



Certificate of Origin (Form 434) Preparation Guide

Use the Certificate of Origin (Form 434) to claim NAFTA benefits. This form can be used as a blanket certificate for a specified period of up to one year.

A step by step guide to help you prepare the CERTIFICATE OF ORIGIN under the North American Free Trade Agreement.

- Be sure goods meet the rules of origin.
- Have the Certificate of Origin carefully completed.
- Have the Certificate of Origin attached to the invoices which accompany the shipment and be sure shipping documents are marked,

“For Customs Clearance by FedEx Trade Networks”

Form 434

A Step by Step Guide for Preparation of the Certificate of Origin under the North American Free Trade Agreement

Determine whether there is an advantage to making a North American Free Trade Agreement (NAFTA) claim.

- If the goods are normally duty-free, there is no need to make a NAFTA claim to reduce duties. (However, a NAFTA claim may be beneficial to take advantage of reduced Customs "user fees").
- If the savings are small, it may not offset the costs of preparing the Certificate, meeting record retention requirements (five years for U.S. importers), and increased liability (see back page). Costs to the broker increase as well, depending on the complexity of the transaction, resulting in an added NAFTA brokerage fee.

If there is an advantage under the NAFTA, check to be sure the goods meet the Rules of Origin. This determination must be made for each item shipped. Contact Professional Advisory Services at one of our regional offices for complimentary written materials or to arrange an appointment for consultation services.

NORTH AMERICAN 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. This document may also be completed voluntarily by the producer for use by the exporter. Please print or type:

- 1 State the full legal name, address (including country) and legal tax identification number of the exporter. Legal tax identification number is: in Canada, employer number or importer/exporter number assigned by Revenue Canada; in Mexico, federal taxpayer's registry number (RFC); and in the United States, employer's identification number or Social Security number.
- 2 Complete field if the Certificate covers multiple shipments of identical goods as described in Field #5 that are imported into a NAFTA country for a specified period of up to one year (blanket period). "FROM" is the date upon which the Certificate becomes applicable to the good covered by the blanket Certificate (it may be prior to the date of signing this Certificate). "TO" is the date upon which the blanket period expires. The importation of a good for which preferential tariff treatment is claimed based on this Certificate must occur between these dates.
- 3 State the full legal name, address (including country) and legal tax identification number, as defined in field #1, of the producer. If more than one producer's good is included on the Certificate, attach a list of the additional producers, including the legal name, address (including country) and legal tax identification number, cross-referenced to the good described in field #5. 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".
- 4 State the full legal name, address (including country) and legal tax identification number, as defined in field #1, of the importer. If the importer is not known, state "UNKNOWN"; if multiple importers, state "VARIOUS".
- 5 Provide a full description of each good. The description should be sufficient to relate it to the invoice description and to the Harmonized System (H.S.) 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, such as the shipping order number.
- 6 For each good described in field #5, identify the H.S. tariff classification to six digits. If the good is subject to a specific rule of origin in Annex 401 that requires eight digits, identify to eight digits, using the H.S. tariff classification of the country into whose territory the good is imported.
- 7 For each good described in field #5, state which criterion (A through F) is applicable. The rules of origin are contained in Chapter Four and Annex 401. Additional rules are described in Annex 703.2 (certain agricultural goods), Annex 300-B, Appendix 6A (certain textile goods) and Annex 308.1 (certain automatic data processing goods and their parts). NOTE: In order to be entitled to preferential tariff treatment, each good must meet at least one of the criteria on the last page of this instruction booklet.
- 8 For each good described in field #5, state "YES" if you are the producer of the good. If you are not the producer of the good, state "NO" followed by (1), (2) or (3), depending on whether this certificate was based upon: (1) your knowledge of whether the good qualifies as an originating good; (2) your reliance on the producer's written representation (other than a Certificate of Origin) that the good qualifies as an originating good; or (3) a completed and signed Certificate for the good, voluntarily provided to the exporter by the producer.
- 9 For each good described in field #5, where the good is not subject to a regional value content (RVC) requirement or when that content was calculated using the transaction value rather than the net cost, show "NO". Show "NC" if the RVC was calculated using the net cost method. If the calculations cover a period of time, indicate the beginning and the ending date (DD/MM/YR) of that period.
- 10 Identify the name of the country ("MX" or "US" for agricultural and textile goods exported to Canada; "US" or "CA" for all goods exported to Mexico; or "CA" or "MX" for all goods exported to the United States) to which the preferential rate of customs duty applies, as set out in Annex 302.2, in accordance with the Marking Rules or in each Party's schedule of tariff elimination. For all other originating goods exported to Canada, indicate appropriately "MX" or "US" if the goods originate in that NAFTA country, within the meaning of the NAFTA Rules of Origin Regulations, and any subsequent processing in the other NAFTA country does not increase the transaction value of the goods by more than seven percent; otherwise indicate "JNT" for joint production (Reference: Annex 302.2).
- 11 This field must be completed, signed and dated by the exporter. When the Certificate is completed by the producer for use by the exporter, it must be completed, signed and dated by the producer. The date must be the date the Certificate was completed and signed.

