

## **U.S.-Korea Free Trade Agreement Country of Origin Requirements Frequently Asked Questions**

### General Information

As a general matter, the Korean Customs Service is the authority for Korean customs requirements for exporting goods to Korea (including requests regarding the sample Certificate of Origin that has been created by the Korean Customs Service). The English version KCS website is <http://english.customs.go.kr/kcshome/site/index.do?layoutSiteId=english>. The Korean Embassy in Washington, D.C. may also be able to respond to questions: email, [info@USKoreaConnect.org](mailto:info@USKoreaConnect.org), or website, [www.USKoreaConnect.org](http://www.USKoreaConnect.org). The U.S. Department of Commerce's Foreign Commercial Service (email, [Office.Seoul@trade.gov](mailto:Office.Seoul@trade.gov), or website, <http://export.gov/southkorea/index.asp> ) and the U.S. Department of Agriculture's Foreign Agricultural Service (email, [ATOSeoul@fas.usda.gov](mailto:ATOSeoul@fas.usda.gov), or website, [www.ATOSeoul.com](http://www.ATOSeoul.com)) also advise U.S. companies exporting to Korea.

For questions relating to customs requirements for *importing* into the United States under KORUS, please refer to U.S. Customs and Border Protection interim regulations and implementing instructions which can be found at [http://www.cbp.gov/xp/cgov/trade/trade\\_programs/international\\_agreements/free\\_trade/korea/](http://www.cbp.gov/xp/cgov/trade/trade_programs/international_agreements/free_trade/korea/). You may also contact CBP at [fta@dhs.gov](mailto:fta@dhs.gov).

### Background

Please note that no specific Certificate of Origin document is required under the Agreement, nor is there a prescribed form or format for certifying origin. U.S. exporters or producers should be advised that as long as you provide the elements necessary to complete a certification, you do not need to use the Korean Customs Service's sample Certificate of Origin or any prescribed form, though you are free to do so.

The text of the Agreement relating to the Rules of Origin of the Agreement can be found at <http://www.ustr.gov/trade-agreements/free-trade-agreements/korus-fta/final-text>. Note there are chapters relating to Rules of Origin and Origin Procedures (Chapter 6) and Textiles and Apparel (Chapter 4). For questions relating to the KORUS FTA provisions that you cannot answer, please send an email to [KORUS@ustr.eop.gov](mailto:KORUS@ustr.eop.gov). Detailed information on exporting and importing textile and apparel products can be found at the following U.S. Department of Commerce website: <http://web.ita.doc.gov/tacgi/fta.nsf/FTA/Korea?opendocument&country=Korea>.

If you are not sure whether your export to Korea qualifies for the preferential treatment under the KORUS FTA, we would encourage you to work closely with your importer in Korea and contact the Korean Customs Service, or to request an advance (prospective) ruling from the Korean Government before you export. You can contact: [info@USKoreaConnect.org](mailto:info@USKoreaConnect.org) for information on how to get this determination.

## **KORUS Exporting FAQ for U.S. Exporters or Producers**

Q: How do I make a claim for preferential tariff treatment under the KORUS FTA?

It is the responsibility of the *importer in Korea* to make a claim for preferential treatment for qualifying goods. However, the exporter or producer may be asked by the importer, customs broker, or the Korea Customs Service to provide a written or electronic certification or other information to support the importer's claim.

Q: If I am asked to provide a certification, what information should I provide?

Article 6.15.2 of the KORUS FTA lists the elements necessary for a certification. However, Korean Customs Service may require additional elements. You should contact your importer or customs broker to confirm what information is required.

Q: I have been asked to fill out a Certificate of Origin. Should I fill out this form? How do I fill it out?

There is no obligation under the KORUS FTA to provide the information elements of a certification in a specific form or a prescribed format. For questions about the sample Certificate of Origin provided by the Korean Customs Service, we recommend that you contact [info@USKoreaConnect.org](mailto:info@USKoreaConnect.org)

Q: What information do I have to provide to determine whether my good is originating?

An exporter or producer should be able to provide information that demonstrates that the good meets the applicable rules of origin. Broadly speaking, a good is originating if it is a) wholly obtained or produced entirely in the United States or Korea, b) produced entirely in the U.S. or Korea from originating materials, or c) produced entirely in the United States and Korea and each of the non-originating materials have met the product-specific rules specified in Annex 4-A or Annex 6-A of the Agreement. However, there are several other provisions in the Agreement relevant in determining whether a good is originating.

We would encourage you to look over the text of the Agreement (Chapters 6 and 4). CBP's interim regulations, which are applicable to imports under the KORUS FTA into the United States, are available at:

[http://www.cbp.gov/xp/cgov/trade/trade\\_programs/international\\_agreements/free\\_trade/korea/](http://www.cbp.gov/xp/cgov/trade/trade_programs/international_agreements/free_trade/korea/).

Specific questions about these provisions can be asked at [KORUS@ustr.eop.gov](mailto:KORUS@ustr.eop.gov) or at [fta@dhs.gov](mailto:fta@dhs.gov). Detailed information on exporting and importing textile and apparel products can be found at the following U.S. Department of Commerce website:

<http://web.ita.doc.gov/tacgi/fta.nsf/FTA/Korea?opendocument&country=Korea>.

If you are unsure about whether your product being exported to Korea qualifies as originating, we would encourage you to contact your importer, customs broker or the Korean Customs Service. We would also encourage you to request an advance ruling from the Korean Customs Service for a prospective or advance ruling before you export. You can contact the Korean Embassy at [info@USKoreaConnect.org](mailto:info@USKoreaConnect.org) for further information.

Q: Where can I find the Rules of Origin text or the Product-Specific Rules for the Agreement?

Text of the Agreement relating to the Rules of Origin of the Agreement can be found at <http://www.ustr.gov/trade-agreements/free-trade-agreements/korus-fta/final-text>. Note there are chapters relating to Rules of Origin and Origin Procedures (Chapter 6) and Textiles and Apparel (Chapter 4). For questions relating to the KORUS FTA provisions, please write to: [KORUS@ustr.eop.gov](mailto:KORUS@ustr.eop.gov).

Q: Are there any other requirements or obligations on exporters when making a certification under the FTA?

Yes. Article 6.17.1 requires that specific records must be kept for a minimum of five years if a certification from a producer or exporter forms the basis of a claim. We would encourage you to look at these provisions. There are also obligations of exporters provided under Article 6.20. Questions about these provisions can be asked at [KORUS@ustr.eop.gov](mailto:KORUS@ustr.eop.gov) or at [fta@dhs.gov](mailto:fta@dhs.gov).