



CHINA- AUSTRALIA

FREE TRADE AGREEMENT

Guide to using ChAFTA to
export and import goods



Australian Government





More information on the
China-Australia Free Trade Agreement
is available at **www.dfat.gov.au/fta/chafta**

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Users of this guide should note that where reference is made to the DFAT website and FTA text and schedules, they should visit the following webpage and navigate to the relevant part of the text on the electronic version of the guide here: www.dfat.gov.au/chafta

GUIDE TO USING CHAFTA TO EXPORT AND IMPORT GOODS

The China-Australia Free Trade Agreement (ChAFTA), which entered into force on 20 December 2015, improves Australia's access to our largest trading partner. Australia is one of only a handful of developed countries to conclude a Free Trade Agreement (FTA) with China, giving our businesses a competitive advantage.

ChAFTA will increase opportunities by eliminating tariffs on the vast majority of trade in goods between Australia and China. This benefits Australian businesses that export Australian goods to China or import Chinese goods for sale in Australia.

Tariffs, or customs duties, are taxes imposed by governments on goods arriving from overseas. From the date of entry into force, more than 85 per cent (by 2015 value) of Australian exports will enter China duty free or at preferential tariff rates. This proportion will rise to 93 per cent coverage by 1 January 2019 and 98 per cent once ChAFTA is fully implemented. ChAFTA has set Australian import tariffs at zero on 82 per cent of China's exports to Australia from day one, rising to 100 per cent tariff elimination by 1 January 2019.

This step-by-step guide seeks to assist Australian exporters and importers in taking advantage of preferential tariff treatment under ChAFTA.

It will help you address **four** key steps:

- **What goods am I exporting or importing?**
 - Identifying the customs tariff code for your goods is a critical first step.
- **How are these goods treated under ChAFTA?**
 - Identify the lower (preferential) duty rate for your goods.
- **Where are my goods produced (are they 'originating' goods that will qualify for lower tariffs under ChAFTA)?**
 - Only goods that 'originate' in Australia or China are eligible for preferential tariff treatment under ChAFTA. There are specific rules to determine eligibility.
 - This prevents parties from other countries gaining the benefits of ChAFTA by simply transshipping their goods through Australia or China.

- **Certify the origin of your goods to ensure you get the lower (ChAFTA) tariff rate**

- Goods seeking preferential treatment under ChAFTA must be accompanied by appropriate documentation, either a 'certificate of origin' or a 'declaration of origin'.

FOUR STEPS TO USING CHAFTA:

- Step 1: WHAT** goods am I exporting or importing?
› See page 4
- Step 2: HOW** are these goods treated under ChAFTA?
› See page 5-6
- Step 3: WHERE** are my goods produced?
› See page 7-14
- Step 4: CERTIFY** the origin of my goods
› See page 15-16

THE FTA PORTAL – ONLINE HELP FOR TRADERS

To help apply this guide to your specific product, a useful online portal is available to assist you to make the most of the FTA with China. It is recommended you read this guide first and then visit the portal here: www.ftaportal.dfat.gov.au

Step 1: Identify the tariff classification of your goods

Determining how ChAFTA treats a particular good depends on correct identification of that good.

In ChAFTA, goods are identified by reference to an internationally-recognised system known as the *Harmonized Commodity Description and Coding System*, commonly referred to as the **Harmonized System (HS)**. The HS is a common goods classification system of more than 5200 six-digit product categories (see table on page 6 for examples).

Typically, countries further sub-divide the six-digit HS product categories into eight-digit or more tariff lines for greater specificity. (Australia and China both use eight-digit tariff codes for customs duties). Tariff codes beyond the HS six-digit level are not comparable between countries.

Classification

To find out the HS code applicable to your product, visit the FTA Portal at www.ftaportal.dfat.gov.au, type in your product name, and click through to the eight or nine digit HS code that best fits your product.

If you wish to access the full tariff schedule, importers into Australia can find Australian tariffs under Schedule 3 of the *Customs Tariff Act 1995*. Exporters to China can find China's tariffs in the Chinese Customs Service tariff schedule.

To be certain that you have identified the correct tariff for your good, we recommend that you consult a professional customs broker or freight forwarder.

Advance rulings

Australia and China are obliged to provide written advance rulings on tariff classification and origin in response to requests by importers, exporters or any person with a justifiable reason. Advance rulings are binding on the importing Customs administration and give greater certainty, in advance of trade taking place, to businesses who wish to know how their product will be treated under ChAFTA.

'Advance rulings' can cover the HS classification applicable to your goods and/or whether your goods are considered 'originating' for the purposes of ChAFTA (see Step 3).

For exporters

Australian exporters may seek advance rulings from the China Customs Service. Your importer into China or your customs broker may be able to assist you with this process.

For importers

If you are importing goods into Australia and would like an advance ruling, please contact DIBP. More information can be found at: www.border.gov.au/Busi/Free/China. (Form B659 will allow you to apply for an advance ruling).

