

COUNTRY OF ORIGIN

How to Prove, Document, and Defend Your Goods'
Country of Origin



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Chapter 1

The Global Handshake: Why Country of Origin Matters

A simple label, often overlooked, sits quietly on the back of a product: "Made in..." For the casual consumer, this small print might evoke a vague sense of quality, perhaps a fleeting thought about the people who made it. But for the businesses that navigate the complex arteries of global trade, these three words are anything but simple. They represent a critical declaration, a handshake across borders that carries immense weight. This declaration, the country of origin, is far more than a bureaucratic checkbox or a matter of geographical pride. It is, in essence, the 'economic nationality' of a product.

Think of it this way: just as a person's citizenship determines their rights and responsibilities under a nation's laws, a product's country of origin determines its treatment under the intricate web of international trade regulations. It dictates which rules apply, what taxes are owed, and whether a product can even enter a particular market. This 'economic

'nationality' isn't necessarily where the product was shipped from, but rather where it was manufactured, produced, or grown. And in a world of global supply chains, where raw materials from one continent are processed in another and assembled in a third, determining that single point of origin can become a surprisingly complex undertaking.

The Bottom Line: Duties, Tariffs, and Trade Agreements

At its most fundamental level, the country of origin directly impacts a company's bottom line through duties and tariffs. Every country maintains a schedule of tariffs-taxes on imported goods-that can vary dramatically depending on the product and its origin. A product from Country A might face a 15% tariff, while the exact same product from Country B could enter duty-free. For any business importing goods, understanding these differences is not just important; it's a matter of financial viability.

This is where the concept of 'preferential' versus 'non-preferential' origin comes into play. Non-preferential origin is the default, the basic economic nationality that determines standard tariff rates, and it's used for things like applying trade embargoes or collecting statistics. Preferential origin, however, is where the real opportunities-and complexities-lie. It's a special status granted to goods from countries that are part of a Free Trade Agreement (FTA) or other preferential trade arrangements.

FTAs are powerful tools designed to encourage trade between partner nations by reducing or eliminating tariffs on qualifying goods. To benefit from these lower duty rates, an exporter must prove that their product meets the specific 'rules of origin' laid out in that particular trade agreement. These rules are the detailed criteria used to determine if a product has undergone enough production within a member country to be considered 'originating'. Getting this right means your product can be significantly more competitive in the target market; getting it wrong means

you lose that advantage entirely.

Imagine you manufacture electronics in the United Kingdom. If your product qualifies for preferential treatment under a UK-Canada trade agreement, your Canadian customer could import it with zero tariffs, giving you a significant price advantage over a competitor whose product does not qualify. But to claim this benefit, you must provide irrefutable proof, a documented trail that satisfies customs authorities that your product truly is of UK origin according to the letter of the law.

The High Cost of Getting It Wrong

If the rewards for correctly identifying country of origin are substantial, the penalties for getting it wrong can be catastrophic. A mistake on a customs declaration is not a simple clerical error. It is a violation of customs law, and governments take these violations very seriously. The consequences can range from hefty financial penalties and the seizure of goods to, in some cases, criminal charges.

Consider the case of a company that incorrectly declares goods made in China as originating from Hong Kong. Even if the tariff rate is the same and there is no loss of revenue to the government, this is still considered a material false statement and can result in significant penalties. Fines can accumulate rapidly, and non-compliant products may be barred from entry, leading to supply chain disruptions, lost sales, and significant financial strain. In some jurisdictions, if there's intent to defraud customs authorities, the consequences can escalate to include prison sentences.

The damage, however, often extends far beyond the immediate financial hit. A company's reputation is one of its most valuable assets, and a public record of non-compliance can erode customer trust and tarnish a brand's image for years to come. In an era where consumers are

increasingly conscious of where their products come from, being seen as a company that cuts corners or misleads authorities can be a public relations nightmare. Rebuilding that trust is a long and arduous process.

Introducing the 'Product Passport'

Navigating this complex landscape requires more than just filling out forms. It demands a proactive, systematic approach to proving, documenting, and defending your goods' country of origin. This is where the concept of the 'Product Passport' comes in-the central theme of this book.

Think of a Product Passport not as a single document, but as a comprehensive portfolio of evidence. It is the complete, verifiable story of your product's journey, from raw materials to finished good. It contains every piece of documentation, every supplier declaration, every manufacturing record, and every legal justification needed to confidently assert your product's origin to any customs authority in the world. It is your proof, your defense, and your key to unlocking the benefits of global trade while mitigating its risks.

Throughout the coming chapters, we will deconstruct what it takes to build this Product Passport. We will move from the foundational principles of origin determination to the granular details of specific rules, documentation requirements, and compliance strategies. You will learn not only the 'what' and 'why' but also the 'how'-how to trace your supply chain, how to interpret complex legal texts, and how to create a robust internal system that makes origin determination a seamless part of your business operations.

