developed Country Tariff Rules of Origin Regulations* and outlines the guidelines for the determination of the origin of goods for purposes of the General Preferential Tariff (GPT) and Least Developed Country Tariff (LDCT) treatment, enacted pursuant to the *Customs Tariff*.

TABLE OF CONTENTS

	Page
Regulations	1
Guidelines and General Information	6
Introduction	6
Definitions	6
Product Coverage	6
Methods of Determining Country of Origin	6
General	6
Rules of Origin for GPT	6
Rules of Origin for LDCT	7
Non-Originating Materials, Parts, or Products	9
Certification Requirements – Commercial Goods	10
General	10
Proof of Origin – GPT	10
Proof of Origin – LDCT	10
Form A – <i>Certificate of Origin</i>	10
Exporter’s Statement of Origin	11
Certification Requirements – Casual Goods	11
Obligations Regarding Importations	11
False Declarations	12
Shipping Requirements	12
Consignee	12
Transshipment	12
Marking	13
Refunds	13
Additional Information	13
Appendix A – Form A – <i>Certificate of Origin</i>	14
Appendix B – Exporter’s Statement of Origin	17
Appendix C – <i>Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country</i>	18
Appendix D – Chart 1 – LDC Tariff Treatment and Proof of Origin Requirements	20

Regulations

GENERAL PREFERENTIAL TARIFF AND LEAST DEVELOPED COUNTRY TARIFF RULES OF ORIGIN REGULATIONS

Interpretation

1. The definitions in this section apply in these Regulations.

“beneficiary country” means a country that is a beneficiary of the General Preferential Tariff; (*pays bénéficiaire*)

“least developed country” means a beneficiary country that is a beneficiary of the Least Developed Countries Tariff. (*pays parmi les moins développés*)

Origin of Goods

2. (1) A good originates in a beneficiary country or a least developed country if the good is

- (a) a mineral good extracted from the soil or the sea-bed of the country;
- (b) a vegetable good harvested in the country;
- (c) a live animal born and raised in the country;
- (d) a good obtained in the country from a live animal;
- (e) a good obtained from hunting or fishing in the country;
- (f) a good derived from sea fishing or other marine goods taken from the sea by a vessel of the country;
- (g) a good produced on board a factory ship of the country exclusively from a good referred to in paragraph (f);
- (h) waste and scrap derived from manufacturing operations of the country;
- (i) used goods of the country imported into Canada for use only for the recovery of raw materials; or
- (j) a good produced in the country exclusively from a good referred to in any of paragraphs (a) to (h).

(2) Goods originate in a beneficiary country if the value of the materials, parts or products originating outside that country, or in an undetermined location, and used in the manufacture or production of the goods is no more than 40% of the ex-factory price of the goods as packed for shipment to Canada.

(2.1) Goods other than goods of tariff item Nos. set out in Parts A1, B1, C1 and D of the Schedule originate in a least developed country if the value of the materials, parts or products originating outside that country, or in an undetermined location, and used in the manufacture or production of the goods is no more than 60% of the ex-factory price of the goods as packed for shipment to Canada.

(2.2) Goods of tariff item Nos. set out in Parts A1 and A2 of the Schedule originate in a least developed country if they are spun or extruded in a least developed country and do not undergo further processing outside a least developed country.

(2.3) Goods of tariff item Nos. set out in Parts B1 and B2 of the Schedule originate in a least developed country if they are produced in a least developed country from yarns originating in a least developed country, a beneficiary country or Canada, provided

(a) the yarns do not undergo further processing outside a least developed country, a beneficiary country or Canada; and

(b) the fabrics do not undergo further processing outside a least developed country.

(2.4) Goods of tariff item Nos. set out in Parts C1 and C2 of the Schedule originate in a least developed country if they are assembled in a least developed country from fabric cut in that country or in Canada, or from parts knit to shape, provided the fabric, or the parts knit to shape, are produced in

(a) any least developed country or Canada from yarns originating in a least developed country, a beneficiary country or Canada, provided the yarns or fabric do not undergo further processing outside a least developed country or Canada; or

(b) a beneficiary country from yarns originating in a least developed country, a beneficiary country or Canada, provided

(i) the yarns and fabric do not undergo further processing outside a least developed country, a beneficiary country or Canada, and

(ii) the value of any materials, including packing, that are used in the manufacture of the goods and that originate outside the least developed country in which the goods are assembled is no more than 75% of the ex-factory price of the goods as packed for shipment to Canada.

(2.5) For the purpose of subparagraph 2(4)(b)(ii), any materials used in the manufacture or production of the goods referred to in that subparagraph that originate from Canada are deemed to have originated in the least developed country.

(2.6) Goods of tariff item Nos. set out in Part D of the Schedule originate in a least developed country if they are cut, or knit to shape, and sewn or otherwise assembled in the least developed country from fabric produced in any least developed country or Canada from yarns originating in a least developed country, a beneficiary country or Canada, provided the yarns and fabric do not undergo further processing outside a least developed country or Canada.

(3) For the purpose of subsection (2), the following are deemed to have originated in the beneficiary country:

(a) any materials, parts or products used in the manufacture or production of the goods referred to in that subsection and originating from any other beneficiary country or from Canada, and

(b) any packing required for the transportation of the goods referred to in that subsection, not including packing in which the goods are ordinarily sold for consumption in the beneficiary country.

(4) For the purpose of subsection (2.1), the following are deemed to have originated in the least developed country:

(a) any materials, parts or products used in the manufacture or production of the goods referred to in that subsection and that

(i) originate from any other least developed country or from Canada, or

(ii) have a value of up to 20% of the ex-factory price of the goods, as packed for shipments to Canada, from a beneficiary country other than a least developed country; and

(b) any packing required for the transportation of the goods referred to in that subsection, not including packing in which the goods are ordinarily sold for consumption in the least developed country.

3. (1) For the purpose of determining the origin of goods, each good in a shipment shall be considered separately, except that

(a) if a group, set or assembly of goods is classified in one tariff item, the group, set or assembly shall be considered to be one good, and

(b) tools, parts and accessories

(i) that are imported with a good,

(ii) that constitute the standard equipment customarily included in the sale of a good of that kind, and

(iii) the price of which is included in that of the good and for which no separate charge is made, shall be considered as forming a whole with the good.

(2) An unassembled good that is imported in more than one shipment because it is not feasible for transport or production reasons to import it in one shipment shall be considered to be one good.

Direct Shipment

4. (1) Goods are entitled to the General Preferential Tariff only if the goods are shipped directly to Canada, with or without transshipment, from a beneficiary country.

(2) Goods are entitled to the Least Developed Country Tariff only if the goods are shipped directly to Canada, with or without transshipment from a least developed country

SCHEDULE*(Section 2)***PART A1 – YARNS AND SEWING THREADS**

5204.11.90, 5204.19.00, 5204.20.00, 5205.11.90, 5205.12.90, 5205.13.90, 5205.14.90, 5205.15.90, 5205.21.90, 5205.22.90, 5205.23.90, 5205.24.90, 5205.26.90, 5205.27.90, 5205.28.90, 5205.31.90, 5205.32.90, 5205.33.90, 5205.34.90, 5205.35.90, 5205.41.90, 5205.42.90, 5205.43.90, 5205.44.90, 5205.46.90, 5205.47.90, 5205.48.90, 5206.11.00, 5206.12.00, 5206.13.00, 5206.14.00, 5206.14.90, 5206.15.00, 5206.15.90, 5206.21.00, 5206.22.00, 5206.23.00, 5206.24.00, 5206.24.90, 5206.25.00, 5206.25.90, 5206.31.00, 5206.32.00, 5206.33.00, 5206.34.00, 5206.35.00, 5206.41.00, 5206.42.00, 5206.43.00, 5206.44.00, 5206.45.00, 5207.10.00, 5207.90.00, 5306.20.20, 5401.10.00, 5402.62.90, 5406.10.00, 5508.10.00, 5509.21.90, 5509.22.90, 5509.31.00, 5509.32.90, 5509.41.90, 5509.42.00, 5509.52.90, 5509.53.00, 5509.53.20, 5509.53.30, 5509.53.40, 5509.53.90, 5509.61.00, 5509.62.00, 5509.69.00, 5509.91.00, 5509.92.00, 5509.99.00, 5510.20.90, 5511.10.00, 5511.20.00