HOW

Step 2: Understand how your goods will be treated under ChAFTA

Once you have the tariff code, you can determine how your goods will be treated under ChAFTA. Both China and Australia have set out their commitments to reduce duty rates on goods in lists, called tariff schedules (based on the HS).

The FTA portal is the easiest way to determine the preferential FTA tariff rate on your product. The portal can be accessed at www.ftaportal.dfat.gov.au. It is searchable by key word or HS code, and contains tariff rates for both imports and exports. The FTA portal also contains information about whether your product is likely to meet Rule of Origin (ROO) requirements.

The schedules contain thousands of rows of tariff lines that show in the first column the base (starting) duty rate on which reductions occur. In a separate column, a code is used to indicate the tariff staging category. Further columns indicate the preferential duty rate each year from entry into force, until full implementation.

Both countries' tariff schedules can be found in ChAFTA Chapter Two, *Trade in Goods: Annex I – Schedule in Relation to Article 2.4 (Elimination of Customs Duties)*.

Exporters

If you are exporting to China, you may want to check China's tariff schedule. China's staging categories range from A-0, indicating tariffs already eliminated, to B 15, indicating gradual elimination of the tariff over 15 equal annual stages, which began on the date of ChAFTA's entry into force (20 December 2015).

There are also two special categories relating to tariffs which will be eliminated over 10 or 12 equal annual stages, but where a special agricultural safeguard may apply.

Category D relates to tariffs which will not be subject to any changes under ChAFTA. On these products, the general most-favoured nation (MFN) tariff rate will continue to apply (i.e. there is no preferential access under ChAFTA).

For wool exports to China, ChAFTA also allows a quota of Australian exports, which would otherwise be subject to a tariff, to be imported duty free (referred to as a country specific tariff-rate quota). This allows Australian businesses to export duty free (the 'in-quota' rate) up to a combined total of 30,000 tonnes annually from 1 January 2016, and growing over nine years to 44,324 tonnes. Details of the wool tariff quota are found in ChAFTA Annex 2-A. Australia also continues to be able to access China's WTO Tariff Quota for wool at in-quota rates of 1-3 per cent up to a volume of 287,000 tonnes per annum.

All of these categories and conditions are explained in Chapter Two of ChAFTA and related annexures.

Importers

If you are importing from China, you may want to check Australia's tariff schedule. Australian staging categories range from 0, indicating tariffs already eliminated, to 5, indicating gradual elimination of the base duty rate over 5 equal annual stages, which began on entry into force of ChAFTA and culminate in duty free access from 1 January 2019.

WHAT YEAR HAS CHAFTA REACHED NOW?

When reading the tariff schedules, it is important to understand the relevant 'year' of ChAFTA's operation. Year one under ChAFTA began on the date of entry into force (20 December 2015). The remainder of the agreement is therefore dated as follows:

Date commencing	Year of ChAFTA's operation
20 Dec 2015	1
1 Jan 2016	2
1 Jan 2017	3
1 Jan 2018	4
1 Jan 2019	5
1 Jan 2020	6
1 Jan 2021	7
1 Jan 2022	8
1 Jan 2023	9
1 Jan 2024	10
1 Jan 2029	15

Applied tariffs

You should be aware that the “base rate” under ChAFTA is the tariff that applied in 2013 and was used as the basis for negotiations. It is the base line for tariff reductions under the Agreement. Separate to ChAFTA, each Party is also able to unilaterally reduce its tariff at any time.

For example, a country might temporarily reduce a tariff for a commodity that is in short supply.

Traders will need to assess whether it is more advantageous to import under the preferential tariff under the Agreement or the current MFN applied tariff.

Reading the Tariff Schedule – examples

Each tariff line contains the following details:

- a ‘base rate’ column showing the base duty rate or tariff that applied in 2013. This is the starting point on which tariff treatment occurs; and
- the tariff that will be applied according to the year of ChAFTA implementation.

For example, using China’s schedule:

HS Code	Description	Base Rate	Staging Category	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
				20 Dec 2015	1 Jan 2016	1 Jan 2017	1 Jan 2018	1 Jan 2019	1 Jan 2020	1 Jan 2021	1 Jan 2022	1 Jan 2023	1 Jan 2024
07131090	Other dried peas, shelled	5	A-0	0%									
04051000	Butter	10	B-10	9%	8%	7%	6%	5%	4%	3%	2%	1%	0%

- i) For dried peas, China's base tariff is five per cent; this was eliminated on the day of entry into force (year 1 – 20 December 2015) of ChAFTA, and will remain zero from there on.
- ii) In the case of butter, China's base tariff is 10 per cent; this tariff will be reduced to and bound at zero for products of Australian origin, over ten (10) equal annual stages beginning from entry into force (year 1, i.e. 20 December 2015) of the agreement. These goods shall be free of customs duty by 1 January 2024 (Year 10).