This journey is essential for any business operating on the global stage. The global handshake of trade relies on trust and transparency. By

mastering the principles of country of origin and building a robust Product Passport for your goods, you ensure that when you extend that hand, you do so with confidence, integrity, and a clear path to success. The stakes are too high to do otherwise.

Chapter 2

The Two Faces of Origin: Preferential vs. Non-Preferential

Imagine for a moment that you hold two passports for the same country. One is your standard, everyday passport. It proves your citizenship, allows you general entry into other nations, and subjects you to the normal, published visa requirements and entry fees. The second one, however, is special. It's a diplomatic or trade mission passport. It grants you access to expedited lines, waives certain fees, and opens doors that are closed to the general public. Both are valid, both declare you a citizen of the same place, but they are used for entirely different purposes and unlock vastly different outcomes.

This is, perhaps, the clearest way to understand the foundational concept of this chapter: the crucial distinction between non-preferential and preferential rules of origin. A product, much like our hypothetical traveler, can have two origin statuses. One is its basic "economic nationality," and the other is a special status it earns to receive benefits. Understanding

which "passport" your product needs to present at the border is the first, and most critical, step toward mastering origin compliance. The purpose of the transaction dictates the rule you must follow. Get it wrong, and you might find your goods stuck in customs, facing unexpected duties, or missing out on significant financial advantages.

Your Product's Default Identity: Non-Preferential Origin

Every product involved in international trade has a non-preferential origin. Think of this as its default setting, its fundamental citizenship. This is the origin that applies in the absence of any special trade agreements. Its primary purpose isn't to grant benefits, but rather to enforce trade policy measures and ensure regulatory order.

Countries use non-preferential rules of origin for several key functions:

1. **Most-Favored-Nation (MFN) Tariff Treatment:** Under World Trade Organization (WTO) principles, member countries agree to treat all other members equally. This means the standard tariff rate, or MFN rate, you apply to imports from one member country should be the same for all others. Non-preferential origin determines which country's MFN rate to apply.
2. **Trade Remedies:** When a country is suspected of "dumping" goods at unfairly low prices or unfairly subsidizing its exports, the importing country can impose anti-dumping or countervailing duties. Determining the correct non-preferential origin is essential to know if these penalties apply.
3. **Country of Origin Marking:** Many countries require that imported goods be marked with their country of origin (e.g., "Made in Vietnam") so consumers know where the products were produced.

4. Trade Statistics and Government Procurement: Governments use origin data to compile trade statistics and to enforce rules that may favor domestic goods in public purchasing contracts.

So, how is this default origin determined when a product isn't simply grown or mined in one country? This is where the cornerstone concept of "substantial transformation" comes into play. For goods made from materials from multiple countries, the origin is conferred by the country where the last substantial, economically justified processing occurred, resulting in a new and different article. This isn't just about simple assembly. The transformation must create a product with a new name, character, or use. For example, taking sugar from Brazil, flour from Canada, and butter from Ireland and baking them into cookies in Mexico would likely confer Mexican origin, as a new product-cookies-was created. Simply mixing and freezing vegetables from various countries, however, would likely not be a substantial transformation, as the essential character of the ingredients hasn't changed.

The VIP Pass: Understanding Preferential Origin

If non-preferential origin is the standard passport, preferential origin is the VIP pass. Its sole purpose is to determine if your goods are eligible for special treatment-namely, reduced or zero tariffs-under a specific trade agreement or program. This is where the real cost savings in international trade are found. This special status is conferred on goods that meet the specific criteria laid out in the legal text of a Free Trade Agreement (FTA) or a unilateral preference program like the Generalized System of Preferences (GSP).

Unlike the more general "substantial transformation" test, preferential rules of origin are highly specific, vary significantly from one agreement to another, and are often much stricter. They are designed to ensure that

only the member countries of the trade agreement truly benefit from the tariff cuts, preventing third countries from simply rerouting their goods through a member country to avoid duties.

Preferential rules typically rely on one or a combination of the following criteria:

Tariff Shift: This is a very common method. It requires that the manufacturing process in the FTA country changes the tariff classification code of the non-originating materials used. For example, an agreement might state that to produce an originating wooden chair (HS code 9401), you cannot use imported wood that is already classified under the same heading. You must start with raw lumber (e.g., HS code 4407) and perform the transformation into a chair yourself. The "shift" in the tariff code proves a substantial transformation occurred.

Regional Value Content (RVC): This rule requires that a certain percentage of the product's value must originate from within the FTA region. For instance, an agreement might require that at least 50% of the value of a car be attributable to parts and labor from the member countries. This is calculated using specific formulas, often a "build-up" or "build-down" method, detailed within the agreement itself.

