

DECISION No 01/2022
OF THE COMMITTEE ON CUSTOMS OF THE FREE TRADE AGREEMENT
BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF SINGAPORE

of 20 December 2022

**modifying certain elements in Protocol 1 concerning the definition of the concept of
‘originating products’ and methods of administrative cooperation and its Annexes**

THE COMMITTEE ON CUSTOMS,

Having regard to the Free Trade Agreement between the European Union and the Republic of Singapore (hereinafter, ‘the Agreement’), and in particular Article 34 of Protocol 1 and Article 16.2 of the Agreement,

Whereas:

- (1) Article 34 (Amendments to this Protocol) of Protocol 1 to the Agreement provides that the Parties may, by decision in the Committee on Customs established pursuant to Article 16.2 (Specialised Committees) of the Agreement, amend the provisions of Protocol 1 to the Agreement.
- (2) Amendments were introduced on 1 January 2012, on 1 January 2017 and on 1 January 2022 in relation to the nomenclature governed by the Convention on the Harmonized Commodity Description and Coding System ('HS'). The Parties have agreed to update Protocol 1 to reflect the latest version of the HS.
- (3) The Parties have agreed to modify the scope of the annual quotas set out in Annex B(a) to Protocol 1 for canned luncheon meat, curry fish balls and cuttlefish balls.
- (4) Article 17 (Conditions for Making Out an Origin Declaration) of Protocol 1 establishes that an origin declaration may be made out, in the European Union by, inter alia, an exporter who is an approved exporter, and in Singapore by, inter alia, a registered exporter. To provide for equal treatment of the economic operators in both Parties, Protocol 1 should be amended so that each Party may decide, according to its laws and regulations, which exporter may make out an origin declaration. For that purpose, a definition of 'exporter' would therefore be necessary.

- (5) Considering the new definition of ‘exporter’, the term ‘exporter’ in the definition of ‘consignment’ in point (d) of Article 1(1), Article 13 (Non Alteration) and Article 14 (Exhibitions) of Protocol 1 needs to be replaced by the term ‘consignor’.
- (6) Paragraph 5 of Article 17 (Conditions for Making Out an Origin Declaration) provides that an origin declaration is to bear the original signature of the exporter in manuscript. The Parties have agreed to waive this requirement to facilitate trade and to decrease the administrative burden of benefiting from the tariff preferences of the Agreement.
- (7) In the definition of ‘ex-works price’ in point (f) of Article 1(1), it is necessary to clarify how the term ‘manufacturer’ is to be understood when the last working or processing is subcontracted.
- (8) Considering that both Parties are to apply a system of registered exporters, the document on origin made out in the Parties should be renamed from ‘origin declaration’ to ‘statement on origin’.
- (9) As a transitional measure, it should be provided that for a period of 3 months starting from the date of entry into force of this Decision, Singapore will accept origin declarations made out in accordance with Article 17 (Conditions for Making Out an Origin Declaration) and Article 18 (Approved Exporter) of Protocol 1 to the Agreement in force prior to the date of entry into force of this Decision.

(10) Protocol 1 to the Agreement and several of its Annexes should therefore be modified,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 1 to the Agreement is amended as follows:

- (1) the table of contents of Protocol 1 is replaced by the following:

‘TABLE OF CONTENTS

SECTION 1

GENERAL PROVISIONS

ARTICLE 1 Definitions

SECTION 2

DEFINITION OF THE CONCEPT OF “ORIGINATING PRODUCTS”

ARTICLE 2 General requirements

ARTICLE 3 Cumulation of Origin

ARTICLE 4 Wholly Obtained Products

ARTICLE 5 Sufficiently Worked or Processed Products

ARTICLE 6 Insufficient Working or Processing

ARTICLE 7 Unit of Qualification

ARTICLE 8 Accessories, Spare Parts and Tools

ARTICLE 9 Sets

ARTICLE 10 Neutral Elements

ARTICLE 11 Accounting Segregation

SECTION 3

TERRITORIAL REQUIREMENTS

ARTICLE 12 Principle of Territoriality

ARTICLE 13 Non Alteration

ARTICLE 14 Exhibitions

SECTION 4

DRAWBACK OR EXEMPTION

ARTICLE 15 Prohibition of Drawback of, or Exemption from, Customs Duties

SECTION 5

STATEMENT ON ORIGIN

- ARTICLE 16 General Requirements
- ARTICLE 17 Conditions for Making Out a Statement on Origin
- ARTICLE 19 Validity of Statement on Origin
- ARTICLE 20 Submission of Statement on Origin
- ARTICLE 21 Importation in Instalments
- ARTICLE 22 Exemptions from Statement on Origin
- ARTICLE 23 Supporting Documents
- ARTICLE 24 Preservation of Statement on Origin and Supporting Documents
- ARTICLE 25 Discrepancies and Formal Errors
- ARTICLE 26 Amounts Expressed in Euro

