

DECISION OF THE KOREA-EFTA JOINT COMMITTEE
No. 2 of 2015
(Adopted on 1 May 2015)

**AMENDMENT OF PARAGRAPH 1 OF ARTICLE 21 AND PARAGRAPH 7 OF ARTICLE 24
OF ANNEX I OF THE FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA
AND THE EFTA STATES**

THE JOINT COMMITTEE,

Recognising the importance of establishing a clear and common record-keeping period requirement as provided for by paragraph 1 of Article 21 (Record-Keeping Requirements) of Annex I of the Free Trade Agreement between the Republic of Korea and the EFTA States (hereinafter referred to as the “Agreement”) to facilitate customs cooperation among the Parties,

Noting the common interpretation of paragraph 1 of Article 21 (Record-Keeping Requirements), as provided for in the Decision to adopt “INTERPRETATION OF PARAGRAPH 1 OF ARTICLE 21 (RECORD-KEEPING REQUIREMENTS) OF ANNEX I OF THE FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND THE EFTA STATES (Decision No. 1 of 2015)”,

Recalling the need to ensure legal certainty by establishing a common minimum threshold for the Parties to provide for the record-keeping period, which will serve as a basis for the customs authorities of the importing Party to request relevant records from the exporters and producers for an origin verification,

Having regard to paragraph 7 of Article 8.1 of the Agreement, empowering the Joint Committee to amend Annexes and Appendices to the Agreement,

DECIDES:

1. The text of paragraph 1 of Article 21 (Record-Keeping Requirements) of Annex I shall be replaced by the following: “The exporter or the producer making out an origin declaration shall keep for at least five years a copy of the origin declaration in question as well as of the documents referred to in paragraph 7 of Article 15.¹⁾” The following footnote shall be added to the amended paragraph 1 of Article 21: “1) For greater certainty, it is understood that the customs authority of the exporting Party shall not be obliged to respond to a request for subsequent verification received after five years following the date of completion of the origin declaration and that the customs authority of the importing Party shall not refuse to grant preferential tariff treatment by reason of receiving no response to the request.” The Parties recognize that the Joint Committee Decision No. 1 of 2015 “INTERPRETATION OF PARAGRAPH 1 OF ARTICLE 21 (RECORD-KEEPING REQUIREMENTS) OF ANNEX I OF THE FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND THE EFTA STATES” had been applied until

the amendment of this Article in accordance with the Joint Committee Decision No. 2 of 2015 “AMENDMENT OF PARAGRAPH 1 OF ARTICLE 21 AND PARAGRAPH 7 OF ARTICLE 24 OF ANNEX I OF THE FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND THE EFTA STATES.”

2. The text of paragraph 7 of Article 24 (Verification of Origin Declarations) of Annex I shall be replaced by the following: “If there is no reply within fifteen months from the date of the verification request or if the reply does not contain sufficient information to be able to determine the authenticity of the document in question or the origin of the products, the requesting customs authorities shall be entitled, save in exceptional circumstances, to refuse to grant preferential tariff treatment.”

3. This Decision shall enter into force on the first day of the second month after the last Party has notified the Depositary that its internal requirements for the entry into force of this Decision have been fulfilled.

Until the end of the second year following the date of the entry into force of this Decision, exporters or producers in a Party which has currently a record-keeping period of less than five years in its national laws will enjoy the flexibility that the record-keeping period in its national laws is deemed to be consistent with the requirements set out in paragraph 1 of Article 21 of Annex I as amended by this Decision.

4. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.