Carefully check to be sure each item of required information has been included. Common omissions are the country name in fields 1, 3 and 4; complete origin criteria in field #7 for each good shown in field #5; number of pages, signature, title and date in field #11.

- Attach the original Certificate of Origin to the invoices which accompany the shipment. Retain a copy for your records.
- The shipment invoice should indicate NAFTA status with one of these notations:
 - "NAFTA benefit not claimed."
 - "NAFTA benefit claimed, Certificate of Origin attached."
 - "NAFTA benefit claimed, blanket Certificate of Origin on file with FedEx Trade Networks."



NORTH AMERICAN FREE TRADE AGREEMENT
CERTIFICATE OF ORIGIN

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

OMB No. 1515-0204
See back of form for Paperwork Reduction Act Notice.

Please print or type

19 CFR 181.11, 181.22

<p>1. EXPORTER NAME AND ADDRESS</p> <p>1 ABC Company Limited 1234 Main Street Toronto, Ontario, Canada M5W 1A0</p> <p>TAX IDENTIFICATION NUMBER: ABC 123456</p>	<p>2. BLANKET PERIOD (DD/MM/YY)</p> <p>2 FROM _____</p> <p>TO _____</p>				
<p>3. PRODUCER NAME AND ADDRESS</p> <p>3 SAME</p> <p>TAX IDENTIFICATION NUMBER: _____</p>	<p>4. IMPORTER NAME AND ADDRESS</p> <p>4 DEF Company P.O. Box 1000 Chicago, IL, USA 42345</p> <p>TAX IDENTIFICATION NUMBER: 12-3456789</p>				
5. DESCRIPTION OF GOOD(S)	6. H.S. TARIFF CLASSIFICATION NUMBER	7. PREFERENCE CRITERION	8. PRODUCER	9. NET COST	10. COUNTRY OF ORIGIN
5 Printed Postcards	6 4909.00	7 B	8 YES	9 NO	10 CA
Microwave Ovens	8516.50	B	YES	NO	CA
5 - Foot Aluminum Ladders	7616.99	C	YES	NO	CA
<p>I CERTIFY THAT:</p> <ul style="list-style-type: none"> • THE INFORMATION ON THIS DOCUMENT IS TRUE AND ACCURATE AND I ASSUME THE RESPONSIBILITY FOR PROVING SUCH REPRESENTATIONS. I UNDERSTAND THAT I AM LIABLE FOR ANY FALSE STATEMENTS OR MATERIAL OMISSIONS MADE ON OR IN CONNECTION WITH THIS DOCUMENT; • 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; • THE GOODS ORIGINATED IN THE TERRITORY OF ONE OR MORE OF THE PARTIES, AND COMPLY WITH THE ORIGIN REQUIREMENTS SPECIFIED FOR THOSE GOODS IN THE NORTH AMERICAN FREE TRADE AGREEMENT, AND UNLESS SPECIFICALLY EXEMPTED IN ARTICLE 411 OR ANNEX 401, THERE HAS BEEN NO FURTHER PRODUCTION OR ANY OTHER OPERATION OUTSIDE THE TERRITORIES OF THE PARTIES; AND • THIS CERTIFICATE CONSISTS OF 1 PAGES, INCLUDING ALL ATTACHMENTS. 					
11a. AUTHORIZED SIGNATURE		11b. COMPANY			
11a. <i>John Doe</i>		11b. ABC Company Limited			
11c. NAME (Print or Type)		11d. TITLE			
11c. John Doe		11d. Export Manager			
11e. DATE (DD/MM/YY)		11f. TELEPHONE NUMBER (Voice)		11f. TELEPHONE NUMBER (Facsimile)	
11e. 09/01/02		11f. (123) 456-7890		11f. (123) 456-7891	