SECTION 6

ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

ARTICLE 27 Cooperation between Competent Authorities

ARTICLE 28 Verification of Statements on Origin

ARTICLE 29 Administrative Enquiries

ARTICLE 30 Settlement of Disputes

ARTICLE 31 Penalties

SECTION 7

CEUTA AND MELILLA

ARTICLE 32 Application of this Protocol

ARTICLE 33 Special Conditions

SECTION 8

FINAL PROVISIONS

ARTICLE 34 Amendments to this Protocol

ARTICLE 35 Transitional Provisions for Goods in Transit or Storage

List of Appendices

- ANNEX A: INTRODUCTORY NOTES TO THE LIST IN ANNEX B
- ANNEX B: LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER THAT THE PRODUCT MANUFACTURED CAN OBTAIN ORIGINATING STATUS
- ANNEX B (a): ADDENDUM TO ANNEX B
- ANNEX C: MATERIALS EXCLUDED FROM CUMULATION UNDER PARAGRAPH 2 OF ARTICLE 3
- ANNEX D: PRODUCTS REFERRED TO IN PARAGRAPH 9 OF ARTICLE 3 FOR WHICH MATERIALS ORIGINATING IN AN ASEAN COUNTRY SHALL BE CONSIDERED AS MATERIALS ORIGINATING IN A PARTY
- ANNEX E: TEXT OF THE STATEMENT ON ORIGIN

Joint Declarations

JOINT DECLARATION CONCERNING THE PRINCIPALITY OF ANDORRA

JOINT DECLARATION CONCERNING THE REPUBLIC OF SAN MARINO

JOINT DECLARATION CONCERNING THE REVISION OF THE RULES OF ORIGIN CONTAINED IN PROTOCOL 1';

(2) Article 1 is replaced by the following:

‘ARTICLE 1

Definitions

1. For the purposes of this Protocol:

- (a) “ASEAN country” means a member state of the Association of Southeast Asian Nations which is not a Party to this Agreement;
- (b) “chapters” and “headings” and “sub-headings” mean the chapters, the headings (four digit codes) and sub-headings (six digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System, referred to in this Protocol as the “Harmonized System” or “HS”;
- (c) “classified” refers to the classification of a product or material under a particular chapter, heading, or sub-heading of the Harmonized System;
- (d) “consignment” means products which are either sent simultaneously from one consignor to one consignee or covered by a single transport document covering their shipment from the consignor to the consignee or, in the absence of such a document, by a single invoice;

- (e) “customs value” means the value as determined in accordance with the Customs Valuation Agreement;
- (f) “ex-works price” means the price paid for the product ex-works to the manufacturer in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used and all other costs related to its production, minus any internal taxes which are, or may be, repaid when the product obtained is exported.

Where the actual price paid does not reflect all costs related to the manufacturing of the product which are actually incurred in the Union or in Singapore, the ex-works price means the sum of all those costs, minus any internal taxes which are, or may be, repaid when the product obtained is exported.

Where the last working or processing has been subcontracted to a manufacturer, the term “manufacturer” may refer to the enterprise that has employed the subcontractor.

- (g) “exporter” means a person, located in a Party, who, in accordance with the requirements in the laws and regulations of the Party, exports or produces the originating product and who may make out a statement on origin;
- (h) “fungible materials” means materials that are of the same kind and commercial quality, with the same technical and physical characteristics, and which cannot be distinguished from one another once they are incorporated into the finished product;
- (i) “goods” means both materials and products;
- (j) “juridical person” means any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship, or association;
- (k) “manufacture” means any kind of working or processing including assembly;
- (l) “material” means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (m) “person” means a natural person or juridical person;

- (n) “product” means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (o) “value of materials” means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the Union or in Singapore.’;

(3) Article 13(3) is replaced by the following:

- ‘3. Without prejudice to Section 5, the splitting of consignments may take place where carried out by the consignor or under his responsibility provided they remain under customs supervision in the country(ies) of transit.’;

