

**Common Guideline for Origin Verification  
of the Free Trade Agreement between  
THE REPUBLIC OF KOREA AND THE REPUBLIC OF TURKEY**

1. The main characteristics of the verification procedure

(1) The main characteristics of the verification procedure of Article 25 are twofold: it is a system of so-called "indirect verification" and it is based on mutual trust between the customs authorities of the Parties.

(2) "indirect verification" means that the customs authorities of the importing Party do not conduct the verifications themselves but they send a request for verification to the customs authorities of the exporting Party and it is for the latter to carry out the verification by contacting the exporter. The result of the verification is transmitted by the customs authorities of the exporting Party to the customs authorities of the importing Party. The rationale is that the customs authorities of the exporting Party, in which the proof of origin (origin declaration) is made out, are best placed for the verification of that proof because of the proximity to the exporter (knowledge of the exporter's activities and history, ease of access to the Information, familiarity with the national accounting system, no language barriers). It is therefore for the customs authorities of the exporting Party primarily to decide whether the products concerned are originating or not.

(3) "Verification of proof of origin" will be carried out based on mutual trust between the customs authorities of the Parties. "Mutual trust" herein implies that the customs authorities of the exporting Party should thoroughly verify the issues submitted by the customs authorities of the importing Party, and communicate the results of this verification to the customs authorities of the importing Party, who relies on the results of work carried out by the customs authorities of the exporting Party. However, the customs authorities of the importing Party still have the right to request additional Information to the exporting Party if they consider that the reply is not complete enough or that it does not allow understanding the position expressed by the exporting Party. The details of which Information can be requested by the importing Party to the exporting Party is further elaborated under sections 2.4.2 (Findings and Facts) and 2.4.3 (Sufficient Information).

2. Different steps in the verification procedure

2.1. Launching a request for verification

(4) The Customs authorities of the importing Party may launch a request for subsequent verification of proofs of origin when they have reasonable doubts as to:

- the authenticity of the documents. Example: doubts whether the invoice containing the origin declaration is a false invoice made up by the importer or the exporter in view of benefitting from preferential origin;
  - the originating status of the products concerned. Example: doubts whether the products meet the origin conferring criteria laid down in Annex II of the Protocol (the Product Specific Rules);
- or
- the fulfilment of the other requirements of the Protocol related to proofs of origin. Example: doubts whether the products were transported directly between the Parties.

(5) In addition to cases of reasonable doubt on the above-mentioned elements, the customs authorities of the importing Party have the possibility to launch a request for verification for cases selected at random. This covers the cases which do not fall within the scope of the above 3 elements covered by the reasonable doubt.

(6) In accordance with Article 23, the discovery of slight discrepancies between the statements made in the origin declaration and those made in the documents submitted to the customs authorities for the purpose of



(15) However, these provisions do not preclude importers and exporters of both parties, by mutual consent and on a voluntary basis, from exchanging data or information with each other and submitting them to the customs authorities of the importing Party. The exchange or submission of such data are not obligatory and any refusal to provide the information is not a reason for the denial of preference without verification. It is not part of the verification process. Treatment of Results of the verification

#### 2.4. Treatment of Results of the verification

(16) The Customs authorities of the exporting Party would inform the customs authorities of the importing Party about the results of the verification, including findings and facts, as soon as possible.

##### 2.4.1. Auxiliary communication means

(17) The communication of requests for verification and of the notifications of the results thereof between customs authorities of both Parties would be made through conventional postal mail or e-mail. In parallel, customs authorities of both Parties may use auxiliary means such as electronic mail in order to swiftly communicate and make sure the requests or the replies reach the addressee in the relevant Party.

##### 2.4.2. Findings and facts

(18) The terms "findings and facts" mean that the reply on the verification provided by the customs authorities of the exporting Party would include some details on the verification procedure executed by them. The scope of "findings and facts" is limited to the following elements:

- the conclusion on the authenticity of the documents, the originating status of the products concerned or the fulfilment of the other requirements of the Protocol ;
  - the description of the product subject to examination and the tariff classification relevant to the application of the rule of origin;
- and
- Information on the manner in which the examination was conducted (when and how).

##### 2.4.3. Sufficient information

(19) In case of verification at random, the customs authorities of the importing Party will not request more information than what is listed in point 2.4.2 (findings and facts) to the customs authorities of the exporting Party.

