

*The International
Trade Compliance
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CERTIFICATE OF ORIGIN

When can you, as a U.S. exporter, prepare and offer to your foreign customer a certificate of origin for the goods that you have sold?

Before answering that question, let's make a distinction between these documents known as certificates of origin. There are basically two types of documents that go by the name certificate of origin.

First there is a certificate of origin associated to free trade agreements (FTA) such as NAFTA, CAFTA-DR, Israel, and Australia, among others. In preparing this type of certificate, the exporter is attesting to the fact that the goods described upon the certificate are eligible – technical term is “originating” – under the particular free trade agreement. The preparer has undertaken an evaluation of the good under the rules of origin of the FTA and determined that the good meets the requisite criteria for eligibility under that FTA. A certificate may then be prepared attesting to this. The foreign customer then uses this certificate to evidence to its own customs service that the goods may be accorded a preferential rate of duty.

There is also a document known as a standard, generic, or general certificate of origin. This document is the preparer's attestation that the goods described upon the certificate are of the origin of the declared country; that the goods are the growth, product or manufacture of the stated country. Yet another distinction to be made is that a standard certificate may properly be prepared for a particular good while, at the same time, a FTA certificate may not. Why? Because the good may have been made in the USA but the foreign materials used to make it did not undergo the required transformation as defined by the NAFTA Specific Rules of Origin and, thus, was not eligible under NAFTA.

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CERTIFICATE OF ORIGIN *continued . . .*

For U.S. exporters, the standard certificate of origin is, generally, preprinted with the words “product of the United States”. This is because the preparer’s attestation is to be notarized as to the authenticity of the statement. The preparer is, under oath, attesting to the fact that the goods were made in the USA. It is information clearly known to the party signing the document.

How could a U.S. exporter attest to the goods being of, say, Taiwanese origin? Was the U.S. person there? Were they obtained from Taiwan but actually made somewhere else? Can one simply rely upon the markings on the good? In other words, a standard certificate of origin is to be prepared by the party who has direct, first hand knowledge as to the true origin of the good. This is, universally, the party who actually grew, obtained, produced or manufactured the good.

If a foreign buyer were to ask a U.S. exporter/seller for a certificate of origin for a good that the seller knows to be of Malaysian origin then that seller is expected to obtain a certificate of origin from the Malaysian producer and pass it along to its foreign buyer.

The standard certificate of origin is also to be certified by a recognized chamber of commerce. This is done based on the idea that a chamber of commerce, being an organization familiar with businesses and business practices, would otherwise be able to confirm (certify), based on its review of documents, that statements made upon the certificate are likely to be accurate.