

Draft
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Regulations for Determining the Country of Origin of Goods Imported to Georgia

Part I General Provisions

Article 1

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

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

Article 2

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

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

Article 3 (follows EC ROO Art 23)

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

(a) mineral products extracted within that country;

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

2. Goods classified as "sets" under the Harmonized System (the CIS Goods Nomenclature of Foreign Economic Activity, adopted November 3, 1995) or defined as such under Harmonized System's General Interpretive Rule 3 (G

Part III

Proof of origin

Article 8

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

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

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

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

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

Article 11

These regulations shall have effect immediately upon publication.