PART A2 – YARNS AND SEWING THREADS

5004.00.00, 5005.00.00, 5006.00.00, 5106.10.00, 5106.20.00, 5107.10.10, 5107.10.90, 5107.20.10, 5107.20.90, 5108.10.10, 5108.10.20, 5108.20.10, 5108.20.20, 5109.10.00, 5109.90.00, 5110.00.00, 5204.11.10, 5205.11.10, 5205.11.20, 5205.12.10, 5205.13.10, 5205.14.10, 5205.14.20, 5205.15.10, 5205.15.20, 5205.21.10, 5205.22.10, 5205.22.20, 5205.23.10, 5205.24.10, 5205.24.20, 5205.26.10, 5205.26.20, 5205.27.10, 5205.27.20, 5205.28.10, 5205.28.20, 5205.31.10, 5205.32.10, 5205.33.10, 5205.34.10, 5205.34.20, 5205.35.10, 5205.35.20, 5205.41.10, 5205.42.10, 5205.43.10, 5205.44.10, 5205.44.20, 5205.46.10, 5205.46.20, 5205.46.30, 5205.47.10, 5205.47.20, 5205.47.30, 5205.48.10, 5205.48.20, 5205.48.30, 5206.14.10, 5206.15.10, 5206.24.10, 5206.25.10, 5306.10.00, 5306.20.10, 5307.10.10, 5307.10.90, 5307.20.00, 5308.10.00, 5308.20.00, 5308.90.10, 5308.90.90, 5401.20.00, 5402.10.10, 5402.10.90, 5402.20.10, 5402.20.90, 5402.31.00, 5402.32.10, 5402.32.90, 5402.33.10, 5402.33.90, 5402.39.00, 5402.41.11, 5402.41.12, 5402.41.13, 5402.41.14, 5402.41.15, 5402.41.19, 5402.41.91, 5402.41.92, 5402.41.93, 5402.41.99, 5402.42.10, 5402.42.90, 5402.43.10, 5402.43.91, 5402.43.99, 5402.49.10, 5402.49.90, 5402.51.00, 5402.52.10, 5402.52.91, 5402.52.99, 5402.59.10, 5402.59.90, 5402.61.00, 5402.62.10, 5402.69.10, 5402.69.90, 5403.10.10, 5403.10.90, 5403.20.10, 5403.20.90, 5403.31.10, 5403.31.90, 5403.32.10, 5403.32.90, 5403.33.10, 5403.33.90, 5403.39.10, 5403.39.90, 5403.41.10, 5403.41.90, 5403.42.00, 5403.49.00, 5404.10.10, 5404.10.20, 5404.10.90, 5404.90.00, 5405.00.00, 5406.20.00, 5508.20.00, 5509.11.00, 5509.12.00, 5509.21.10, 5509.22.10, 5509.32.10, 5509.41.10, 5509.51.00, 5509.52.10, 5509.53.10, 5509.59.00, 5510.11.00, 5510.12.00, 5510.20.10, 5510.30.00, 5510.90.00, 5511.30.00

PART B1 – FABRICS

5111.11.20, 5111.11.90, 5111.19.31, 5111.19.32, 5111.20.11, 5111.20.12, 5111.20.13, 5111.20.18, 5111.20.91, 5111.30.11, 5111.30.12, 5111.30.13, 5111.30.18, 5111.30.91, 5111.90.21, 5111.90.22, 5111.90.23, 5111.90.28, 5111.90.91, 5112.11.20, 5112.11.30, 5112.11.40, 5112.11.90, 5112.19.20, 5112.19.30, 5112.19.40, 5112.19.91, 5112.20.91, 5112.30.91, 5112.90.91, 5208.11.20, 5208.11.30, 5208.11.90, 5208.12.30, 5208.12.40, 5208.12.90, 5208.13.10, 5208.13.20, 5208.13.90, 5208.19.20, 5208.19.30, 5208.19.90, 5208.21.30, 5208.21.40, 5208.21.50, 5208.21.90, 5208.22.20, 5208.22.90, 5208.23.10, 5208.23.90, 5208.29.20, 5208.29.90, 5208.31.20, 5208.31.90, 5208.32.90, 5208.33.90, 5208.39.90, 5208.41.90, 5208.42.90, 5208.43.30, 5208.43.40, 5208.43.50, 5208.43.60, 5208.43.90, 5208.49.90, 5208.51.00, 5208.52.90, 5208.53.00, 5208.59.90, 5209.11.20, 5209.11.30, 5209.11.40, 5209.11.90, 5209.12.10, 5209.12.20, 5209.12.30, 5209.12.40, 5209.12.90, 5209.19.20, 5209.19.30, 5209.19.90, 5209.21.20, 5209.21.30, 5209.21.90, 5209.22.10, 5209.22.20, 5209.22.30, 5209.22.90, 5209.29.20, 5209.29.90, 5209.31.20, 5209.31.30, 5209.31.40, 5209.31.90, 5209.32.10, 5209.32.20, 5209.32.30, 5209.32.90, 5209.39.00, 5209.41.10, 5209.41.90, 5209.42.00, 5209.43.10, 5209.43.20, 5209.43.90, 5209.49.00, 5209.51.00, 5209.52.00, 5209.59.00, 5210.11.00, 5210.12.00, 5210.19.00, 5210.21.00, 5210.22.00, 5210.29.00, 5210.31.00, 5210.32.00, 5210.39.00, 5210.41.00, 5210.42.00, 5210.49.00, 5210.51.00, 5210.52.00, 5210.59.00, 5211.11.00, 5211.12.00, 5211.19.00, 5211.21.00, 5211.22.00, 5211.29.00, 5211.31.00, 5211.32.00, 5211.39.00, 5211.41.00, 5211.42.00, 5211.43.00, 5211.49.00, 5211.51.00, 5211.52.00, 5211.59.00, 5407.10.20, 5407.10.90, 5407.20.10, 5407.20.90, 5407.30.00, 5407.41.90, 5407.42.90, 5407.43.00, 5407.44.00, 5407.51.10, 5407.51.20, 5407.51.30, 5407.51.90, 5407.52.20, 5407.52.90, 5407.53.00, 5407.54.00, 5407.61.11, 5407.61.19, 5407.61.20, 5407.61.93, 5407.61.94, 5407.61.99, 5407.69.20, 5407.69.90, 5407.71.00, 5407.72.00, 5407.73.90, 5407.74.00, 5407.81.00, 5407.82.90, 5407.83.10, 5407.83.90, 5407.84.00, 5407.91.10, 5407.91.90, 5407.92.20, 5407.92.30, 5407.92.90, 5407.93.10, 5407.93.20, 5407.93.30, 5407.93.90, 5407.94.90, 5408.10.00, 5408.21.30, 5408.21.90, 5408.22.22, 5408.22.29, 5408.22.40, 5408.22.90, 5408.23.10, 5408.23.20, 5408.23.90, 5408.24.19, 5408.24.99, 5408.31.30, 5408.31.90, 5408.32.40, 5408.32.50, 5408.32.90, 5408.33.10, 5408.33.20, 5408.33.90, 5408.34.20, 5408.34.90, 5512.11.20, 5512.11.30, 5512.11.90, 5512.19.20, 5512.19.90, 5512.21.00, 5512.29.00, 5512.91.00, 5512.99.90, 5513.11.20, 5513.11.90, 5513.12.10, 5513.12.90, 5513.13.10, 5513.13.90, 5513.19.10, 5513.19.90, 5513.21.00, 5513.22.00, 5513.23.00, 5513.29.00, 5513.31.90, 5513.32.90, 5513.33.90, 5513.39.00, 5513.41.30, 5513.41.90, 5513.42.00, 5513.43.00, 5513.49.00, 5514.11.10, 5514.11.90, 5514.12.10, 5514.12.90, 5514.13.10, 5514.13.90, 5514.19.10, 5514.19.90, 5514.21.00, 5514.22.00, 5514.23.00, 5514.29.00, 5514.31.00, 5514.32.00, 5514.33.00, 5514.39.00, 5514.41.00, 5514.42.00, 5514.43.00, 5514.49.00, 5515.11.90, 5515.12.00, 5515.13.20, 5515.19.00, 5515.21.00, 5515.29.00, 5515.91.00, 5515.99.00, 5516.11.00, 5516.12.00, 5516.13.00, 5516.14.90, 5516.21.90, 5516.22.00, 5516.23.20, 5516.23.30, 5516.23.90, 5516.24.90, 5516.41.00, 5516.42.00, 5516.43.00, 5516.44.00, 5516.91.90, 5516.92.00, 5516.93.20, 5516.93.90, 5516.94.00, 5801.22.20, 5801.23.00, 5801.24.00, 5801.25.10, 5801.31.00, 5801.34.00, 5802.11.90, 5802.19.30, 5802.19.90, 5802.20.00, 5802.30.00, 5803.10.10, 5803.10.90, 5803.90.19, 5804.10.90, 5804.21.00, 5804.30.90, 5805.00.90, 5806.10.20, 5806.10.90, 5806.20.90, 5806.31.10, 5806.31.20, 5806.31.90, 5806.32.90, 5806.40.00, 5809.00.00, 5810.91.90, 5810.92.00, 5810.99.00, 5811.00.10, 5811.00.20, 5811.00.90, 5902.10.00, 5902.20.00, 5902.90.00, 5906.99.22, 5907.00.29, 5911.20.90, 6001.10.90, 6001.22.00, 6001.92.90, 6002.40.20, 6002.40.90, 6002.90.90, 6003.10.90, 6003.20.90, 6003.30.20, 6003.30.90, 6003.40.90, 6003.90.90, 6004.10.20, 6004.10.90, 6004.90.90, 6005.10.00, 6005.21.90, 6005.22.90, 6005.23.90, 6005.24.90, 6005.31.30, 6005.31.40, 6005.31.50, 6005.31.90, 6005.32.30, 6005.32.40, 6005.32.50, 6005.32.90, 6005.33.30, 6005.33.40, 6005.33.50, 6005.33.90, 6005.34.40, 6005.34.50, 6005.34.90, 6005.41.90, 6005.42.90, 6005.43.90, 6005.44.90, 6005.90.90, 6006.10.00, 6006.21.10, 6006.21.90, 6006.22.10, 6006.22.20, 6006.22.90, 6006.23.10, 6006.23.20, 6006.23.90, 6006.24.10, 6006.24.90, 6006.31.90, 6006.32.90, 6006.33.90, 6006.34.90, 6006.41.90, 6006.42.90, 6006.43.90, 6006.44.90, 6006.90.00