* **Specific Manufacturing Process:** Some rules dictate that a specific production process must be performed in the FTA territory for the good to qualify, regardless of tariff shifts or value content. This is common in sectors like textiles and chemicals.

Because these rules are so technical and unique to each agreement, a product might qualify for preferential treatment under one FTA but not another, even if the production process is identical. This is why you can never assume.

Real-World Scenarios: Putting the Rules to Work

Let's ground this in a practical example. Consider a company in Malaysia that manufactures high-end electronic blenders.

The blender's motor is imported from Japan, the plastic housing from South Korea, and the blades from Germany. The design, complex assembly, software programming, and quality control all happen in Malaysia.

Scenario 1: Exporting to the United States (Non-Preferential Rules)

The United States and Malaysia do not have a bilateral free trade agreement. Therefore, the shipment will be governed by non-preferential rules. U.S. Customs will apply the "substantial transformation" test. The key question is: where was the blender given its essential character? Although the components are from various countries, the complex assembly, the integration of software, and the creation of a new, functional product in Malaysia would almost certainly be considered a substantial transformation. The blender becomes a product of Malaysia. It will be subject to the standard MFN tariff rate for blenders in the U.S. and must be marked "Made in Malaysia."

Scenario 2: Exporting to Australia (Preferential Rules)

Malaysia and Australia are both parties to the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA). This opens the door for preferential treatment, but only if the blender meets the specific rules of origin in that agreement. The importer can't just assume it qualifies.

Let's say the AANZFTA rule for blenders requires either:

- a) A change to tariff heading 8509 from any other heading; OR
- b) A Regional Value Content of not less than 40%.

The Japanese motor, Korean plastic, and German blades are likely already classified in headings different from the final blender, so the tariff shift rule might be met. Alternatively, the company could calculate the RVC. If the value of the Malaysian labor, overhead, profit, and any Malaysian-made components is at least 40% of the blender's final value, it would also qualify. If it meets either of these specific tests, the company can issue a certificate of origin claiming preferential treatment, and the blender can enter Australia at a reduced or, more likely, zero tariff rate. The financial benefit is immediate and substantial.

In this tale of two shipments, the product is identical. The manufacturing process is identical. The only thing that changes is the destination and, consequently, the set of rules that applies. The first scenario is about basic compliance and paying the standard rate; the second is about leveraging a trade agreement to create a competitive advantage. This is the power of understanding the two faces of origin. One is a requirement for all, the other an opportunity for the prepared. As we move into the next chapter, we will begin to dissect the methodologies behind these rules in greater detail, starting with the nuanced art of determining substantial transformation.

Chapter 3

The Heart of the Matter: Substantial Transformation

Imagine a simple wooden chair. If the wood was grown and milled in Canada, and the chair was fully constructed in a Canadian factory, determining its country of origin is straightforward. It is, for all intents and purposes, a product of Canada. But what happens when the economic realities of a global supply chain enter the picture? What if the lumber is from Brazil, the screws from China, the fabric for the cushion woven in India, and all these components are shipped to Mexico for final assembly, packaging, and distribution? Suddenly, the question, "Where is this chair from?" becomes significantly more complex. Is it Brazilian, Chinese, Indian, or Mexican? This is the central challenge in a world where products are rarely the output of a single nation.

This is where we encounter the pivotal legal and commercial principle of 'substantial transformation.' It's a concept that sits at the very core of determining a product's country of origin when its creation spans multiple

borders. For businesses, understanding this principle isn't just an academic exercise; it dictates the tariffs you pay, the trade agreements you can leverage, and the very words you must print on your labels. Misinterpreting the rules can lead to costly delays, fines, and the loss of preferential trade benefits. Getting it right, on the other hand, unlocks market access and ensures smooth passage for your goods.

At its essence, substantial transformation occurs when a product undergoes a process that results in a "fundamental change in form, appearance, nature, or character." It means that the materials or components entering a country are so significantly altered that they become a new and different article of commerce. The original items lose their individual identity and become an integral part of something new. Think of it like baking a cake. Flour from Country A, sugar from Country B, and eggs from Country C are mixed and baked in Country D. The result isn't just a mixture of ingredients; it's a cookie, a new product with a character and use entirely distinct from its constituent parts. That cookie, in the eyes of customs authorities, would likely be a product of Country D.

However, not all processes qualify. Simply repackaging an item, diluting it with water, or freezing a mix of vegetables generally does not constitute a substantial transformation. These are considered minor operations that don't fundamentally change the identity of the imported goods. The core question, which U.S. Customs and Border Protection (CBP) and similar international bodies examine on a case-by-case basis, is whether the work performed was meaningful and complex, or merely a minor finishing step. The classic legal test, established over decades of trade law, is whether the processed article emerges with a new name, character, or use.