WHERE

Step 3: Determine whether your goods meet rules of origin requirements

ChAFTA preferential rules of origin (ROO) are agreed criteria used to ensure that only goods originating in either China or Australia enjoy the benefits of the Agreement. These rules prevent goods from a third party being transhipped through either China or Australia to take advantage of the FTA to access lower, preferential import tariffs. Any imports into China or Australia that do not comply with the ROO as set out in Chapter 3 and Annex II (*Product Specific Rules of Origin*) will be subject to the general (MFN) rate of duty, instead of the preferential rates available under ChAFTA.

A good will be considered 'originating' if it is:

- 'wholly obtained' or produced from wholly obtained goods in China or Australia; or
- 'wholly produced' entirely in China or Australia, or both, from materials classified as 'originating' in either country under the ROO; or
- produced in China or Australia, or both, using inputs from other countries, while meeting the Product Specific Rule (PSR) applicable to that good, as set out in Chapter Three, Annex II.

Wholly Obtained (WO) Goods

Wholly obtained goods are goods which are exclusively derived from one country. Typically these are agricultural goods and natural resources. The table in box one, page 13 sets out the categories of goods which ChAFTA treats as wholly obtained.

ChAFTA also treats goods that are made exclusively from wholly obtained goods as being wholly obtained (Article. 3.3 (j)).

Wholly Produced (WP) – Goods produced entirely in Australia or China

Goods produced entirely in either China or Australia, or both, from materials classified as 'wholly obtained' or 'originating' under the Rules of Origin (ROO), will qualify as 'originating' under ChAFTA and qualify for preferential tariff treatment.

Product Specific Rules (PSR) – For goods containing inputs from outside Australia or China

Goods made from inputs sourced from outside China or Australia may still qualify as originating, as long as the non-originating inputs have undergone a substantial transformation in the process of production in China or Australia, or both.

Product Specific Rules (PSRs) set out in ChAFTA Chapter Three- Annex II: Product Specific Rules of Origin, provide rules by which Chinese and Australian customs authorities will determine whether a good has undergone a substantial transformation. If your good contains inputs from outside Australia or China, you will need to check the applicable PSR to determine whether your good qualifies as originating.

Change in tariff classification

Most PSRs in ChAFTA apply a change in tariff classification (CTC) approach. A CTC rule requires that any non-originating inputs/materials that are incorporated into the final good undergo a specified change in tariff classification (HS code) in Australia or China in the process of being incorporated into the final good.

For example, pure gold (HS 7108.13) has a different classification to gold jewellery (HS 7113.19). In the process of being manufactured into jewellery, the tariff classification of pure gold changes, representing a substantial transformation. The ChAFTA PSRs mean that gold jewellery manufactured in Australia or China from imported pure gold (HS 7108.13) would count as 'originating', regardless of where the original gold came from.

Different products may be subject to different CTC rules. There are three levels of CTC rule which could apply:

- **Change in Chapter (CC)** – change in any of the first two digits (or ‘chapter’) of the HS code of non-originating materials once part of the finished product. E.g. importing steel (from HS Chapter 72) and making hand-operated spanners or wrenches (HS code 8204).
- **Change in tariff heading (CTH)** – change in any of the first four digits of the HS code of non-originating materials once part of the finished product. E.g. changing pure gold (HS 7108.13) to gold jewellery (HS 7113.19).
- **Change in tariff subheading (CTSH)** – change in any of the six digits of the HS code of non-originating materials once part of the finished product. E.g. importing an antisera or immunological product (HS 3002.10) and using it to produce a vaccine for human medicine (HS 3002.20).

Some CTC rules specifically exclude the possibility of applying a CTC rule to certain inputs. This is done by excluding specific chapters, headings or subheadings. For example, caustic soda in solution (HS 2815.12) is ‘CTSH except from 2815.11’. Subheading 2815.11 includes caustic soda as a solid. This rule therefore means that if you import non-originating solid caustic soda and simply mix it with water to produce a caustic soda solution, the solution would not be considered originating and you would not be eligible for a preferential customs duty when it is exported to China.

Regional Value Content

Some PSRs require a product to have undergone a specific amount of value-add in China or Australia, measured by the regional value content (RVC) of the good. Some PSRs provide a RVC rule as an alternative to a CTC rule, others require a RVC in addition to a CTC rule.

An RVC approach stipulates that originating materials and processes must represent a specific proportion of the product's final value. More information about calculating RVC is provided on page 14.

Other Approaches

Some PSRs allow for a good to become originating if the non-originating materials undergo a specific manufacturing or production process, for example:

- processes that involve non-originating chemicals undergoing various chemical reactions may grant origin on the resulting new chemicals;
- for some agricultural products, smoking of non-originating fresh produce may grant origin; and
- for some textile products, fully finishing non-originating raw fabric may grant origin.