PART B2 – FABRICS

5007.10.00, 5007.20.00, 5007.90.00, 5111.11.10, 5111.11.30, 5111.19.10, 5111.19.20, 5111.19.39, 5111.19.90, 5111.20.19, 5111.20.20, 5111.20.92, 5111.30.19, 5111.30.20, 5111.30.30, 5111.30.92, 5111.90.10, 5111.90.29, 5111.90.30, 5111.90.92, 5112.11.10, 5112.19.11, 5112.19.19, 5112.19.92, 5112.20.10, 5112.20.92, 5112.30.10, 5112.30.20, 5112.30.30, 5112.30.92, 5112.90.10, 5112.90.92, 5113.00.00, 5208.11.10, 5208.12.10, 5208.12.20, 5208.19.10, 5208.21.10, 5208.21.20, 5208.22.10, 5208.29.10, 5208.31.10, 5208.32.10, 5208.33.10, 5208.39.10, 5208.41.10, 5208.42.10, 5208.42.20, 5208.43.10, 5208.43.20, 5208.49.10, 5208.49.20, 5208.52.10, 5208.52.20, 5208.52.30, 5208.59.10, 5209.11.10, 5209.19.10, 5209.21.10, 5209.29.10, 5209.31.10, 5212.11.10, 5212.11.90, 5212.12.10, 5212.12.90, 5212.13.10, 5212.13.20, 5212.13.90, 5212.14.10, 5212.14.20, 5212.14.90, 5212.15.10, 5212.15.90, 5212.21.10, 5212.21.90, 5212.22.10, 5212.22.90, 5212.23.10, 5212.23.90, 5212.24.10, 5212.24.90, 5212.25.10, 5212.25.90, 5309.11.10, 5309.11.90, 5309.19.10, 5309.19.90, 5309.21.00, 5309.29.10, 5309.29.20, 5309.29.90, 5310.10.00, 5310.90.10, 5310.90.90, 5311.00.00, 5311.00.10, 5311.00.90, 5407.10.10, 5407.10.10, 5407.41.10, 5407.42.10, 5407.42.20, 5407.52.10, 5407.61.95, 5407.61.96, 5407.69.10, 5407.69.30, 5407.73.10, 5407.82.10, 5407.92.10, 5407.94.10, 5408.21.10, 5408.21.20, 5408.22.11, 5408.22.19, 5408.22.21, 5408.22.30, 5408.24.11, 5408.24.91, 5408.31.10, 5408.31.20, 5408.32.10, 5408.32.20, 5408.32.30, 5408.34.10, 5512.11.10, 5512.19.10, 5512.99.10, 5513.11.10, 5513.31.10, 5513.32.10, 5513.33.10, 5513.41.10, 5513.41.20, 5515.11.10, 5515.13.10, 5515.13.90, 5515.22.00, 5515.92.00, 5516.14.10, 5516.21.10, 5516.23.10, 5516.24.10, 5516.31.00, 5516.32.00, 5516.33.00, 5516.34.00, 5516.91.10, 5516.93.10, 5801.10.10, 5801.10.90, 5801.21.00, 5801.22.10, 5801.22.90, 5801.25.20, 5801.26.00, 5801.32.10, 5801.32.90, 5801.33.00, 5801.33.00, 5801.35.10, 5801.35.20, 5801.35.90, 5801.36.00, 5801.90.10, 5801.90.90, 5802.11.10, 5802.19.10, 5802.19.20, 5803.10.20, 5803.90.11, 5803.90.91, 5803.90.99, 5804.10.10, 5804.29.00, 5804.30.10, 5805.00.10, 5806.10.10, 5806.20.10, 5806.32.10, 5806.39.10, 5806.39.90, 5807.10.10, 5807.10.20, 5807.90.00, 5810.10.00, 5810.91.10, 5901.10.10, 5901.10.90, 5901.90.10, 5901.90.90, 5903.10.11, 5903.10.19, 5903.10.21, 5903.10.29, 5903.20.11, 5903.20.19, 5903.20.21, 5903.20.22, 5903.20.23, 5903.20.24, 5903.20.29, 5903.90.10, 5903.90.21, 5903.90.22, 5903.90.23, 5903.90.24, 5903.90.25, 5903.90.29, 5904.10.00, 5904.90.10, 5904.90.90, 5905.00.10, 5905.00.90, 5906.10.10, 5906.10.90, 5906.91.10, 5906.91.90, 5906.99.10, 5906.99.21, 5906.99.23, 5906.99.29, 5907.00.11, 5907.00.12, 5907.00.13, 5907.00.16, 5907.00.18, 5907.00.19, 5907.00.21, 5908.00.10, 5908.00.90, 5909.00.00, 5910.00.11, 5910.00.19, 5910.00.20, 5910.00.90, 5911.10.10, 5911.10.20, 5911.10.90, 5911.20.10, 5911.31.10, 5911.31.90, 5911.32.10, 5911.32.90, 5911.40.10, 5911.40.90, 5911.90.10, 5911.90.20, 5911.90.90, 6001.10.10, 6001.21.00, 6001.29.00, 6001.91.00, 6001.92.10, 6001.99.00, 6002.40.10, 6002.90.10, 6003.10.10, 6003.20.10, 6003.20.20, 6003.30.10, 6003.40.10, 6003.90.10, 6003.90.20, 6004.10.10, 6004.90.10, 6005.21.10, 6005.22.10, 6005.23.10, 6005.24.10, 6005.31.10, 6005.31.20, 6005.32.10, 6005.32.20, 6005.33.10, 6005.33.20, 6005.34.10, 6005.34.20, 6005.34.30, 6005.34.60, 6005.41.10, 6005.42.10, 6005.43.10, 6005.44.10, 6005.44.20, 6005.90.10, 6006.31.10, 6006.32.10, 6006.33.10, 6006.34.10, 6006.41.10, 6006.42.10, 6006.43.10, 6006.44.10

PART C1 – APPAREL

6101.10.00, 6101.20.00, 6101.30.00, 6101.90.00, 6102.10.00, 6102.20.00, 6102.30.00, 6102.90.00, 6103.11.00, 6103.12.00, 6103.19.10, 6103.19.90, 6103.21.00, 6103.22.00, 6103.23.00, 6103.29.00, 6103.31.00, 6103.32.00, 6103.33.00, 6103.39.10, 6103.39.90, 6103.41.00, 6103.42.00, 6103.43.00, 6103.49.00, 6104.11.00, 6104.12.00, 6104.13.00, 6104.19.10, 6104.19.90, 6104.21.00, 6104.22.00, 6104.23.00, 6104.29.00, 6104.31.00, 6104.32.00, 6104.33.00, 6104.39.10, 6104.39.90, 6104.41.00, 6104.42.00, 6104.43.00, 6104.44.00, 6104.49.00, 6104.51.00, 6104.52.00, 6104.53.00, 6104.59.10, 6104.59.90, 6104.61.00, 6104.62.00, 6104.63.00, 6104.69.00, 6105.10.00, 6105.20.00, 6105.90.00, 6106.10.00, 6106.20.00, 6106.90.00, 6107.11.90, 6107.12.90, 6107.19.00, 6107.21.00, 6107.22.00, 6107.29.00, 6107.91.00, 6107.92.00, 6107.99.00, 6108.11.00, 6108.19.00, 6108.21.00, 6108.22.90, 6108.29.00, 6108.31.00, 6108.32.00, 6108.39.00, 6108.91.00, 6108.92.00, 6108.99.00, 6109.10.00, 6109.90.00, 6110.11.90, 6110.12.90, 6110.19.90, 6110.20.00, 6110.30.00, 6110.90.00, 6111.10.00, 6111.20.00, 6111.30.00, 6111.90.00, 6112.11.00, 6112.12.00, 6112.19.00, 6112.20.00, 6112.31.00, 6112.39.00, 6112.41.00, 6112.49.00, 6113.00.90, 6114.10.00, 6114.20.00, 6114.30.00, 6114.90.00, 6115.11.00, 6115.12.00, 6115.19.00, 6115.20.00, 6115.92.00, 6115.93.00, 6115.99.00, 6117.10.90, 6117.20.00, 6117.80.90, 6201.11.00, 6201.12.00, 6201.13.00, 6201.19.00, 6201.91.00, 6201.92.10, 6201.92.90, 6201.93.00, 6201.99.00, 6202.11.00, 6202.12.00, 6202.13.00, 6202.91.00, 6202.92.00, 6202.93.00, 6202.99.00, 6203.11.00, 6203.12.00, 6203.19.10, 6203.19.90, 6203.21.00, 6203.22.00, 6203.23.00, 6203.29.00, 6203.31.00, 6203.32.00, 6203.33.00, 6203.39.10, 6203.39.90, 6203.41.00, 6203.42.00, 6203.43.00, 6203.49.00, 6204.11.00, 6204.12.00, 6204.13.00, 6204.19.10, 6204.19.90, 6204.21.00, 6204.22.00, 6204.23.00, 6204.29.00, 6204.31.00, 6204.32.00, 6204.33.00, 6204.39.10, 6204.39.90, 6204.41.00, 6204.42.00, 6204.43.00, 6204.44.00, 6204.51.00, 6204.52.00, 6204.53.00, 6204.59.10, 6204.59.90, 6204.61.00, 6204.62.00, 6204.63.00, 6204.69.00, 6205.10.00, 6205.20.00, 6205.30.00, 6206.20.00, 6206.30.00, 6206.40.00, 6206.90.00, 6207.11.00, 6207.19.00, 6207.21.00, 6207.22.00, 6207.91.00, 6207.92.00, 6207.99.00, 6208.11.00, 6208.19.00, 6208.21.00, 6208.22.00, 6208.91.00, 6208.92.00, 6209.10.00, 6209.20.00, 6209.30.00, 6209.90.00, 6210.10.90, 6210.20.00, 6210.30.00, 6210.40.90, 6210.50.90, 6211.11.00, 6211.12.90, 6211.20.00, 6211.31.00, 6211.32.00, 6211.33.90, 6211.39.00, 6211.41.00, 6211.42.00, 6211.43.90, 6211.49.90, 6212.10.00, 6212.20.00, 6212.30.00, 6212.90.00, 6213.90.00, 6214.20.90, 6214.30.90, 6214.40.00, 6214.90.00, 6215.20.00, 6215.90.00, 6217.10.90, 6217.90.10, 6217.90.90

