

**EU-Japan Economic and Partnership Agreement (EPA)
Rules of Origin and Origin Procedures
Information to EU exporters making out Statements on Origin.**

**Application in Japan of Article 3.16(3) of the EU-Japan EPA
Request for an explanation from the importer in Japan –
simplified procedure as from 1 August 2019**

This notice aims to inform exporters in the EU about a simplified procedure applied by Japan concerning additional explanations on origin of a product which Japan Customs may request from importers submitting a claim for preferential tariff treatment under the EU-Japan EPA.

Introduction

The Economic and Partnership Agreement (EPA) between the European Union and Japan applies since 1 February 2019. The text of the EPA is available in the [Official Journal of the European Union L 330 of 27.12.2019](#). Its Article 2.8(1) provides for a reduction or elimination of customs duties ('preferential tariff treatment') by each Party on originating goods of the other Party. Rules of origin and origin procedures to this end are laid down in Chapter 3 of the EPA.

As explained in the [EU-Japan EPA Guidance 'Claim, Verification and Denial of Preference'](#), published by DG TAXUD on 9.01.2019, a claim for preferential tariff treatment submitted by an importer under the EPA shall be based either on a statement on origin made out by the exporter, or the importer's knowledge that the product is originating.

Insofar as preferential exports under the EPA from the EU are concerned, where the importer in Japan does not base his claim on importer's knowledge, only a statement on origin made out by the EU exporter may allow that importer to claim preferential tariff treatment in Japan.

In accordance with the second sentence of Article 3.16(3) of the EPA, and whatever the basis for the claim is (statement on origin or importer's knowledge), the customs authority of the importing Party may request the importer to provide an additional explanation, but only to the extent that the importer can provide such explanation. In cases where importers rely on a statement on origin for claiming preference, there is no obligation for importers to actively seek origin information beyond that statement and, therefore, they may simply refer to the statement in reply to a request for additional explanations, without any need to elaborate further.

Announcement by Japan on the implementation of Article 3.16(3) of the EPA

Following the [Conclusions](#) of the Committee on Rules of Origin and Customs-Related Matters of the EU-Japan EPA on the Actions to be Implemented by the Customs Authorities of both Parties Relating to Certain Origin Procedures of 26 June 2019, the Ministry of Finance of Japan just published the following announcement, which provides clarification in this respect:

Announcement regarding an additional explanation of the originating status of a product, which Japan Customs requests at the time of import declaration (15 July 2019)

Please be aware of the following points with regard to the application of the origin procedures under the EU-Japan EPA.

- Where, in accordance with the second sentence of Article 3.16(3) of the EPA, the customs authority of Japan requests from an importer who claims preferential tariff treatment for a product under the EPA to provide an explanation that the product satisfies the requirements of Chapter 3 (Rules of Origin and Origin Procedures) of the EPA, the importer is not obliged to provide that explanation which is not available to the importer.
- *Where the importer who makes a claim based on a statement on origin and who, when requested, cannot provide an additional explanation on the originating status, he/she can use the NACCS platform to describe that he/she cannot provide an explanation. In this case, the importer does not need to submit any additional explanation.*

① Interim simplified procedure from 1 August 2019 - by typing the text mentioned below into the text field of the electronic import declaration.

In Japanese: 私は産品が原産品であることに係る追加的な説明は提供できません。 In English: I cannot provide an additional explanation on the originating status of the product.

② The simplified procedure is (scheduled to be) applicable by 1 December 2019 - by inserting a predetermined code into the electronic import declaration on NACCS. (Details will be announced later.)

[...] the absence of such explanation besides the statement on origin will not lead to a rejection of the claim or a denial of preferential tariff treatment under the Agreement.

- *Where the importer decides to provide an additional explanation to a customs office, it may be done through a procedure described in the announcement.*

Conclusions

It mainly results from that clarification for importers in Japan that:

- the importer in Japan of products originating in the EU under the EPA is not obliged to provide any additional explanation on the originating status of the product besides the statement on origin, if such information is not already available to him/her.
- the importer in Japan is not asked to obtain additional information from the exporter in the EU who has made out the statement on origin,
- the importer, who states that he/she cannot provide an additional explanation besides the statement on origin issued by the exporter, does not need to specify a reason why he/she cannot provide any such explanation.

- the absence of such an explanation besides the statement on origin cannot lead to a rejection or delay in the handling of the importation or to a denial of the preferential tariff treatment under the EU-Japan EPA.

It means the following for exporters in the EU:

- the exporter in the EU (who has issued a statement on origin), when requested by the importer in Japan to provide an additional explanation on the origin of goods, is not obliged to provide such explanation. In those cases, exporters are advised to recall to Japanese importers that they may claim and obtain preferential tariff treatment on the basis of the statement on origin, without the need to provide any further origin information at the stage of the import declaration.
- It is only in cases when a formal verification procedure is initiated by the authorities in the importing country, on the basis of risk management methods, that exporters may be called to provide information in support of their statements on origin.

Specific questions on the implementation of the EU-Japan EPA can be sent to the following mailbox: TAXUD-E5_EU_JAPAN_EPA@ec.europa.eu