

Certification of Origin of Goods Exported to a Free Trade Partner Regulations

SOR/97-332

CUSTOMS ACT

Registration 1997-07-05

Certification of Origin of Goods Exported to a Free Trade Partner Regulations

P.C. 1997-963 1997-07-04

Whereas the proposed *Certification of Origin of Goods Exported to a Free Trade Partner Regulations* implement provisions of free trade agreements (NAFTA, CIFTA and CCFTA) and otherwise make no material substantive change in an existing regulation and are therefore, by virtue of paragraphs 164(4)(a.01)^a and (d) of the *Customs Act*^b, not required to be published under subsection 164(3) of that Act;

^aS.C. 1997, c. 14, s. 47(2)

^bR.S., c. 1 (2nd Supp.)

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, pursuant to subsection 97.1(1)^c, paragraphs 164(1)(i)^d and (j) and subsections 164(1.1)^e and (1.2)^f of the *Customs Act*^b, hereby makes the annexed *Certification of Origin of Goods Exported to a Free Trade Partner Regulations*.

^cS.C. 1997, c. 14, s. 44

^dS.C. 1992, c. 28, s. 30(1)

^eS.C. 1993, c. 44, s. 108(1)

^fS.C. 1997, c. 14, s. 47(1)

INTERPRETATION

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

"Act" means the *Customs Act*. (*Loi*)

"producer" means a person who grows, mines, harvests, fishes, traps, hunts, manufactures, processes or assembles a good. (*producteur*)

CERTIFICATION CRITERIA FOR A NON-PRODUCING EXPORTER

2. For the purposes of subsection 97.1(1) of the Act, where the exporter of goods to a free trade partner, for which preferential tariff treatment under a free trade agreement will be claimed in accordance with the laws of that free trade partner, is not the producer of the goods, the certificate shall be completed and signed by the exporter on the basis of the following criteria:

(a) the exporter's knowledge that the goods meet the applicable rules of origin;

(b) the exporter's reasonable reliance on the written representation of the producer that the goods meet the applicable rules of origin; or

(c) in the case of goods exported or to be exported from Canada to a NAFTA country, to Chile or to Costa Rica, a certificate, completed and signed by the producer and provided voluntarily to the exporter, stating that the goods meet the applicable rules of origin.

SOR/2004-122, s. 1.

LANGUAGE OF CERTIFICATE

3. The certificate referred to in section 97.1 of the Act shall be completed

(a) in the case of goods exported or to be exported from Canada to the United States, in English or French;

(b) in the case of goods exported or to be exported from Canada to Mexico, to Chile or to Costa Rica, in English, French or Spanish; and

(c) in the case of goods exported or to be exported from Canada to Israel or another CIFTA beneficiary, in English, French, Hebrew or Arabic.

SOR/2004-122, s. 2.

REPEAL

4. The *NAFTA and CIFTA Certification of Origin Regulations*¹ are repealed.

¹SOR/97-73

COMING INTO FORCE

5. These Regulations come into force on the day on which section 44 of the *Canada-Chile Free Trade Agreement Implementation Act*, chapter 14 of the Statutes of Canada, 1997, comes into force.