Note It is important to remember that ROO requirements do not replace any other import requirements such as import licences and biosecurity approvals.

HOW TO FIND THE PSR APPLICABLE TO YOUR PRODUCT

Using the tariff classification from step 1, you can check Chapter Three, Annex II: Product Specific Rules of Origin.

Using your goods tariff code, you can identify the relevant entry in the schedule. Note that PSRs are listed at the chapter (two digit), heading (four digit) or sub-heading (six-digit) level. Where a rule is listed at the chapter or heading level, that rule applies to all sub-headings that fall under that particular chapter or heading. Once you have found the relevant entry, the third column will identify the PSR for that product. For example:

HS Code	Description	PSR
Chapter 19	Preparations of cereals, flour, starch or milk; pastry cooks' products	CC
2711	Petroleum gases and other gaseous hydrocarbons	CTH
2818.20	Aluminium oxide, other than artificial corundum	CTSH except from heading 26.06 or subheading 2620.40

In the above example, non-originating inputs into preparations such as biscuits, must undergo a change in chapter (change in the first two digits of the HS classification).

Petroleum gases, on the other hand, must have all non-originating materials used in production undergo a change in tariff classification at the 4-digit level. Aluminium oxide must undergo a change in tariff classification at the 6-digit level but may not be produced from non-originating products of heading 2606 (aluminium ores) or subheading 2620.40 (aluminium slag or residue).

Other Important Rules of Origin

There are other important factors to take into account when determining whether your good qualifies as originating.

De Minimis

Where a good contains only a small amount of imported inputs, but those non-originating inputs fail to achieve the necessary CTC once incorporated in the final good, the product may still qualify as originating. If the value of all non-originating materials does not exceed 10 per cent of the value of the good, the product will qualify under the *de minimis* rule. The goods seeking *de minimis* classification must comply with any other applicable requirements of the ROOs. Further information can be found in ChAFTA Article. 3.7.

Cumulation

The rule of cumulation provides that goods which are originating in one Party are considered originating in the other Party for the purposes of ChAFTA. This means that if Australian-originating inputs were incorporated into a product made in China, that input would be treated as if it originated in China.

Fungible materials

Fungible materials are those which are identical or interchangeable, because they are of the same kind of commercial quality, possess the same technical and physical characteristics, and, once mixed, cannot be readily distinguished. Examples include natural gas, grain, or simple parts (e.g. rivets). Specific accounting rules apply to exporters wishing to demonstrate that fungible goods are originating under ChAFTA. More information is available in Article. 3.9.

Minimal operations or processes

Goods will not qualify as originating if they have only undergone a simple process such as packaging, simple grinding or washing. A full list of processes that will not confer origin is available in ChAFTA Article 3.12.

Neutral elements

Materials which are used in the production of a good, but are not physically incorporated into the end product, are not counted in determining whether a product is originating. Examples include fuel and energy, tools, moulds, catalysts and solvents. A full list is available in ChAFTA Article. 3.11.

Accessories, spare parts and tools

The origin of accessories, spare parts or tools presented and classified with a good will not be taken into account to assess whether a good has complied with applicable ROOs, provided that the quantity of accessories is what is customarily supplied with those finished goods and they are not invoiced separately. The value of accessories, spare parts and tools is considered, however, in assessing a good for the purposes of an RVC rule.

Packing, packages and containers

Packing materials and containers for shipping and transport (not retail packaging) can be disregarded when determining the origin of a good. Article 3.10 provides further detail.

Retail packaging materials, provided that they are classified with the good, are not taken into account in determining whether a product is originating. For example, in the case of wine bottled in non-originating bottles for retail sale, the bottles would not be taken into account in assessing whether the wine itself was originating. However, retail packaging materials are considered in assessing the value of non-originating materials in a good for the purposes of an RVC rule, where one applies. Further information can be found in Article 3.10.

Transit through a third-party

ChAFTA is designed to reflect modern trading practices, including the use of transport and distribution hubs in third parties for consignments of goods. A good will be considered 'originating', despite being transported through a third country, if the goods meet a range of conditions including:

- the goods do not undergo any operation other than unloading, reloading, storing, repacking, re-labelling, splitting up for transport reasons or any operation necessary to preserve the goods in good condition to be transported on to China or Australia; and
- the goods are not stored temporarily in a transport hub for longer than 12 months; and
- the goods remain under customs control (N.B. for the purposes of ChAFTA, goods transhipped through Hong Kong into Australia are deemed to be under customs control).

For imports into Australia

For goods transhipped through a third party into Australia, including Singapore and Hong Kong, Australia will not require any specific additional documentation, other than the commercial documentation ordinarily required to be kept by importers to claim preferential tariff treatment under the FTA.

More information is available on the Department of Immigration and Border Protection website here:

www.border.gov.au/Busi/Free/China

For exports to China

Articles 14 and 15 of China's Customs Decree 228 set out China's documentation requirements for when imports from Australia pass through third countries during transshipment. These provisions should be read in conjunction with announcements 57 and 60 (see below).