(20) In case of verifications on the grounds of reasonable doubts, if the information provided by the customs authorities of the exporting Party is considered by the competent authorities of the importing Party insufficient to determine the authenticity of the documents or the real origin of the products, the customs authorities of the importing Party may request additional information to the customs authorities of the exporting Party. The additional information requested may not go beyond the following list:

- Where the origin criterion was 'wholly obtained', the applicable category (such as harvesting, mining, fishing and place of production);
- Where the origin criterion was based on a value method, the value of the final product as well as the value of all the non-originating used in the production;
- Where the origin criterion was based on changes in tariff classification, a list of all the non-originating materials including their tariff classification (in 2, 4 or 6 digit format depending on the origin criteria);
- Where the origin criterion was based on weight, the weight of the final product as well as

the weight of the relevant non-originating materials used in the final product;

- Where the origin criterion was based on a specific Processing, a description of that specific processing that conferred origin to that particular product; and
- Where the tolerance rule is applied, the value or weight of the final products and the value or weight of non-originating materials used in the production of the final products.

(21) If a reply does not contain the sufficient information mentioned above for the customs authorities of the importing Party to determine the authenticity of the documents in question or the real origin of the products, the requesting customs authorities shall refuse entitlement to the preference, except in exceptional circumstances (See section 2.7. on Exceptional Circumstances).

(22) The customs authorities of the exporting Party will not transmit to the customs authorities of the importing Party the confidential information whose disclosure is deemed by the exporter to put at risk its commercial interests. The non-disclosure of confidential information will not be a sole reason for the customs authorities of the importing Party to refuse entitlement to the preference, provided that the customs authorities of the exporting Party will provide reasons for not transmitting confidential information and prove the originating status of the good, to the satisfaction of the customs authorities of the importing Party.

## 2.5. Deadline for replying to a request for verification

(23) Article 25 paragraph 6 stipulates that the results of the verification must be communicated as soon as possible.

(24) Article 25 paragraph 7 provides that the importing Party should in principle refuse entitlement to the preference but only when 2 conditions are simultaneously met;

- the verification request was made based on reasonable doubts;
- and
- there is no reply within 10 months of the date of the verification request or the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products.

(25) This provision implies that for cases selected at random for verification the importing Party cannot refuse the entitlement to the preference without the reply from the exporting Party.

### 2.5.1. Deadline in case of verification at random

(26) Customs authorities of the exporting Party will do their best to reply to verifications at random within a deadline of 12 months.

### 2.5.2. Deadline in case of verification at reasonable doubts

(27) For cases selected at reasonable doubts, the importing Party shall refuse entitlement to the preference when there is no reply within 10 months of the date of the verification request except in exceptional circumstances.

## 2.6. Reversal of the results

(28) The results of a verification may exceptionally be reversed by the customs authority of the exporting Party. The reversal of the original reply will be made within 10 months of the date of the verification request.

## 2.7. Exceptional circumstances

(29) However, even if the two abovementioned conditions for refusing entitlement to preference are met, the text of Article 25 paragraph 7 stipulates that granting of preferential treatment is still possible on the basis of the clause of "exceptional circumstances".

(30) Indeed, the importing Party still has the discretion to decide that there are exceptional circumstances justifying that the entitlement to preference is not to be refused as such.

(31) The exceptional circumstances include notably the following situations:

- The exporting Party is not in a position to provide a reply to the verification request submitted by the importing Party when:
  - a) accidents which the exporter could not reasonably have been expected to foresee such as fire, flooding or other natural disasters, and war, riot, tenor, strike and the like, resulted in partial or complete loss of supporting documents of origin or delay of submitting those documents.; or
  - b) the reply was delayed by uncontrollable causes such as administrative or judicial appeal procedure in accordance with the Party's laws and regulations although the exporter and the customs authority of exporting Party did their due diligence in complying with obligations under this Protocol.
- It was found out that either the request or the reply to the request did not reach their destination because of mistakes made by the authorities involved;

The request or the reply to the verification request failed to be delivered because of problems in the communication channels (e.g. change of the address of the person in charge of the verification, the return of mails caused by administrative mistakes of the postal authorities, etc.).

## 2.8. Reminder

(32) When no reply has been received yet, it is recommended that the customs authorities of the importing Party send a reminder to the exporting Party before the end of the 10 months period.

(33) It is recommended that the customs authorities of the exporting Party which would not be in a position to reply within the 10 months deadline would inform the requesting authority thereof before the expiration of the deadline with an estimation of how much longer would their verification procedure still have to last and the reason of the delay of the reply.

## 2.9. Observation in a verification

(34) With the application of Paragraph 8 of Article 25, the customs officials of the importing Party may be present as an observer in an origin verification conducted by the customs authorities of the exporting Party. The only duly authorized officials of the importing Party may be present at enquiries carried out in the territory of the exporting Party, and the conditions of the joint inquiry are set by the exporting Party.