

제록

EXCHANGE OF NOTES OF FOR THE AMENDMENT OF THE UNIFORM REGULATIONS OF THE
FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND THE REPUBLIC OF
CHILE

Exchange of Notes at Santiago October 24, 2007 and November 6, 2007
Entered into force November 6, 2007

EXCHANGE OF NOTES OF FOR THE AMENDMENT
OF THE UNIFORM REGULATIONS OF THE FREE TRADE AGREEMENT
BETWEEN THE REPUBLIC OF KOREA AND THE REPUBLIC OF CHILE

(Korean Proposing Note)

KCP-174-2007

Santiago, October 24th, 2007

His Excellency
Alejandro Foxley
Minister of Foreign Affairs of the Republic of Chile

Excellency,

I have the honour to refer to the Uniform Regulations for the Interpretation, Application, and Administration of Chapters 3, 4 and 5 of the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Chile (hereinafter referred to as the "Uniform Regulations"), agreed upon by the exchange of notes dated March 12 and April 1, 2004 and amended by the exchange of notes dated April 8 and May 19, 2004.

I have also the honor to propose, on behalf of the Government of the Republic of Korea, that the Uniform Regulations be amended as follows:

First, the following article shall be added to the Uniform Regulations after Article VI (Exceptions) as Article VI-1:

“Article VI-1

1. For purposes of Chapter 4 and Chapter 5 of the Agreement, when a good of a Party is transported through a third country,
 - (a) in case the bill of lading for final destination is issued in a third country, the claim for preferential tariff treatment for the good shall be supported by documentary evidence such as invoices, bills of lading or waybills that indicate the shipping route and all points of shipment and trans-shipment prior to the importation of the good into the importing Party's territory; and
 - (b) a time limit of importation into the territory of the importing Party for a good of the exporting Party that is in transit or trans-shipment in a third country shall not be necessary.
2. For the purpose of paragraph 1 of this Article, the good of a Party transported through a third country must meet the provisions of Chapter 4 and Chapter 5 of the Agreement.”

Secondly, Annex II (a) and Annex II (c) shall be replaced by the Annex II (a) and Annex II (c) attached hereto.

Thirdly, Annex II (b) attached hereto shall be inserted between Annex II (a) and Annex II (c)

If the above proposal is acceptable to the Government of the Republic of Chile, I have further the honor to propose that this Note and Your Excellency's Note in reply indicating acceptance be regarded as constituting an agreement between our two Governments, which shall enter into force on the date of your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Enclosures: The revised Annexes II (a), (b) and (c) of the Uniform Regulations

Kee Hyun-seo
Ambassador Extraordinary and Plenipotentiary
of the Republic of Korea

Annex II (a)
KOREA-CHILE FREE TRADE AGREEMENT
CERTIFICATE OF ORIGIN

Issuing Number:

1: Exporter (Name and Address) Tax ID No:				
2: Producer (Name and Address) Tax ID No:		3: Importer (Name and Address)		
4. Description of Good(s)	5. HS No.	6. Preference Criterion	7. Regional Value Content	8. Country of Origin
9. Remarks:				
10: Certification of Origin				
<p>I certify that:</p> <p>I The information on this document is true and accurate and I assume the responsibility for providing such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document</p> <p>I agree to maintain and present upon request, documentation necessary to support this certificate, and to inform, in writing, all persons to whom the certificate was given of any changes that could affect the accuracy or validity of this certificate.</p> <p>I The goods originated in the territory of the Parties, and comply with the origin requirements specified for those goods in KOREA-CHILE FREE TRADE AGREEMENT, and there has been no further production or any other operation outside the territories of the Parties in accordance with Article 4.12 of the Agreement.</p>				

Authorized Signature	Company Name
Name (Print or Type)	Title
Date (MM/DD/YY)	Telephone / Fax /E-mail

Annex II (b)
KOREA-CHILE FREE TRADE AGREEMENT
CERTIFICATE OF ORIGIN
CONTINUATION SHEET

Issuing Number :

2. Producer	4. Description of Good(s)	5. HS No.	6. Preference Criterion	7. Regional Value Content	8. Country of Origin

Annex II (c)
KOREA-CHILE FREE TRADE AGREEMENT
CERTIFICATE OF ORIGIN INSTRUCTIONS

For purposes of obtaining preferential tariff treatment, this document must be completed legibly and in full by the exporter and be in the possession of the importer at the time the declaration is made. Please print or type:

Issuing Number: Fill in the serial number of the certificate of origin.

Field 1: State the full legal name, address (including country) and legal tax identification number of the exporter who is a person located in the territory of a Party from where a good is exported by such a person and required to maintain records in the territory of that Party regarding exportations of the goods. Legal tax identification number is: in Korea, Taxpayer Identification Number; in Chile, the Unique Tax Number ("Rol Unico Tributario").

