

WTO 원산지협정 해설

개 요

- 상품의 원산지 판정 필요성
- 판정에 사용되는 각국별 기준
 - 세번 변경 기준
 - 완전생산 기준
 - 실질적 변형 기준
 - 부가가치 기준
 - 특정 공정 기준
- 협정 구조
 - 각국 원산지 규정이 준수해야 할 원칙 나열
 - 통합 원산지 규정 제정 과제 부여 및 수행 방식

Article 1 Rules of Origin 범위

1. .. laws, regulations and administrative determinations..applied ..to determine the country of origin of goods
- 단, regimes leading to the granting of tariff preferences는 제외
2. ..shall include all rules of origin used in non-preferential commercial policy instruments(MFN, AD,CVD, SG,QR,TQ 등)
also include rules of origin used for 정부 조달 및 통계

Article 2 통합원산지 규정 제정되기 전의 Transition Period 중

Members shall ensure that:

- (a) 원산지 규정 are clearly defined. In particular:
 - (i) 세번 변경 기준 경우, clearly specify the subheadings or headings that are addressed;
 - (ii) 종가세 기준 경우, method for calculating the percentage shall be indicated;
 - (iii) 제작 공정 기준 경우, the operation that confers origin shall be precisely specified;
- (b) commercial policy instrument상의 ROO are not used to pursue trade objectives;
- (c) ..shall not create restrictive, distorting, or disruptive effects on trade.
shall not pose unduly strict requirements or
require the fulfilment of a certain condition not related to manufacturing or processing,
- as a prerequisite for the determination of the country of origin.

(d) ..수출입 적용용 ROO shall not more stringent than 국산품 결정용 ROO

shall not discriminate between other Members

(e) ..administered in a consistent, uniform, impartial and reasonable manner;

(f) ..are based on a positive standard

- ROO stating what does not confer origin (negative standard) are permissible

(g) ROO 관련 법규, 판정 are published;

(h) 원산지 판정 요청시, 150일 이내 판정

판정 요청은 shall be accepted before trade and may be accepted at any later point

원산지 판정, 관련 사정 불변시 3년간 유효, 단 사법적 재심 판정과 상충시 효력 중단

(i) 관련 법규 변경시 소급 적용 불가;

(j) 원산지 판정 관련 행정 행위 is reviewable promptly by judicial, arbitral or administrative tribunals or procedures

- independent of 판정 당국

- effect the modification or reversal of the determination;

(k) 비밀 정보 is treated as strictly confidential by the authorities concerned,

- shall not disclose it without permission of 제공자

Article 3 Disciplines after the Transition Period

Members shall ensure the results of the harmonization work programme, that:

- (a) apply ROO for all purposes as set out in Article 1;
- (b) 원산지국 is either the country where the good has been wholly obtained or,
the country where the last substantial transformation has been carried out;
- (c) 수출입 적용용 ROO are not more stringent than 국산품 결정용 ROO
shall not discriminate between other Members;
- (d) .. are administered in a consistent, uniform, impartial and reasonable manner;
- (e) 이하 동일 상기 (g)~(k)

Article 4~8 원산지위원회 설치, 관련 규정 통보, 분쟁 해결 등 행정 조항

Article 9 HARMONIZATION OF RULES OF ORIGIN

Objectives and Principles

1. work programme harmonizing ROO shall be undertaken, with CCC, on the basis of the following principles:
 - (a) ROO should be applied equally for all purposes as set out in Article 1;
 - (b) 원산지국 is either the country where the good has been wholly obtained or,
the country where the last substantial transformation has been carried out;

- (c) should be objective, understandable and predictable;
- (d) ROO should not be used as instruments to pursue trade objectives
 - should not themselves create restrictive, distorting or disruptive effects on trade
 - should not pose unduly strict requirements or
 - require the fulfilment of a certain condition not related to manufacturing or processing,
 - as a prerequisite for the determination of the country of origin.
- (e) should be administrable in a consistent, uniform, impartial and reasonable manner;
- (f) should be coherent;
- (g) should be based on a positive standard. Negative standards may be used to clarify a positive standard.

Work Programme

- 2. (a) WTO 협정 발효 즉시 개시 및 3년내 종료---현재까지 미결 상태
- (b) 원산지위원회 및 산하 기술위원회 담당
- (c) 기술위원회의 역할, 과제 등 기재