PART C2 – APPAREL

6107.11.10, 6107.12.10, 6108.22.10, 6110.11.10, 6110.12.10, 6110.19.10, 6113.00.10, 6113.00.20, 6115.91.00, 6116.10.00, 6116.91.00, 6116.92.00, 6116.93.00, 6116.99.00, 6117.10.10, 6117.80.10, 6117.90.10, 6117.90.20, 6117.90.90, 6202.19.00, 6204.49.00, 6205.90.00, 6206.10.00, 6207.29.00, 6208.29.00, 6208.99.00, 6210.10.10, 6210.40.10, 6210.50.10, 6211.12.10, 6211.33.10, 6211.43.10, 6211.43.20, 6211.49.10, 6211.49.20, 6213.10.00, 6213.20.00, 6214.10.10, 6214.10.90, 6214.20.10, 6214.30.10, 6215.10.00, 6216.00.00, 6217.10.10

PART D – MADE-UP TEXTILE ARTICLES

6301.10.00, 6301.30.00, 6302.10.00, 6302.21.00, 6302.22.00, 6302.29.00, 6302.31.00, 6302.32.00, 6302.39.00, 6302.40.00, 6302.51.00, 6302.53.90, 6302.59.00, 6302.60.00, 6302.91.00, 6302.93.00, 6302.99.00, 6303.11.00, 6303.12.00, 6303.19.00, 6303.91.00, 6303.92.10, 6303.92.90, 6303.99.00, 6304.11.00, 6304.19.00, 6304.91.90, 6304.92.90, 6304.93.90, 6304.99.90, 6305.20.00, 6305.32.00, 6305.33.00, 6305.39.00, 6307.10.90, 6307.90.40, 6307.90.93, 6307.90.99, 6308.00.00, 6309.00.90

GUIDELINES AND GENERAL INFORMATION

INTRODUCTION

1. GPT and LDCT beneficiary countries are identified in the *Customs Tariff*.
2. All countries entitled to the LDCT treatment as indicated in the *Customs Tariff*, are also beneficiaries of the GPT.

DEFINITIONS

3. The “Interpretation” section of the *Regulations* contains definitions that are important in understanding the administration of the *Regulations*. For purposes of this Memorandum, the following terms are also important:

“ex-factory price” means the total value of: (a) materials; (b) parts; (c) factory overhead; (d) labour; (e) any other reasonable costs incurred during the normal manufacturing process, e.g. duties and taxes paid on materials imported into a beneficiary country and not refunded when the goods were exported; and (f) a reasonable profit. [Note: Any costs incurred subsequent to the goods leaving the factory, such as freight, loading, temporary storage, are not included in the ex-factory price calculation.] (*prix ex-usine*)

“HS” means the Harmonized Commodity Description and Coding System that is used for the classification of goods. (*SH*)

“originating in Canada” means, for **yarns**, a good which has been spun or extruded in Canada and has not undergone any further processing outside of Canada or a LDCT beneficiary; for **fabric**, a good which has been produced in Canada from yarns originating in a LDCT or GPT beneficiary or Canada and the fabric does not undergo any further processing outside Canada or a LDCT beneficiary. (*origine du Canada*)

“paragraph” means a subset of a section to the *Regulations* (for example: paragraph 2(1)(a) is one of the definitions used to determine if a good originates from a GPT or LDCT beneficiary country. (*alinéa*))

“section” means a portion of the *Regulations* (for example: Section 4 pertains to Direct Shipment). (*article*)

“subsection” means a subset of a section of the *Regulations* (for example subsection 2(1) defines goods as wholly obtained or produced). (*paragraphe*)

“*Regulations*” means the *General Preferential Tariff and Least Developed Country Tariff Rules of Origin Regulations*. (*Règlement*)

PRODUCT COVERAGE

4. The applicable GPT rates of duty appear in the *Customs Tariff*. Goods for which a GPT rate is not indicated are not entitled to a GPT rate of duty but rather are subject to an alternate tariff treatment, usually the Most-Favoured-Nation (MFN) Tariff. In addition, handicrafts from GPT beneficiary countries that meet the criteria outlined in Memorandum D10-15-13, *Handicrafts*, may benefit from duty-free treatment.
5. The applicable LDCT rates of duty accorded to goods are identified in the *Customs Tariff*. Where a LDCT rate is not indicated, the goods in question are not entitled to the LDCT treatment, but rather are usually subject to the alternate GPT or MFN tariff treatment.

METHODS OF DETERMINING COUNTRY OF ORIGIN

General

6. The country of origin of goods imported from a GPT or LDCT beneficiary is determined using the rules of origin set out in sections 2 through 4 of the *Regulations*.

Rules of Origin for GPT

7. To determine if goods are entitled to the GPT, only subsections 2(1), (2) and (3) of the *Regulations* may be applied.

GPT – Application of Subsection 2(1)

8. A good is “wholly obtained or produced” in a GPT beneficiary if it meets one of the definitions set out in subsection 2(1) of the *Regulations*. “Wholly obtained” does not mean a good purchased in a GPT beneficiary. Goods, which are “wholly obtained or produced” in a GPT beneficiary, **must not** contain any foreign materials or parts from outside that GPT beneficiary.

Example: Sugar cane grown and harvested in Jamaica would meet the definition of paragraph 2(1)(b) of the *Regulations*.

Example: Leather belts are produced in the Philippines. They are made from leather wholly produced from cattle born and raised in the Philippines. Therefore the belts are wholly produced in the Philippines by the application of paragraph 2(1)(j).

GPT – Application of Subsections (2) and (3)

9. To qualify for the GPT treatment by the application of subsection (2) of the *Regulations*, at least 60% of the ex-factory price of the good as packed for shipment to Canada must originate in one or more GPT beneficiary countries or Canada.

Example: A radio receiver subassembly is produced in Malaysia from imported parts. The receiver

subassembly is then exported to Indonesia, where it is manufactured with other imported materials into a finished radio. As both countries are GPT beneficiary countries, the value of the materials and work done in Malaysia may be added to the work done in Indonesia to determine whether the radio meets the 60% content requirement.

Example: Insulated wire is manufactured in Colombia. The materials used include steel from Canada, rubber from Malaysia, and Colombian materials and labour costs. To determine whether the wire meets the qualifying content requirement, the value of the Canadian steel may be added to the content originating from the GPT beneficiary countries.

10. The GPT 60% qualifying content may be cumulated from various GPT beneficiary countries or Canada in accordance with subsection (3) of the *Regulations*. However, any parts, materials or inputs used in the production of the goods that have entered the commerce of any country other than a GPT beneficiary country or Canada lose their GPT status.

11. To calculate the qualifying content, all GPT beneficiary countries are regarded as one single area. All value-added and manufacturing processes performed in the area may be integrated to meet the qualifying content requirement. Any Canadian content used in the production of the goods is also regarded as content from the GPT beneficiary country where the goods originate.

12. The goods must be finished in the GPT beneficiary country in the form in which they were imported into Canada.

Rules of Origin for LDCT

13. To determine if goods are entitled to the LDCT, only subsections 2(1), (2.1) through (2.6) and (4) of the *Regulations* may be applied.

14. The goods must be finished in a LDCT beneficiary country in the form in which they were imported into Canada.

LDCT – Application of Subsection 2(1)

15. Where any good is identified in the *Customs Tariff* as being accorded the LDCT, subsection 2(1) may be applied to determine if the goods qualify for the LDCT. A good is “wholly obtained or produced” in a LDCT beneficiary if it meets one of the definitions set out in subsection 2(1) of the *Regulations*.

16. Goods, which are wholly obtained or produced in a LDCT beneficiary under this subsection, **must not** contain any foreign materials or parts from outside any LDCT beneficiary. In addition, “wholly obtained” does not mean a good purchased in a LDCT beneficiary.

Example: Fish caught in Haiti would meet the definition of paragraph 2(1)(e) of the *Regulations*.

Example: Cotton is harvested in Burundi. The cotton is spun into yarn and then woven into blankets in Burundi. The blankets are wholly produced in Burundi by the application of paragraph 2(1)(j).

17. When goods of HS Chapters 50-63 are determined to originate by the application of this subsection, Criteria G would be quoted in Field 6 of the *Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country*.

LDCT – Application of Subsections (2.1) and (4)

18. Where any good, with certain exceptions, is identified in the *Customs Tariff* as being accorded the LDCT, subsection (2.1) may be applied to determine if the good qualifies for the LDCT. **Exceptions:** this subsection may not be used to determine the origin of goods set out in Parts A1, B1, C1 or D of the Schedule to the *Regulations*.