The official Chinese versions and unofficial translations of these decrees and announcements are available on the DFAT Guide to using ChAFTA to export and import goods webpage.

China has also made a number of announcements to help facilitate transshipment of goods into China from Australia (they also apply to China's other FTA partners). Decree 228 should be read in conjunction with these announcements.

For example, announcement 57 provides advice on streamlined arrangements for FTA transshipment through third countries (excluding Hong Kong or Macao). This applies to instances where the good is supported by a single shipping document, issued by international courier services, civil aviation transportation companies, international shipping contractors and their agents, that shows both the point of origin in Australia and the destination in China.

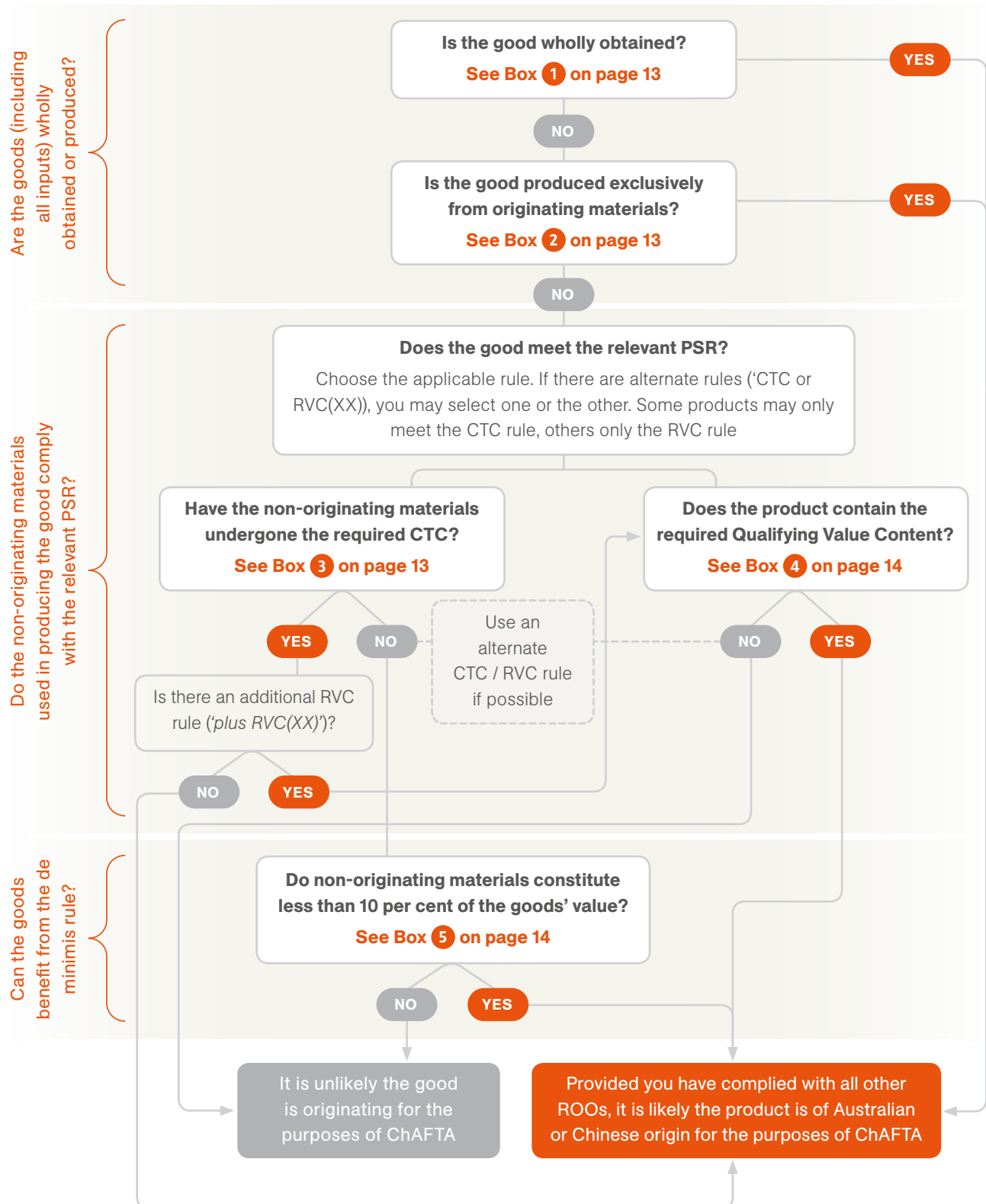
China has also released an announcement (no.60 of 2015) to facilitate implementation of direct consignment through Hong Kong and Macao.