(4) points (a) and (b) of Article 14(1) are replaced by the following:

- ‘(a) a consignor has consigned these products from a Party to the country in which the exhibition is held and has exhibited them there;
- (b) the products have been sold or otherwise disposed of by that consignor to a person in a Party;’;

(5) Article 17 is replaced by the following:

‘ARTICLE 17

Conditions for Making Out a Statement on Origin

1. A statement on origin as referred to in Article 16 (General Requirements) may be made out by the exporter.
2. A statement on origin may be made out if the products concerned can be considered as products originating in the Union or in Singapore and fulfil the other requirements of this Protocol.
3. The exporter making out a statement on origin shall be prepared to submit at any time, at the request of the customs authorities of the exporting Party, all appropriate documents as referred to under Article 23 (Supporting Documents) proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

4. A statement on origin shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document, the declaration, the text of which appears in Annex E to this Protocol, in accordance with the domestic law of the exporting Party. If the statement is hand-written, it shall be written in ink in capital characters. In the case of exports from Singapore, the statement on origin shall be set out using the English version and in the case of exports from Union, the statement on origin may be set out in one of the linguistic versions in Annex E to this Protocol.

5. By derogation from paragraph 1, a statement on origin may be made out after exportation (“retrospective statement”) on condition that it is presented in the importing Party no later than two years, in the case of the Union, and one year, in the case of Singapore, after the entry of the goods into the territory.’;

- (6) in the Table of Contents, and in Article 3(6), Article 3(13), Article 11(5), Article 14(2), Article 15(1), Article 15(3), the title of Section 5, Article 16(1), Article 16(2), the title of Article 19, Article 19(1), Article 19(2), Article 19(3), the title of Article 20, Article 20, Article 21, the title of Article 22, Article 22(1), Article 23, the title of Article 24, Article 24(1), Article 24(2), Article 25(1), Article 25(2), Article 27(1), Article 27(2), the title of Article 28, Article 28(1), Article 28(2), Article 30(1), Article 33(3), and Article 35, the term ‘origin declaration’ is replaced by the term ‘statement on origin’;
- (7) Article 18 is deleted;
- (8) Article 26 is replaced by the following:

‘ARTICLE 26

Amounts Expressed in Euro

1. For the application of the provisions of paragraph 3 of Article 22 (Exemptions from Statement on Origin) in cases where products are invoiced in a currency other than euro, amounts in the national currencies of the Member States of the Union equivalent to the amounts expressed in euro shall be fixed annually by each of the countries concerned.

2. A consignment shall benefit from the provisions of paragraph 3 of Article 22 (Exemptions from Statement on Origin) by reference to the currency in which the invoice is drawn up, according to the amount fixed by the Party concerned.
3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in euro as at the first working day of October. The amounts shall be communicated to the European Commission by 15 October and shall apply from 1 January the following year. The European Commission shall notify all countries concerned of the relevant amounts.
4. A Member State of the Union may round up or down the amount resulting from the conversion into its national currency of an amount expressed in euro. The rounded amount may not differ from the amount resulting from the conversion by more than five percent. A Member State of the Union may retain unchanged its national currency equivalent of an amount expressed in euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an increase of less than fifteen percent in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion would result in a decrease in that equivalent value.

5. The amounts expressed in euro shall be reviewed by the Parties in the Committee on Customs established pursuant to Article 16.2 (Specialised Committees) at the request of the Union or of Singapore. When carrying out this review, the Parties shall consider the desirability of preserving the effects of the limits concerned in real terms. For these purposes, the Parties may, by decision in the Committee on Customs, modify the amounts expressed in euro.’;

- (9) Annex B is amended as set out in Annex 1 to this Decision;
- (10) Annex B(a) is amended as set out in Annex 2 to this Decision;
- (11) Annex D is amended as set out in Annex 3 to this Decision;
- (12) Annex E is amended as set out in Annex 4 to this Decision.

Article 2
Entry into force

This Decision shall enter into force on 1 January 2023.

Done at Brussels,

For the EU-Singapore Committee on Customs

On behalf of the European Union

Mr. Jean-Michel Grave

Handwritten signature of Jean-Michel Grave in black ink, featuring a large, stylized initial 'J' and 'M'.

On behalf of the Republic of Singapore

Mr. Lim Teck Leong

Handwritten signature of Lim Teck Leong in black ink, written in a cursive style.