19. To qualify for the LDCT treatment by the application of this subsection, at least 40% of the ex-factory price of the good as packed for shipment to Canada must originate in one or more LDCT beneficiary countries or Canada.

20. In accordance with subsection (4) of the *Regulations*, the LDCT 40% qualifying content may be cumulated from various LDCT beneficiary countries or Canada and, in addition, the 40% of the ex-factory price of the goods as packed for shipment to Canada may also include a value of up to 20% of the ex-factory price of the goods from GPT eligible countries. However, any parts, materials or inputs used in the production of the goods that have entered the commerce of any country other than a LDCT beneficiary country or Canada lose their LDCT status.

21. To calculate the qualifying content, all LDCT beneficiary countries are regarded as one single area. All value-added and manufacturing processes performed in the area may be integrated to meet the qualifying content requirement. Any Canadian content used in the production of the goods is also regarded as content from the LDCT beneficiary country where the goods originate.

Example: Wool of Yemen is combined with spandex of Hong Kong and sewing thread of India to manufacture wool socks in Yemen. Under this subsection, a textile or apparel good must contain parts and materials of LDC origin that represent no less than 40% of the ex-factory price of the good as packed for shipment to Canada. The wool of Yemen origin represents 35% of the ex-factory price. The sewing thread of India and spandex of Hong Kong represents an additional 7%. This subsection permits inputs from GPT beneficiaries, in this case Hong Kong and India, to be included in the 40% parts and materials requirement. The 35% input of wool from Yemen combined with the 7% sewing thread and

spandex inputs from the GPT countries exceed the 40% minimum input requirement under this subsection. The socks therefore qualify for the LDCT.

22. The exporter/producer has the option of certifying any good set out in paragraph 18 under this subsection or under subsection 2(1).

23. When goods of HS Chapters 50-63 are determined to originate by the application of this subsection, Criteria A would be quoted in Field 6 of the *Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country*.

LDCT – Application of Subsection (2.2)

24. This subsection may only be used to determine if “yarns and sewing threads” as set out in Parts A1 and A2 of the Schedule to the *Regulations* are entitled to the LDCT.

25. “Yarns or sewing threads” must be spun or extruded in a LDCT beneficiary country. Once spun or extruded, the goods cannot undergo any further processing outside any LDCT beneficiary.

Example: Cotton of any country of origin is imported into Bangladesh and spun into yarn in Bangladesh. The yarn is sent to Cambodia to be dyed. When the yarn is returned to Bangladesh it is sanitized and packed for shipment to Canada. Such goods would be entitled to the LDCT.

However, if after the spinning process, the yarns were further processed in China (GPT), returned to Bangladesh, then exported to Canada, the goods would not be entitled to be certified as originating in a LDC because further processing occurred outside a LDCT beneficiary.

26. When goods of Parts A1 or A2 are determined to originate by the application of this subsection, Criteria B would be quoted in Field 6 of the *Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country*.

27. Where “yarns or sewing threads” are classified under a tariff item set out in Part A2 of the Schedule to the *Regulations* the exporter/producer has the option of certifying the goods under this subsection or under subsections 2(1) or (2.1).

LDCT – Application of Subsection (2.3)

28. This subsection may only be used to determine if “fabrics” as set out in Parts B1 and B2 of the Schedule to the *Regulations* are entitled to the LDCT.

29. To be entitled to the LDCT such “fabrics” must be produced in a LDCT beneficiary from yarns that originate in any LDCT or GPT beneficiary or Canada.

30. The yarns used in the “fabrics” must not undergo any further processing outside any LDCT or GPT beneficiary or Canada. The “fabrics” must not undergo any further processing outside any LDCT beneficiary or Canada.

Example: Cotton yarn produced in India is exported to Mali where it is woven into cotton fabric that is exported to Canada. As the cotton fabric meets the conditions of this subsection, the goods are entitled to be certified as originating in a LDC.

Example: Yarn produced in Spain is exported to Mali where it is woven into fabric for export to Canada. The fabric would not be entitled to be certified as LDC originating as the yarn does not originate in a LDCT beneficiary country, a GPT beneficiary country or Canada.

31. When goods of Parts B1 and B2 are determined to originate by the application of this subsection, Criteria C would be quoted in Field 6 of the *Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country*.

32. Where a “fabric” is classified under a tariff item set out in Part B2 of the Schedule to the *Regulations*, the exporter/producer has the option of certifying the goods under this subsection or subsections 2(1) or (2.1).

LDCT – Application of Paragraph (2.4)(a)

33. This paragraph may only be used to determine if “apparel goods” as set out in Parts C1 and C2 of the Schedule to the *Regulations* are entitled to the LDCT.

34. To be entitled to the LDCT, such “apparel goods” must be assembled in a LDCT beneficiary. The fabric used in the assemble of such “apparel goods” must be cut in **that LDC** or Canada, and, in the case where such “apparel goods” are assembled from parts, those parts must be knit to shape in a LDC or Canada.

35. Furthermore, the fabric, or parts knit to shape, must be produced in any LDC or in Canada from yarns originating in any LDCT or GPT beneficiary or in Canada. The yarns or fabric, or parts knit to shape, must not undergo any further processing outside any LDCT beneficiary or Canada.

Example: Dresses or skirts manufactured in Mali will qualify as originating and be eligible for duty-free LDCT provided that the dresses or skirts are assembled in Mali from fabric that has been cut in Mali or Canada. The fabric must be produced in any LDC or in Canada from yarns that that originate in any LDC, GPT country or Canada and the yarns or fabric have not undergone any further processing outside any LDC or Canada.

36. When goods of Parts C1 and C2 are determined to originate by the application of this subsection, Criteria D would be quoted in Field 6 of the *Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country*.

37. Where “apparel goods” are classified under a tariff item set out in Part C2 of the Schedule to the *Regulations* the exporter/producer has the option of certifying the goods under this subsection or subsections 2(1) or (2.1).

LDCT – Application of Paragraph (2.4)(b) and Subsection (2.5)

38. This paragraph may only be used to determine if “apparel goods” as set out in Parts C1 and C2 of the Schedule to the *Regulations* are entitled to the LDCT.

39. To be entitled to the LDCT, such “apparel goods” must be assembled in a LDCT beneficiary. The fabric used in the assembly of such “apparel goods” must be cut in **that LDC** or Canada.

40. Furthermore, the fabric or parts knit to shape must be produced in a GPT beneficiary from yarns originating in any LDCT or GPT beneficiary or Canada. The yarns or fabric, or parts knit to shape, must not undergo any further processing outside a LDCT beneficiary, a GPT beneficiary or Canada.

41. Finally, the value of any materials, including packing, that are used in the manufacture of the goods, that originate outside the LDC in which the goods are assembled must not be more than 75% of the ex-factory price of the goods as packed for shipment to Canada. However, any parts, materials or inputs used in the production of the goods that have entered the commerce of any country other than a LDCT beneficiary country or Canada lose their LDCT status.

42. For purposes of paragraph 41, any materials used in the manufacture or production of the good that originate in Canada are deemed to have originated in the LDC where the goods are assembled.

Example: Those same dresses or skirts manufactured in Mali will qualify as and be eligible for duty-free LDCT provided that the dresses or skirts are assembled in Mali and the fabric used in the manufacture of the dresses or skirts is produced in a GPT country from yarns originating in a LDCT or GPT beneficiary or Canada. The yarns and fabric cannot undergo further processing outside a LDCT or GPT beneficiary or Canada. When using fabric manufactured in a GPT, the value of any materials, including packing, that does not originate in the LDC in which the dresses or skirts are assembled must not exceed 75% of the ex-factory price of the goods as packed for shipment to Canada.

43. When goods of Parts C1 and C2 are determined to originate by the application of this subsection, Criteria E would be quoted in Field 6 of the *Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country*.

44. Where “apparel goods” are classified under a tariff item set out in Part C2 of the Schedule to the *Regulations* the exporter/producer has the option of certifying the goods under this subsection or subsections 2(1) or (2.1).

LDCT – Application of Subsection (2.6)

45. This subsection may only be used to determine if “made-up textile goods” as set out in Part D of the Schedule to the *Regulations* are entitled to the LDCT.

46. To be entitled to the LDCT, such “made-up textile goods” must be cut, or knit to shape, and sewn or otherwise assembled in a LDCT beneficiary.

47. Furthermore, the fabric or parts knit to shape must be produced in a LDCT beneficiary or Canada from yarns originating in any LDCT or GPT beneficiary or Canada. The yarns or fabric or parts knit to shape must not undergo any further processing outside a LDCT beneficiary or Canada.

Example: Wool yarn produced in Afghanistan is exported to Bangladesh where the yarn is produced into wool fabric. The wool fabric is shipped directly to Lao People’s Democratic Republic for further production into a good classified as “Other Made-up Textile Article.” The production process of the finished good in Lao People’s Democratic Republic must include cutting, or knitting to shape, of the fabric as well as sewing or otherwise assembling in that country in order for the good to qualify for the LDCT.

48. When goods of Part D are determined to originate by the application of this subsection, Criteria F would be quoted in Field 6 of the *Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country*.

49. The exporter/producer has the option of certifying “made-up textile goods” of Part D of the Schedule to the *Regulations* under this subsection or subsection 2(1).

