ANNEX 3-D

AUTHENTICATION PROCEDURE FOR THE STATEMENT ON ORIGIN

For the purposes of enabling the importing Party to establish the authenticity of a Statement on Origin, in accordance with Article 3.16 (Claim for preferential tariff treatment):

(a) The exporting Party shall ensure that the Statements on Origin made out by its exporters are uploaded in or generated through an electronic system administered by the competent authority of the exporting Party. For such upload or generation, the exporting Party shall ensure that the identity of the exporters is authenticated. In the European Union, an exporter shall be authenticated using the Uniform User Management & Digital Signatures (hereinafter referred to as "UUM&DS"[1]) system, an Identity and Access Management system set up by a Member State, or an equivalent authentication system. In India, an exporter shall be authenticated using a login and a password after verification of their credentials. Such authentication of the exporter shall enable the establishment of the identity of the exporter for the purposes of attributing to that exporter a Statement on Origin bearing a unique identification number. A Statement on Origin uploaded or generated following such authentication procedures through the electronic system shall not require a signature.

(b) The customs authority of the importing Party shall have access to the system referred to in point (a) in order to view a Statement on Origin and to verify the authenticity of that Statement on Origin, on the basis of the unique identification number of the Statement on Origin in combination with the exporter reference number in Annex 3-C (Template of the Statement on Origin).

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[1] In the European Union, the UUM&DS system is an access management system for the purposes of providing secure authorised access to the EU Customs electronic systems for EU Economic Operators.

(c) Where the customs authority of the importing Party is not able to confirm the authenticity of a Statement on Origin through the electronic system, it shall inform the importer accordingly and provide the importer with 20 working days to regularise the situation before denying the preferential tariff treatment.

(d) Where the customs authority of the importing Party is unable to confirm the authenticity of a Statement on Origin pursuant to point (b) due to a temporary technical issue in the exporting Party's electronic system referred to in point (a), as notified by the exporting Party through its designated nodal contact point, the customs authority of the importing Party may decide to suspend the granting of preferential tariff treatment to the product concerned pending confirmation of the authenticity of the Statement of Origin in the electronic system. In such cases, the release of the products shall be offered to the importer subject to appropriate precautionary measures, including guarantees as provided for in the importing Party's laws and regulations. As soon as the customs authority of the importing Party has confirmed the authenticity of the Statement on Origin, it shall terminate the suspension and grant preferential tariff treatment in accordance with its laws and regulations.

(e) Where the technical issues referred to in point (d) are recurring in nature, thereby impeding the authentication procedure, or in the event of a serious technical failure of the electronic system in the exporting Party referred to in point (a), the matter shall be brought to the attention of the other Party without delay. In such circumstances, the Parties may decide that the exporting Party applies the procedure provided for in Article 3.16(6) (Claim for preferential tariff treatment) until the electronic system has been restored and shall inform their importers and exporters accordingly.