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## **SAVE THE DATE – 28 FEBRUARY 2019:**

**Conference organized by DS Avocats and the Japanese Chamber of Commerce (in cooperation with JETRO) on the benefits for Japanese companies to draw from the Economic Partnership Agreement (EPA) between the European Union and Japan, an historic agreement which came into force on 1 February 2019**

On 20 December 2018, the [Council of the European Union approved](#) the EPA concluded between the EU and Japan and signed on 17 July 2018.

Following the ratification of the agreement by the European and Japanese Parliaments, the entry into force of the agreement is [scheduled for 1 February 2019](#). This economic partnership, which will give birth to a zone of free trade, whose wealth produces almost a quarter of world GDP, aims to liberalize and facilitate trade and investment, but also to promote economic relations between the two parties.

### **Innovations in preferential rules of origin**

As regards the customs aspects of the EPA, some difficulties lie in the non-harmonization of Japanese and European tariff nomenclatures. Also, some important innovations are contained in the rules of origin, listed in Chapter 3: Rules of Origin and Origin Procedures.

Such innovations have also prompted the European Commission to publish [4 guidance documents](#) on the following topics:

- statement on origin declaration for multiple shipments of identical products;
- the **notion of "importer's knowledge"**;
- confidentiality of information; and
- notice on claim, verification and denial.

With regard to the origin declaration, the choice is given to the operators to use either an attestation on a commercial document or to resort to the "importer's knowledge" of the declared preferential origin.

As regards the certificate, it must specifically mention the criterion of the preferential origin determined for each imported product, as well as the REX number of the exporter. This option, which protects industrial data, will nevertheless require operators to do significant work to identify preferential origin criteria applicable to goods, as well as an adaptation of information.

As regards, then to the possibility of proving the origin of goods by the "importer's knowledge " – a possibility introduced for the first time in a trade agreement – the new guide states that this option left to the importer allows claim preferential tariff treatment simply on the basis of his own knowledge of the originating status of imported products. In this case, there is **no need to provide a certificate of origin or to be registered in the REX database**.

This knowledge must be based on information presented in the form of supporting documents or records provided by the exporter or the manufacturer of the product, which are in the possession of the importer. This information provides valid proof that the product is of preferential origin.

This second option will be less difficult to implement but will further undermine industrial secrecy. European authorities are still working to find solutions to minimize such attacks. Enhanced cooperation between Japanese and European customs authorities will be inevitable, as provided for in Article 18 of the Strategic Partnership Agreement signed between the two parties, which will also enter into force provisionally on 1 February 2019 ([notice published in the Official Journal of the EU of 25 January 2019](#)).

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**The exchange that we propose on February 28th will allow you to ask all your questions on these customs subjects or any other subject related to the agreement and its implementation.**

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**DS Alerts on the same subject:** *JEFTA Agreement: The EU and Japan reached an agreement in principle of 3 August 2017 and Finalization of the Economic Partnership Agreement between the European Union and Japan of 5 January 2018.*

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**LES BRÈVES**

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