NON-ORIGINATING MATERIALS, PARTS, OR PRODUCTS

50. When determining if goods of HS Chapters 50-63 are entitled to the LDCT by the application of subsections (2.3) or (2.6) or paragraph (2.4)(a) of the *Regulations*, any materials, parts or products such as threads, linings, interfacing, trims, zippers, buttons or fasteners may be disregarded.

51. When determining if goods of HS Chapters 50-63 are entitled to the LDCT by the application of subsection (2.1) of the *Regulations* exporters must ensure that the value of

all materials, parts or products, including such materials, parts or products as threads, linings, interfacing, trims, zippers, buttons or fasteners which originate outside Canada or any least developed country, or in an undetermined location, is no more than 60% of the ex-factory price of the goods as packed for shipment to Canada.

52. For purposes of subsection (2.1), the value of any materials, parts or products used in the manufacture or production of the goods may include a value of up to 20% of the factory price of the goods, as packed for shipment to Canada from a GPT beneficiary country.

53. When determining if goods of HS Chapters 61 and 62 are entitled to the LDCT by the application of subparagraph (2.4)(b)(ii) of the *Regulations*, exporters must ensure that the value of all materials, parts or products, including such materials, parts or products as threads, linings, interfacing, trims, zippers, buttons or fasteners that originate outside Canada, or the least developed country in which the goods are assembled, is no more than 75% of the ex-factory price of the goods as packed for shipment to Canada.

CERTIFICATION REQUIREMENTS – COMMERCIAL GOODS

General

54. Section 4 of the *Proof of Origin of Imported Goods Regulations*, found in Memorandum D11-4-2, *Proof of Origin*, outlines the requirements for the GPT and LDCT proof of origin. The exporter of the goods located in the beneficiary or least developed country in which the goods were finished must complete the proof of origin.

55. The proof of origin is not required to be an original. In all cases, proof of origin must cross-reference the applicable invoice number(s). The invoice must list the goods for which the preferential treatment is claimed separately from the non-preference receiving goods. However, separate invoices are not required.

Proof of Origin – GPT

56. For all originating goods from GPT beneficiary countries, Form A – *Certificate of Origin* or the Exporter's Statement of Origin may be submitted as proof of origin. In most cases, exporters should find the Exporter's Statement of Origin easier to complete and provide than the alternate Form A. See paragraphs 59 to 64 below for further information about these documents.

Proof of Origin – LDCT

57. Except for originating goods of HS Chapters 50-63, either Form A – *Certificate of Origin* or the Exporter's Statement of Origin may be submitted as proof of origin. In most cases, exporters should find the Exporter's Statement of Origin easier to complete and provide than

the alternate Form A. See paragraphs 59 to 64 below for further information about these documents.

58. For originating textile and apparel goods of HS Chapters 50-63 the *Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country* (Form B255) must be submitted as proof of origin. See paragraphs 65 to 67 below for further information about this certificate.

Form A – Certificate of Origin

59. A copy of the Generalized System of Preferences, Form A – *Certificate of Origin*, and the completion instructions are found in Appendix A.

60. Canada no longer requires Form A to be stamped and signed by an authority designated by the beneficiary country. Therefore, Form A no longer needs to be an original and Field No. 11 may be left blank.

61. A consignee in Canada must be identified in Field No. 2 to ensure that the exporter in the beneficiary or least developed country certified the origin of the goods according to Canadian rules of origin. The consignee is the person or company, whether it is the importer, agent, or other party in Canada, to which goods are shipped under a Through Bill of Lading (TBL) and is so named in the bill. The only exception to this condition may be considered when 100% of the value of the goods originates in the beneficiary or least developed country in question, in which case no consignee is required.

62. For the GPT and LDCT, the origin criterion in Field No. 8 of Form A must be one of the following:

- P** means wholly (100%) produced (as defined in subsection 2(1) of the *Regulations*) in the beneficiary or least developed country;
- F** for GPT, means, at least 60% of the ex-factory price was produced in the GPT beneficiary country;
- F** for LDCT, means, at least 40% of the ex-factory price was produced in the LDCT country. The existing 40% of the ex-factory price of the goods as packed for shipment to Canada may also include a value of up to 20% of the ex-factory price of the goods from countries eligible for GPT;
- G** for GPT, means, at least 60% of the ex-factory price was cumulatively produced in more than one GPT beneficiary country or Canada;
- G** for LDCT, means, at least 40% of the ex-factory price was cumulatively produced in more than one LDCT beneficiary country or Canada. The existing 40% of the ex-factory price of the goods as packed for shipment to Canada may also include a value of up to 20% of the ex-factory

price of the goods from countries eligible for GPT.

Exporter's Statement of Origin

63. A copy of the Exporter's Statement of Origin is set out in Appendix B. It must be completed and signed by the exporter in the beneficiary or least developed country in which the goods were finished. The statement may be written out on a Form CI1, *Canada Customs Invoice*, or a commercial invoice or provided as a separate document. The information required in the statement must be provided in its entirety for goods to qualify for the GPT or LDCT.

64. If the statement is provided as a separate document from the invoice, the statement must reference the applicable invoice number(s). If the statement is for multiple invoices, the invoice numbers must be identified

within the statement. A statement with an attached list of invoice numbers will not be acceptable.

Certificate of Origin – Textile and Apparel Goods Originating in a Least Developed Country (Form B255)

65. A copy of the certificate and the completion instructions are found in Appendix C.

66. The *Certificate of Origin* must be completed by the exporter of the goods in the least developed country in which the goods were finished in the form they imported into Canada.

67. The applicable origin criteria for yarns, threads, fabrics, apparel goods, and other made-up textile articles are set out in the table below:

APPLICABLE ORIGIN CRITERIA FOR TEXTILE AND APPAREL GOODS

GOODS		ORIGIN CRITERIA						
		“A” subsection (2.1)	“B” subsection (2.2)	“C” subsection (2.3)	“D” paragraph (2.4)(a)	“E” paragraph (2.4)(b)	“F” subsection (2.6)	“G” subsection 2(1)
Goods of HS Chapters 50-63 which are not listed in the Schedule to the <i>Regulations</i>		v						v
Goods as set out in the Schedule to the <i>Regulations</i> :								
A1	Yarns/Threads		v					v
A2	Yarns/Threads	v	v					v
B1	Fabrics			v				v
B2	Fabrics	v		v				v
C1	Apparel Goods				v	v		v
C2	Apparel Goods	v			v	v		v
D	Other Made-up Textile Articles						v	v

CERTIFICATION REQUIREMENTS – CASUAL GOODS

68. Section 4 of the *Proof of Origin of Imported Goods Regulations*, found in Memorandum D11-4-2, outlines the requirements for the GPT and LDCT proof of origin for casual goods. Where casual goods are:

- (a) imported in a traveller's baggage or consigned from an individual in the beneficiary or least developed country to an individual in Canada; and
- (b) declared at the time of importation as not intended for resale,

the importer is exempt from providing proof of origin, if there is no evidence to indicate that the goods are not the product of the beneficiary or least developed country.

OBLIGATIONS REGARDING IMPORTATIONS

69. According to section 4 of the *Proof of Origin of Imported Goods Regulations*, to claim the GPT or LDCT benefits, importers must make a declaration that they have in their possession the required proof of origin, a Form A – *Certificate of Origin*, an Exporter's Statement of Origin or the *Certificate of Origin – Textile and Apparel Goods Originating in an Least Developed Country*.

70. The importer makes this declaration on Form B3, *Canada Customs Coding Form*, by inserting Code 9 for GPT or Code 8 for LDCT in Field No. 14, "Tariff Treatment." Also, the importer declaration field on Form B3 must be completed with the signature of the importer. For further instructions concerning Form B3, please refer to Memorandum D17-1-10, *Coding of Customs Accounting Documents*.

71. The proof of origin must be presented to the CBSA upon request. Failure to do so will result in the application of either the Most-Favoured-Nation (MFN) tariff treatment or other appropriate tariff treatment and the application of Administrative Monetary Penalty C152, "Importer or owner of goods failed to furnish proof of origin upon request."

72. When requested by the CBSA to present the proof of origin, the importer may be required to provide a complete and accurate translation in English or French.

73. Importers may be requested to submit further documentation to substantiate the origin of the goods, such as bills of materials and purchase orders.

FALSE DECLARATIONS

74. The making or assenting to the making of a false declaration in a statement made verbally or in writing to the CBSA is an offence under section 153 of the *Customs Act* and may be subject to sanctions under section 160 of that Act.

SHIPPING REQUIREMENTS

75. The goods must be shipped directly on a TBL to a consignee in Canada from the beneficiary or least developed country in which the goods were certified. Evidence in the form of a TBL (or a copy) showing that the goods have been shipped directly to a consignee in Canada must be presented to the CBSA upon request.

76. The TBL is a contract to convey goods from one point to another. It is to ensure the direct shipment of goods from the country of origin to a consignee in Canada. The TBL is one single document that is issued prior to the goods beginning their journey when the carrier assumes care, custody, and control of the goods. It usually contains the following information:

- (a) the identity of the exporter in the country of origin;
- (b) the identity of the consignee in Canada;
- (c) the identity of the carrier or agent who assumes liability for the performance of the contract;
- (d) the contracted routing of the goods identifying all points of transshipment;
- (e) a full description of the goods and the marks and numbers of the package; and
- (f) the place and date of issue.

Note: A TBL that does not include all points of transshipment may be accepted, if these are set out in related shipping documents presented with the TBL.

77. In the case of consolidated freight, where the TBL is a lengthy document covering unrelated goods, the importer may present the cargo receipt from the carrier (or a copy) in lieu of the TBL. The CBSA may request that the TBL be presented as final verification that the goods have been shipped directly to Canada.