Related to this, the Hong Kong Customs and Excise Department has established a China Free Trade Agreement Transshipment Facilitation Scheme to assist implementation of China's transshipment arrangements under FTAs. Details are available at:

www.customs.gov.hk/en/trade_facilitation/fta/index.html



A guide to using Rules of Origin under ChAFTA



A guide to using Rules of Origin under ChAFTA

1 Is the good wholly obtained?

Wholly obtained goods from the territory of one or both of the parties (see Article 3.3):

- live animals born and raised in the territory;
- goods obtained from live animals born and raised in the territory;
- goods obtained directly from hunting, trapping, fishing, aquaculture, gathering or capturing conducted in the territory of a Party;
- plants and plant products harvested, picked or gathered in the territory of a Party;
- mineral and other naturally occurring substances extracted or taken in the territory of a Party;
- goods, other than fish, shellfish, plant and other marine life, extracted or taken from the waters, seabed or subsoil beneath the seabed outside the territory of the Party, provided that the Party has the right to exploit such water, seabed or subsoil beneath the seabed in accordance with international law and the domestic law of the Party;
- goods (fish, shellfish, plant and other marine life) taken from the high seas by a vessel registered with a Party and flying its flag;
- goods obtained or produced from the goods referred to above on board factory ships registered with a Party and flying its flag;
- waste and scrap derived from production in the territory or from used goods collected in the territory of a Party; provided that such goods are fit only for the recovery of raw materials;
- goods produced entirely in the territory of a Party exclusively from goods referred to above.

2 Is the good wholly produced in Australia or China, from originating materials?

Goods produced entirely in either China or Australia, or both, from materials 'wholly obtained' or 'originating' under the Rules of Origin, will qualify as originating under ChAFTA.

3 Does the good meet the relevant Change in Tariff Classification Rule?

Check the CTC rule applicable to the tariff classification for your goods at Annex II: Product Specific Rules of Origin, for example:

- **CC** – do the non-originating inputs that went into the product now come under a different chapter as part of the finished product (change in any of the first two digits of the tariff classification)?
- **CTH** – do the non-originating inputs that went into the good now come under a different tariff heading as part of the finished product (change in any of the first four digits of the tariff classification)?
- **CTSH** – do the non-originating inputs that went into the product now come under a different tariff subheading as part of the finished product (change in any of the six digits of the tariff classification)?

4 Does the good comply with the Qualifying Value Content rule?

Working out the RVC

The RVC percentage of a good can be assessed using the following method. Further information is available in ChAFTA Article 3.5:

$$RVC = \frac{V - VNM}{V} \times 100$$

- **RVC** is the regional value content, expressed as a percentage;
- **V** is the value of the good, as determined in accordance with the provisions of the Customs Valuation Agreement.
- The value of goods is worked out in accordance with the WTO *Customs Valuation Agreement*. Generally speaking, the value is the purchase price of the good plus any transaction costs like brokerage, packaging etc. Consult your customs broker if you think there may be an issue in identifying the value of your goods.
- **VNM** is the value of non-originating materials, including materials of undetermined origin, used in the production of the good. Further details about determining VNM can be found in ChAFTA Article 3.5(2).

5 Can the good benefit from the 10 per cent *de minimis* rule?

De minimis allows goods where the inputs have not undergone the requisite CTC to still qualify as originating if the value of non-originating materials does not exceed 10 per cent of the value of the final good.

The good still needs to meet all other applicable ROO provisions.

See Article 3.7 for more information.

Step 4: Prepare origin documentation for your goods

Once you have gone through the first three steps and determined that your good will qualify for preferential tariff treatment under ChAFTA, you will need to complete the appropriate documentation to demonstrate this, should you be asked, to the importing customs authority. This can be done by using a (ChAFTA) Certificate of Origin (COO), or a Declaration of Origin (DOO).

Certificates of Origin

A COO must be issued by an authorised body in the country of origin and may need to be provided, on request, to customs officials in the importing country.

A COO applies to a single shipment. It may cover one or more goods, but must not exceed 20 items (that is, 20 unique goods) and may be valid for up to one year.

For exporters to China, Australia's authorised bodies are:

- The Australian Chamber of Commerce and Industry (ACCI);
- The Australian Industry Group (AIG); and,
- The Australian Grape and Wine Authority (AGWA) (for wine and wine-related products).

For importers to Australia, China's authorised bodies are:

- General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)
- The China Council for the Promotion of International Trade

Contact details for these authorised bodies are listed on page 17.

These authorised bodies have COO templates you can use. An example is included at the end of this guide, but exporters should seek the authorised template from the relevant authorising body. **Traders should note that the 'overleaf instruction' forms part of the Certificate of Origin and should be included with the Certificate of Origin when declared at the border.**

For guidance on how to complete your COO (including how to indicate third party invoicing, how to declare your origin criterion and who can sign the form), please read the overleaf instruction accompanying the sample COO template. This guidance is also available at the back of this guide, on page 19-20.