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Questions and Answers on the North American Free Trade Agreement

▶ When can NAFTA tariff treatment be requested?

The customs broker, acting for the importer, must declare that goods qualify for NAFTA benefits at the time of entry summary based upon the exporter's written certification. For this reason the broker must have the certificate at or prior to the time of entry summary.

(Importers may wish to specify in purchase orders to vendors that the Certificate of Origin be provided to the customs broker along with the customs invoice.)

When a claim for NAFTA benefits cannot be made at the time of entry, it may be filed later. Send us a fully completed Certificate and refer to our invoice number. Time limits apply; generally one year will be allowed. Claims filed after the fact are economically feasible when they amount to \$50 or more per entry.

▶ What are the consequences to an importer who is unable to obtain certification from the exporter?

NAFTA benefits would not be available. Should the importer declare that the goods are qualified for NAFTA treatment and not have the certification, he could be subject to a \$10,000 civil penalty which is assessable for each uncertified claim that goods qualify.

▶ How long must records be maintained to substantiate NAFTA claims?

Section 162.1 (a) through 162.1 (c) of the U.S. Customs Regulations sets forth definitions, including what records are required, who must keep records, and the record retention period, which currently is 5 years from the date of entry of the merchandise.

Preference Criteria

- A** The good is "wholly obtained or produced entirely" in the territory of one or more of the NAFTA countries, as referred to in Article 415. NOTE: The purchase of a good in the territory does not necessarily render it "wholly obtained or produced". If the good is an agricultural good, see also criterion F and Annex 703.2 (Reference: Article 401(a) and 415)
- B** The good is produced entirely in the territory of one or more of the NAFTA countries and satisfies the specific rule of origin, set out in Annex 401, that applies to its tariff classification. The rule may include a tariff classification change, regional value-content requirement or a combination thereof. The good must also satisfy all applicable requirements of Chapter Four. If the good is an agricultural good, see also criterion F and Annex 703.2 (Reference: Article 401(b))
- C** The good is produced entirely in the territory of one or more of the NAFTA countries 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 Article 415. All materials used in the production of the good must qualify as "originating" by meeting the rules of Article 401(a) through (d). If the good is an agricultural good, see also criterion F and Annex 703.2 (Reference: Article 401(c))
- D** Goods are produced in the territory of one or more of the NAFTA countries but do not meet the applicable rule of origin, set out in Annex 401, 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 Article 401 (d). This criterion is limited to the following two circumstances:
1. the good was imported into the territory of a NAFTA country in an unassembled or disassembled form but was classified as an assembled good, pursuant to H.S. General Rule of Interpretation 2 (a); or
 2. the good incorporated one or more non-originating materials, provided for as parts under the H.S., 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 H.S. (Reference Article: 401(d))
- E** Certain automatic data processing goods and their parts, specified in Annex 308.1, that do not originate in the territory are considered originating upon importation into the territory of a NAFTA country from the territory of another NAFTA country when the most-favored-nation tariff rate of the good conforms to the rate established in Annex 308.1 and is common to all NAFTA countries. (Reference: Annex 308.1)
- F** The good is an originating agricultural good under preference criterion A,B, or C above and it is not subject to a quantitative restriction in the importing NAFTA country because it is a "qualifying good" as defined in Annex 703.2, Section A or B (please specify). A good listed in Appendix 703.2.B.7 is also exempt from quantitative restrictions and is eligible for NAFTA preferential tariff treatment if it meets the definition of "qualifying good" in Section A of Annex 703.2. NOTE1: This criterion does not apply to goods that wholly originate in Canada or the United States and are imported into either country. NOTE 2: A tariff rate quota is not a quantitative restriction.