Field 2: If one producer, state the full legal name, address (including country, telephone number, fax number and email address) and legal tax identification number, as defined in Field 1, of said producer. If more than one producer is included on the Certificate, state "Various" and attach a list of all producers, including their legal name, address (including country, telephone number, fax number and email address) and legal tax identification number, cross referenced to the good or goods described in Field 4. If you wish this information to be confidential, it is acceptable to state "Available to Customs upon request". If the producer and the exporter are the same, complete field with "SAME". If the producer is unknown, it is acceptable to state "UNKNOWN".

Field 3: State the full legal name, address (including country) as defined in Field 1, of the importer who is a person in the territory of a Party where a good is imported by such a person and required to maintain records in the territory of that Party regarding importation of the goods; if the importer is not known, state "UNKNOWN"; if multiple importers, state "VARIOUS".

Field 4: Provide a full description of each good. The description should be sufficient to relate it to the invoice description and to the Harmonized System (HS) description of the good. If the Certificate covers a single shipment of a good, include the invoice number as shown on the commercial invoice. If not known, indicate another unique reference number or B/L number, such as the shipping order number, purchase order number or any other number that is capable of identifying the goods.

Field 5: For each good described in Field 4, identify the HS tariff classification to six digits.

Field 6: For each good described in Field 4, state which criterion (A through D) is applicable.

The rules of origin are contained in Chapter 4 and Annex 4 of the Agreement. NOTE: In order to be entitled to preferential tariff treatment, each good must meet at least one of the criteria below.

Preference Criteria

A The good is "wholly obtained or produced entirely" in the territory of one or both of the Parties, as referred to in paragraph 1(a) of Article 4.2 of the Agreement. NOTE: The purchase of a good in the territory does not necessarily render it "wholly obtained or produced".

(Reference: Article 4.1 and paragraph 1(a) of Article 4.2 of the Agreement)

B The good is produced entirely in the territory of one or both of the Parties and satisfies the specific rule of origin set out in Annex 4 of the Agreement that applies to its tariff classification. The rule may include a tariff classification change, regional value-content requirement and a combination thereof, or specific process requirement. The good must also satisfy all other applicable requirements of Chapter 4 of the Agreement. (Reference: paragraph 1(b) of Article 4.2 of the Agreement)

C The good is produced entirely in the territory of one or both of the Parties exclusively from originating materials. Under this criterion, one or more of the materials may not fall within the definition of "wholly produced or obtained", as set out in paragraph 1(c) of Article 4.2 of the Agreement. All materials used in the production of the good must qualify as "originating" by meeting the rules of paragraphs 1(a) through 1(d) of Article 4.2 of the Agreement. (Reference: paragraph 1(c) of Article 4.2 of the Agreement)

D Goods are produced in the territory of one or both of the Parties but do not meet the applicable rule of origin, set out in Annex 4 of the Agreement, because certain non-originating materials do not undergo the required change in tariff classification. The goods do nonetheless meet the regional value-content requirement specified in paragraph 1(d) of Article 4.2 of the Agreement. This criterion is limited to the following two circumstances:

1. the good was imported into the territory of one of the Parties in an unassembled or disassembled form but was classified as an assembled good, pursuant to HS General Rule of Interpretation 2(a); or
2. the good incorporated one or more non-originating materials, provided for as parts under the HS, which could not undergo a change in tariff classification because the heading provided for both the good and its parts and was not further subdivided into subheadings, or the subheading provided for both the good and its parts and was not further subdivided.

NOTE: This criterion does not apply to Chapters 61 through 63 of the HS. (Reference: paragraph 1(d) of Article 4.2 of the Agreement)

Field 7: For each good described in Field 4, where the good is subject to a regional value content (RVC) requirement, indicate "BD" if the RVC is calculated according to the build-down method, or "BU" if the RVC is calculated according to the build-up method. (Reference: Articles 4.3 of the Agreement).

Field 8: Identify the name of the country ("CL" for all originating goods exported to Korea; "KR" for all originating goods exported to Chile).

Field 9: Remarks. Provide any necessary information. In particular, if a good to be traded is invoiced by a non-Party operator, state that the goods subject to declaration are to be invoiced from the non-Party operator and indicate the name, corporate name and address of that operator, if known.

Field 10: This field must be completed, signed and dated by the exporter. The date must be the date the Certificate was completed and signed.

(Chilean Reply Note)

No. 4869

His Excellency
Kee Hyun-seo
Ambassador Extraordinary and Plenipotentiary
of the Republic of Korea

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note No. KCP-174-2007, which reads as follows:

".....(Korean Proposing Note)....."

I have further the honor to confirm that the foregoing proposal is acceptable to the Government of the Republic of Chile, and that Your Excellency's Note together with its Annexes and this reply, together with the Annexes as attached thereto, shall constitute an agreement between our two Governments, which shall enter into force on the date of this Note.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Enclosures: The revised Annexes II (a), (b) and (c) of the Uniform Regulations

SANTIAGO, 06 November 2007

To Excellency
Mr. Kee Hyun-seo
Ambassador Extraordinary and Plenipotentiary
of the Republic of Korea

Alejandro Foxley Ríoseco
Minister of Foreign Affairs of
the Republic of Chile