Declarations of Origin

Alternatively, an exporter or producer may choose to complete a Declaration of Origin (DOO). A DOO may be accepted in place of a COO for goods covered by an advance ruling on ChAFTA origin (see section on advance rulings on page 3 above and ChAFTA Article 4.9).

A DOO is completed by the exporter of a good and must comply with the template set out in Annex 3-B of ChAFTA (also available on page 21 of this guide). There is no need for a DOO to be approved by an authorised body.

DOOs apply to a single shipment, may cover up to 20 items, and remain valid for one year.

Record keeping

Under ChAFTA, exporters or producers must maintain all records necessary to demonstrate a goods' origin for three years after signing a COO, or longer where a Party's laws and regulations require.

Exporters or importers into Australia should note that records must be retained for five years and can be retained in hard copy or electronic format.

ChAFTA Article 3.20 provides details on record keeping requirements.

Waiver of certification

A COO or DOO will not always be required. For certain goods, Australia and China have waived the requirement altogether. Neither country will require a COO or DOO for goods where the total customs value is less than 1000 AUD (for Australia) or 6000 RMB (for China). ChAFTA allows both countries to raise this threshold as required. You should check with the relevant importing customs authority for more up-to-date information.

Verification

Customs authorities may need to verify the information contained in a COO or DOO. The approach they follow for such processes is outlined in ChAFTA Article 3.21. Verification activities may involve:

- requests for information from the authorised body, the importer, the exporter, or the producer;
- requests for information from the exporting customs authority; or
- a request to undertake a verification visit to the premises of the exporter or producer.

Retrospective claims: seeking preferential rates following import

Under ChAFTA, importers are entitled to claim preferential tariff treatment after importation of the good, if a claim is not made at the time of importation. Note that for imports to China, importers must note at the time of import their intention to make a retrospective claim. Importers have at least one year to apply for a refund of any excess duties paid. In Australia, refunds can be claimed for up to 4 years after the date of importation.

Contacts for further information

Australia

For general enquiries concerning ChAFTA:

- **Department of Foreign Affairs and Trade (DFAT)**
Ph: 02 6261 1888
Email: chinafta@dfat.gov.au
Web: dfat.gov.au/trade/agreements/chafta/Pages/australia-china-fta.aspx
- **DFAT FTA Portal**
To help apply this guide to your specific product, a useful online portal is available to assist you to make the most of the FTA with China. The FTA Portal allows users to search for tariff outcomes by keyword or HS code, and links to step-by-step rules of origin guidance and certification information, as well as a snapshot of import market data relating to the searched product. Visit the portal here: www.ftaportal.dfat.gov.au

For all Australian customs matters including import requirements and procedures, advance rulings, tariff classifications and rules of origin:

- **Department of Immigration and Border Protection**
Ph: 1300 805 876
Email: chafta@border.gov.au
Web: www.border.gov.au/Busi/Free/China

For enquiries regarding COOs for export to China:

- **Australian Chamber of Commerce and Industry**
Ph: 02 6273 2311
Email: info@acci.asn.au
Web: www.acci.asn.au/certificates-origin
- **Australian Industry Group**
Ph: 03 9867 0132
Email: tradedocs@aigroup.com.au
Web: www.aigroup.com.au/trade/certificateoforigin
- **Australian Grape and Wine Authority**
Ph: 08 8228 2000
Web: www.wineaustralia.com/

China

- **China Customs Service**
Web: english.customs.gov.cn/
- **China Ministry of Commerce FTA Network**
Web: fta.mofcom.gov.cn/topic/enaustralia.shtml

For enquiries regarding COOs for import into Australia:

- **General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)**
Web: www.aqsiq.net/
- **The China Council for the Promotion of International Trade**
Web: www.ccpit.org.cn/contact.asp?action=lxwm

Annex 3-A Certificate of Origin

(Sample only – originals to be supplied by authorised bodies)

1. Exporter's name, address and country:			Certificate No.: CERTIFICATE OF ORIGIN Form for China-Australia Free Trade Agreement Issued in: _____			
2. Producer's name and address (if known):			For official use only:			
3. Importer's name, address and country (if known):						
4. Means of transport and route (if known) Departure date: Vessel/Flight/Train/Vehicle No.: Port of loading: Port of discharge:			5. Remarks:			
6. Item number (max.20)	7. Marks and numbers on packages (optional)	8. Number and kind of packages; description of goods	9. HS code (6-digit code)	10. Origin criterion	11. Gross or net weight or other quantity (e.g. Quantity Unit, litres, m ³)	12. Invoice number and date
13. Declaration by the exporter or producer The undersigned hereby declares that the above-stated information is correct and that the goods exported to _____ (Importing Party) comply with the origin requirements specified in the China-Australia Free Trade Agreement. _____ Place, date and signature of authorised person			14. Certification On the basis of the control carried out, it is hereby certified that the information herein is correct and that the described goods comply with the origin requirements of the China-Australia Free Trade Agreement. _____ Place, date, and signature and stamp of the Authorised Body Tel: _____ Fax: _____ Address: _____			