78. On a case-by-case basis, an amended TBL may be accepted as proof of direct shipment where documentation errors have occurred and the amended TBL corrects an error in the original document. In such cases, the carrier must provide proof that the amended TBL reflects the actual movement of the goods as contracted when the goods began their journey. Documentation presented must clearly indicate the actual movement of the goods.

79. Air cargo is usually transhipped in the air carrier's home country even if no transshipment is shown on the house air waybill. Therefore, where goods are transported via air freight, the house air waybill is acceptable as a TBL.

Consignee

80. To fulfil the direct shipment requirement, goods must be shipped to a consignee in Canada. The consignee is the person or company, whether the importer, agent, or other party in Canada, to which goods are shipped under a TBL and is so named in the bill. In circumstances where goods are consigned “to order,” the TBL is acceptable as evidence of direct shipment as long as the party within Canada to whom the goods are shipped is identified on the TBL, usually in the “Notify Party” field.

Transshipment

81. Transshipment through an intermediate country is permitted provided the conditions prescribed by section 18 of the *Customs Tariff* are met, as follows:

- (a) the goods remain under customs transit control in the intermediate country;
- (b) the goods do not undergo any operation in the intermediate country other than unloading, reloading or splitting up of loads, or any other operation required to keep the goods in good condition;
- (c) the goods do not enter into trade or consumption in the intermediate country; and
- (d) the goods do not remain in temporary storage in the intermediate country for a period exceeding six months.

82. Transshipment is the act of taking cargo out of one conveyance and loading it into another conveyance. It also includes the act of taking cargo out of one conveyance and reloading it into the same conveyance. The landing of an airplane for refuelling or docking of a ship to take on additional cargo does not constitute transshipment if the goods in question are not unloaded from the conveyance.

83. Some exceptions exist where goods may be entitled to alternative shipping requirements. For more information, please refer to Memorandum D11-4-9, *Mexico Goods Deemed to Be Directly Shipped to Canada for the Purposes of the General Preferential Tariff (GPT)*, or Memorandum D11-4-10, *China Direct Shipment Condition Exemption Order*.

MARKING

84. Where goods are required to be marked, they are to be marked with the country of origin in accordance with the *Determination of Country of Origin for the Purpose of Marking Goods (Non-NAFTA Countries) Regulations*. Further information concerning the marking of goods is set out in D11-3-1 *Marking of Imported Goods*.

REFUNDS

85. Where the GPT or the LDCT treatment is not claimed at time of importation as a result of an error, involuntary omission, proof of origin not available at time of importation, or any other circumstances, an application for a refund may be submitted under paragraph 74(1)(e) of the *Customs Act*. An application for a refund of duties must be filed on Form B2, *Canada Customs – Adjustment Request*, within four years from the date of accounting at a customs office in the region where the goods were accounted for under the *Customs Act*. Refer to Memorandum D6-2-3, *Refund of Duties*, for more information.

ADDITIONAL INFORMATION

86. For further information or assistance, please contact:

Origin Policy and Negotiations Unit
Trade Programs Directorate
Canada Border Services Agency
Ottawa, ON K1A 0L8

Facsimile: 613- 954-5500

APPENDIX A

FORM A – CERTIFICATE OF ORIGIN

1. Goods consigned from (Exporter's business name, address, country)			Reference No.		
2. Goods consigned to (Consignee's name, address, country)			<p align="center">GENERALIZED SYSTEM OF PREFERENCES</p> <p align="center">CERTIFICATE OF ORIGIN</p> <p align="center">(Combined declaration and certificate)</p> <p align="center">FORM A</p>		
3. Means of transport and route (as far as known)			4. For official use		
5. Item number	6. Marks and numbers of packages	7. Number and kind of packages: description of goods	8. Origin criterion (See the instructions that follow.)	9. Gross weight or other quantity	10. Number and date of invoices
<p>11. Certification</p> <p>It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.</p> <p>.....</p> <p>Place and date, signature and stamp of certifying authority</p>			<p>12. Declaration by the exporter</p> <p>The undersigned hereby declares that the above details and statements are correct: that all the goods were produced in</p> <p>.....</p> <p align="center">(country)</p> <p>and that they comply with the origin requirements specified for those goods in the Generalized System of Preferences for goods exported to</p> <p>.....</p> <p align="center">(importing country)</p> <p>.....</p> <p>Place and date, signature of authorized signatory</p>		

INSTRUCTIONS ON THE COMPLETION OF FORM A – *CERTIFICATE OF ORIGIN*

General Preferential Tariff (GPT)

If the 60% ex-factory price is not satisfied, or is not supported by adequate documentation, the goods are not eligible for the GPT and a Form A should not be issued for such goods.

Least Developed Country Tariff (LDCT)

If the 40% ex-factory price is not satisfied, or is not supported by adequate documentation, the goods are not eligible for the LDCT and a Form A should not be issued for such goods.

In order for a Form A to be accepted by the CBSA, it must be properly completed, as follows:

- Field No. 1** – Complete with the name, address, and country of the actual manufacturer or exporter of the goods. Please do not identify a trading house, freight forwarder, export broker, etc. The manufacturer or exporter must be located in the GPT or LDCT beneficiary country in which the goods are being certified.
- Field No. 2** – Identify the consignee (name and address) in Canada.
- Field No. 3** – The CBSA does not consider this a mandatory field, but you may indicate the shipping details, as far as known when Form A is completed.
- Field No. 4** – This field is usually left blank. However, if Form A is issued after the goods have already been shipped, stamp or write “Issued Retrospectively.”
- Field No. 5** – This field is not mandatory for goods exported to Canada. It is usually used to itemize goods if Form A covers two or more categories of goods (for example, items 1, 2, 3 or items a, b, c).
- Field No. 6** – If the goods are crated or otherwise packaged, indicate the quantity of packages or crates. Also indicate any markings on the crates that will be useful in cross-referencing Form A to the Through Bill of Lading so that the CBSA officers can establish that the form covers the goods that are physically imported.
- Field No. 7** – Describe the goods fully. Indicate makes, models, styles, serial numbers, or any other relevant description. It is in the exporter’s interest to give as full a description as possible. The CBSA will not accept a Form A that cannot be matched with the imported goods due to a vague description. It is also helpful to show the Harmonized System subheading of the goods in this field.
- Field No. 8** – The origin criterion shown must be one of the following:
- P** means 100% of the goods produced in the GPT or LDCT beneficiary country in question;
 - F** for GPT, means, at least 60% of the ex-factory price is produced in the GPT beneficiary country;
 - F** for LDCT, means, at least 40% of the ex-factory price is produced in the LDCT beneficiary country. The existing 40% of the ex-factory price of the goods as packed for shipment to Canada may also include a value of up to 20% of the ex-factory price of the goods from countries eligible for GPT;
 - G** for GPT, means at least 60% of the ex-factory price was cumulatively produced in more than one GPT beneficiary country or Canada;
 - G** for LDCT, means at least 40% of the ex-factory price was cumulatively produced in more than one LDCT beneficiary country or Canada. The existing 40% of the ex-factory price of the goods as packed for shipment to Canada may also include a value of up to 20% of the ex-factory price of the goods from countries eligible for GPT.
- If any criterion other than P, G, or F is shown for goods exported to Canada, it will be assumed that the goods do not satisfy the Canadian GPT or LDCT rules of origin and they will not receive any tariff preference.
- Field No. 9** – Give the weight or other quantity of the goods. The best unit of measure to use when completing this field is the unit of measure given for the particular goods in the *Customs Tariff* (e.g. number, pairs, dozens, kilograms, litres).
- Field No. 10** – Cross-reference Form A to the commercial invoice. This helps the CBSA match the form with the invoice, but it also ensures that the signing officer has verified the ex-factory price of the proper goods.
- Field No. 11** – This field may be left blank. As of March 1, 1996, Canada no longer requires Form A to be certified by a designated authority in the GPT or LDCT beneficiary country.

Field No. 12 – This is the exporter’s declaration that Form A is accurate and that the goods do meet the GPT or LDCT rules of origin. Proof of origin must be completed by the exporter of the goods in the GPT or LDCT beneficiary country in which the goods were finished. The individual completing the Form A on behalf of the company must be knowledgeable regarding the origin of the goods and have access to cost of production information, should a verification be requested.

APPENDIX B**EXPORTER'S STATEMENT OF ORIGIN**

I certify that the goods described in this invoice or in the attached invoice No. _____ were produced in the beneficiary country of _____ and that at least _____ % of the ex-factory price of the goods originates in the beneficiary country/countries of _____.

Name and title


Corporation name and address

Telephone and fax numbers

Signature and date (day/month/year)

APPENDIX C

**CERTIFICATE OF ORIGIN
TEXTILE AND APPAREL GOODS ORIGINATING IN A LEAST DEVELOPED COUNTRY**

 Canada Customs and Revenue Agency Agence des douanes et du revenu du Canada

**PROTECTED
(when completed)**

**CERTIFICATE OF ORIGIN
Textile and Apparel Goods Originating in a Least Developed Country
(Instructions attached)**

Please print or type

1. Exporter's business name, address and country	2. Business name and address of importer in Canada		
3. Means of transport and route (if known)			
4. Markings and number of packages	5. Description of good(s)	6. Preference criterion	7. Number and date of invoices
8. "As the exporter, I hereby declare that the above details and statements are correct, namely:			
1. all the goods were produced in _____ (name of country) ; and 2. the goods comply with the requirements specified for those goods in the <i>General Preferential Tariff and Least Developed Country Tariff Rules of Origin Regulations</i> ."			
Name		Position in the company	
Telephone number		Facsimile number	
<div style="display: flex; justify-content: space-between; margin-top: 20px;"> _____ _____ </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Signature Date (yyyy/mm/dd) </div>			

B255 E (03)

(Ce formulaire existe aussi en français)



**Textile and Apparel Goods Originating in a Least Developed Country (LDC)
Certificate of Origin Instructions**

For purposes of obtaining the LDC preferential tariff treatment, this document must be completed legibly and in full by the exporter and be in the possession of the importer at the time the declaration is made.