Overleaf Instruction

- Box 1: State the full legal name and address of the exporter in Australia or China.
- Box 2: State the full legal name and address (including country) of the producer, if known. If more than one producer's good is included in the certificate, list the additional producers, including names and addresses (including country). If the exporter or the producer wish the information to be confidential, it is acceptable to state "Available to the competent authority or authorised body upon request". If the producer and the exporter are the same, please complete the box with "SAME". If the producer is unknown, it is acceptable to state "UNKNOWN".
- Box 3: State the full legal name and address of the importer in Australia or China, if known.
- Box 4: Complete the means of transport and route and specify the departure date, transport vehicle number, and port of loading and discharge, if known.
- Box 5: The Customer's Order Number, Letter of Credit Number, among others, may be included. If the invoice is issued by a non-Party operator, information such as the name, address and country of the operator issuing the invoice shall be indicated herein.
- Box 6: State the item number; item number shall not exceed 20.
- Box 7: State the shipping marks and numbers on packages, when such marks and numbers exist.
- Box 8: The number and kind of packages shall be specified. Provide a full description of each good. The description should be sufficiently detailed to enable the products to be identified by the Customs Officers examining them and relate it to the invoice description and to the HS description of the good. If the goods are not packed, state "in bulk". When the description of the goods is finished, add "****" (three stars) or "\ " (finishing slash).
- Box 9: For each good described in Box 8, identify the HS tariff classification (a six-digit code).
- Box 10: For each good described in Box 8, state which criterion is applicable, according to the following instructions. The rules of origin are contained in Chapter 3 (Rules of Origin and Implementation Procedures) and Annex II (Product Specific Rules of Origin) of the China-Australia Free Trade Agreement

Origin Criterion	Insert in Box 10
The good is "wholly obtained" in the territory of a Party in accordance with Article 3.3 (Wholly Obtained Goods).	WO
The good is produced entirely in the territory of one or both Parties, exclusively from materials whose origin conforms to the provisions of Chapter 3 (Rules of Origin and Implementation Procedures).	WP
The good is produced in the territory of one or both Parties, using non-originating materials that comply with the applicable product specific rule; and meets the other applicable provisions of Chapter 3 (Rules of Origin and Implementation Procedures).	PSR

- Box 11: State gross or net weight in kilograms or other units of measurement for each good described in Box 8. Other units of measurement (e.g. volume or number of items) which would indicate exact quantities may be used where customary.

Box 12: The invoice number and date should be shown here.

Box 13: The box must be completed by the exporter or producer. Insert the place, date and the signature of a person authorised by the exporter or producer.

Box 14: The box must be completed, signed, dated and stamped by the authorised person of the authorised body. The telephone number, fax and address of the authorised body should be given.

(Sample only – originals to be supplied by authorised bodies)

Continuation Sheet

Certificate of Origin – Form for China-Australia Free Trade Agreement

Certificate No.:

6. Item number (max.20)	7. Marks and numbers on packages (optional)	8. Number and kind of packages; description of goods	9. HS code (6-digit code)	10. Origin criterion	11. Gross or net weight or other quantity (e.g. Quantity Unit, litres, m ³)	12. Invoice number and date
<p>13. Declaration by the exporter or producer</p> <p>The undersigned hereby declares that the above-stated information is correct and that the goods exported to</p> <p>_____</p> <p>(Importing Party)</p> <p>comply with the origin requirements specified in the China-Australia Free Trade Agreement.</p> <p>_____</p> <p>Place, date and signature of authorised person</p>			<p>14. Certification</p> <p>On the basis of the control carried out, it is hereby certified that the information herein is correct and that the described goods comply with the origin requirements of the China-Australia Free Trade Agreement.</p> <p>_____</p> <p>Place, date, and signature and stamp of the Authorised Body</p> <p>Tel: _____ Fax: _____</p> <p>Address: _____</p>			

Declaration of Origin

China-Australia Free Trade Agreement

On behalf of

_____, being the
(print exporter's or producer's name and address)

EXPORTER / PRODUCER / EXPORTER AND PRODUCER,
(strike out those which do not apply)

I hereby declare that the goods described below are originating goods from
AUSTRALIA / CHINA
(strike out that which does not apply)

in accordance with the rules of origin requirements of the China-Australia Free Trade Agreement.

I am legally responsible for the truthfulness and authenticity of what is declared in this document.

Item No.	Description of goods	Harmonised system code six (6) digits	Number and date of invoice	Reference number of advance ruling	Origin-conferring criteria

Signature: _____

Name: _____

Position: _____

Date: _____

Note: This declaration must be printed and presented as a separate document accompanying the commercial invoice. The maximum number of items covered by this declaration should not exceed 20.



Australian Government