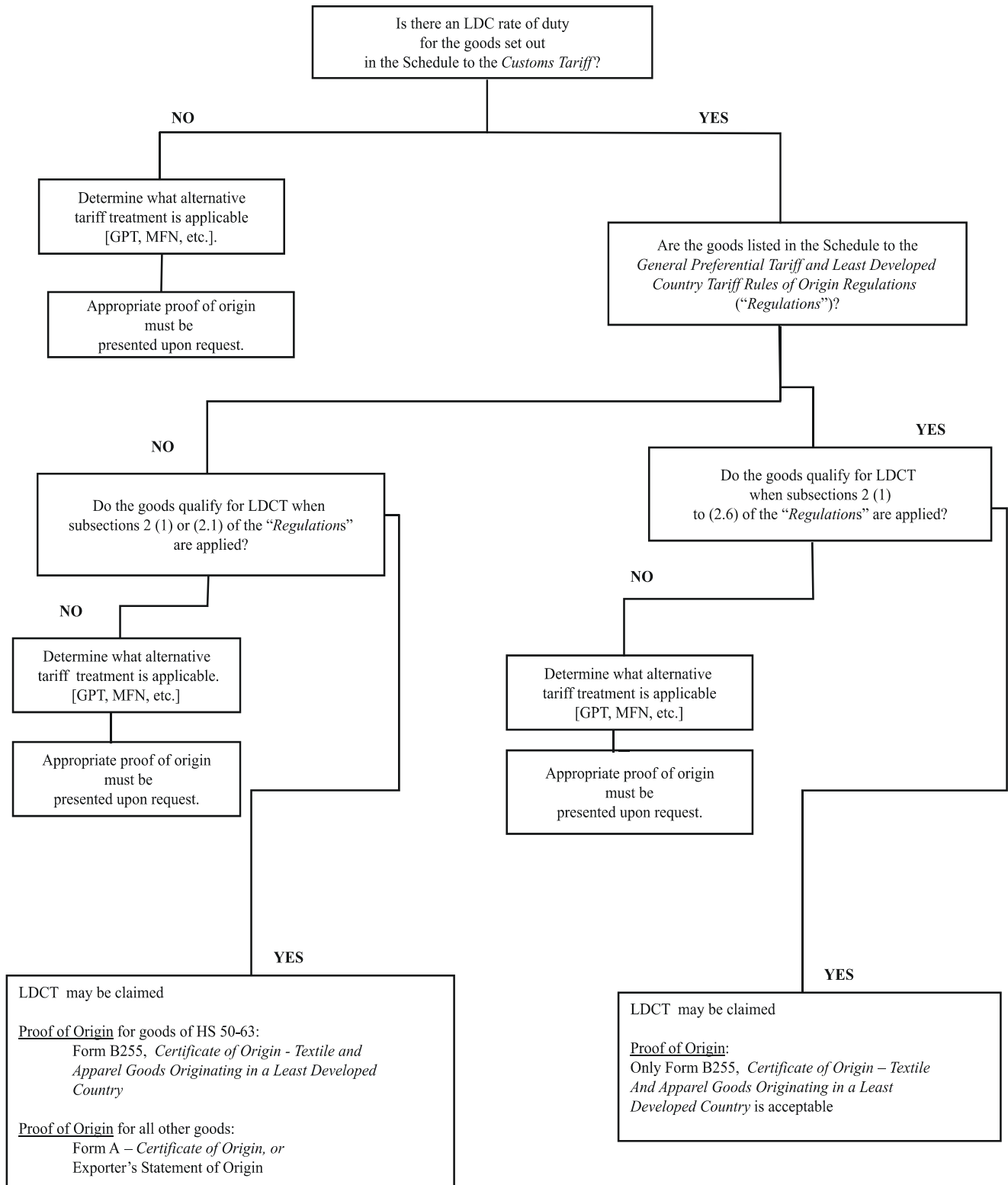
- Field 1:** State the name, address, and country of the manufacturer or exporter of the goods. The manufacturer or exporter must be located in the Least Developed Country (LDC) in which the goods are being certified. **Do not identify a trading house, freight forwarder, export broker, etc.**
- Field 2:** State the name and address of the importer in Canada.
- Field 3:** Indicate the shipping details, as far as known when the *Certificate of Origin* is completed.
- Field 4:** If the goods are crated or otherwise packaged, indicate the quantity of packages or crates. Also indicate any markings on the crates that can cross-reference the *Certificate of Origin* to the Through Bill of Lading.
- Field 5:** Provide a full description of each good. Indicate model numbers, styles, serial numbers, or any other relevant description. It is in the exporter's interest to give as full a description as possible. If known, provide the Harmonized System heading or subheading number for each good.
- Field 6:** For each good described in Field 5, state which criterion (A through G) is applicable. To be entitled to the Least Developed Country Tariff (LDCT), goods listed in the Schedule to the *General Preferential Tariff and Least Developed Country Tariff Rules of Origin Regulations ('Regulations')* must meet at least one of the criteria below.

Preference Criteria

- A** The good is produced in a LDC and the value of the materials, parts or products originating outside that LDC, or in an undetermined location, and used in the manufacture or production of the good does not exceed 60% of the ex-factory price of the good as packed for shipment to Canada. For the purpose of this criterion, up to 20% of the ex-factory price may originate from General Preferential Tariff (GPT) eligible countries. **This criterion does not apply to goods listed in Part A1, Part B1, Part C1 or Part D of the Schedule to the *Regulations*.**
- B** The good is listed in Part A1 or Part A2 of the Schedule to the *Regulations* and has been spun or extruded in a LDC and has not undergone further processing outside a LDC.
- C** The good is listed in Part B1 or Part B2 of the Schedule to the *Regulations* and is produced in a LDC from yarns originating in a LDC, a GPT beneficiary or Canada and the yarns have not undergone further processing outside a LDC, a GPT beneficiary or Canada and the fabric has not undergone further processing outside a LDC.
- D** The good is listed in Part C1 or Part C2 of the Schedule to the *Regulations* and has been assembled in a LDC from fabric cut in that LDC or Canada, or from parts knit to shape, and the fabric (or parts knit to shape) has been produced in any LDC or Canada from yarns originating in a LDC, a GPT beneficiary or Canada and the yarns or fabric have not undergone further processing outside a LDC or Canada. **Note: This criterion applies if the fabric (or parts knit to shape) is produced in any LDC or Canada.**
- E** The good is listed in Part C1 or Part C2 of the Schedule to the *Regulations* and has been assembled in a LDC from fabric cut in that LDC or Canada, or from parts knit to shape, and the fabric (or parts knit to shape) has been produced in a GPT beneficiary from yarns originating in a LDC, a GPT beneficiary or Canada and neither the yarns or the fabric have undergone further processing outside a LDC, a GPT beneficiary or Canada and the value of any materials, including packing, that are used in the manufacture of the good and that originate outside the least developed country in which the good is assembled is no more than 75% of the ex-factory price of the good as packed for shipment to Canada. **Note: This criterion applies if the fabric (or parts knit to shape) is produced in a GPT beneficiary.**
- F** The good is listed in Part D of the Schedule to the *Regulations* and was cut (or knit to shape) and sewn or otherwise assembled in a LDC from fabric produced in any LDC or Canada from yarns originating in a LDC, a GPT beneficiary or Canada and the yarns and fabric have not undergone further processing outside a LDC or Canada.
- G** The good is 'wholly obtained or produced entirely' in the territory of one or more LDC.
- Field 7:** State the date(s) and invoice number(s) for the goods described in Field 5.
- Field 8:** This field is to be completed by the exporter of the goods in the LDC in which the goods were finished in the form they were imported into Canada. The individual completing the *Certificate of Origin* on behalf of the company must be knowledgeable regarding the origin of the goods and have access to production information, should a verification be requested. This field is the exporter's declaration that the *Certificate of Origin* is accurate and that the goods meet the LDCT rules of origin for textile and apparel goods.

APPENDIX D

Chart 1 – LDC Tariff Treatment and Proof of Origin Requirements



REFERENCES

<p>ISSUING OFFICE – Origin and Valuation Division Trade Programs Directorate Admissibility Branch</p>	<p>HEADQUARTERS FILE – 4570-3, 4573-2</p>
<p>LEGISLATIVE REFERENCES – P.C. 2002-2237, SOR/2003-19 P.C. 2002-2238, SOR/2003-20</p>	<p>OTHER REFERENCES – D6-2-2, D10-15-13, D11-3-1, D11-4-2, D11-4-9, 11-4-10, D17-1-10</p>
<p>SUPERSEDED MEMORANDA “D” – D11-4-4, August 29, 2003</p>	

Services provided by the Canada Border Services Agency are available in both official languages.