The Tariff Shift Method: A Change in Identity

One of the most concrete and widely used methods for proving substantial transformation is the Tariff Shift. It's a technical but logical approach that relies on the international Harmonized System (HS) of tariff classification. Every product imaginable, from live animals to complex machinery, is assigned a specific HS code. This code is used by customs officials worldwide to categorize goods and apply the correct duties and taxes. The Tariff Shift rule states that if the manufacturing process in a country changes the HS classification of the non-originating components into the different HS classification of the final product, then substantial transformation has occurred.

Think of it as a bureaucratic acknowledgment of a physical change. The change in the product's classification code is seen as definitive proof that it has become something new. To apply this method, a business must meticulously track the HS codes of all non-originating parts and materials used in their production process.

Let's make this practical. Imagine a company in the United States is manufacturing wooden furniture. They import raw lumber from Canada. The raw lumber falls under HS Chapter 44. In their U.S. factory, they cut, shape, assemble, and finish this lumber into a dining room table, which is classified under HS Chapter 94. Because the finished product (the table) has a different HS chapter than its primary non-originating component (the lumber), it has undergone a tariff shift. This shift from Chapter 44 to Chapter 94 is a clear indicator of substantial transformation, conferring U.S. origin on the table.

Free Trade Agreements (FTAs) often specify the exact type of shift required. It could be a change from one chapter to another (a 'Chapter Shift'), a change from one four-digit heading to another ('Heading Shift'),

or a change at the six-digit subheading level ('Subheading Shift'). The specific rule depends entirely on the product and the particular trade agreement being used. It is a detail-oriented process that demands a firm grasp of your bill of materials and the Harmonized Tariff Schedule.

The Regional Value Content (RVC) Method: A Measure of Economic Contribution

Sometimes, a tariff shift isn't possible or practical. A product's components might already be so similar in classification to the final product that no shift occurs, even with significant manufacturing. In these instances, another primary method is often employed: the Regional Value Content (RVC) method, also known as the value-added method.

Instead of focusing on a physical change in identity, the RVC method measures the economic transformation. It requires that a certain minimum percentage of the product's value originates from within a specific country or FTA region. This ensures that a country claiming origin has made a significant economic contribution to the final worth of the product, preventing countries from being used as simple pass-through points to gain tariff advantages.

There are a few common ways to calculate RVC, and the specific formula is always defined within the trade agreement itself. The two most prevalent are the 'Build-Up' and 'Build-Down' methods.

Let's break them down:

1. **The Build-Up Method:** This approach calculates the RVC by summing the value of all originating materials and processing costs. You add up the cost of local raw materials, local labor, factory overhead, and profit, and if that sum meets a certain percentage of the final product's value (often the ex-works or FOB price), the RVC requirement is met. For

example, the ASEAN Free Trade Area (AFTA) often uses a threshold of 40% RVC.

2. The Build-Down (or Net Cost) Method: This is the inverse. You start with the final value of the good and subtract the value of all non-originating materials-those imported from outside the FTA region. The remaining value is considered the regional value content. For example, under the United States-Mexico-Canada Agreement (USMCA), some goods might be required to have an RVC of 50% under the Net Cost method. So, if a hydraulic pump has a net cost of \$24,000 and contains \$11,000 worth of non-originating materials, its RVC would be calculated as $((\$24,000 - \$11,000) / \$24,000)$, which equals 54.2%. This would satisfy the 50% requirement.

Choosing the right method depends on your supply chain and the terms of the specific FTA. If your product relies heavily on locally sourced materials, the Build-Up method might be more straightforward. If you use a mix of local and foreign components, the Build-Down method could be easier to document. The critical takeaway is that the RVC method provides an alternative pathway to proving origin based on the economic value added in a country.

When Other Criteria Apply: Beyond the Big Two

While Tariff Shift and RVC are the workhorses of origin determination, they aren't the only tools in the shed. Certain industries and products have unique manufacturing processes that don't fit neatly into these models. For these cases, specific rules and criteria often apply.

Textiles and apparel, for instance, frequently have their own set of origin rules. These can be based on a 'yarn-forward' or 'fabric-forward' principle. Under a yarn-forward rule, to qualify for preferential treatment, everything

from the yarn spinning process onward must occur within the FTA region. This is a highly specific manufacturing process rule designed to protect and encourage the entire textile production chain within member countries.

In other complex cases, especially when neither a tariff shift nor an RVC calculation can definitively determine origin, authorities may turn to the 'essential character' test. This is a more subjective analysis that seeks to identify the single component or material that defines the essence of the good. Consider a high-tech device assembled in the Philippines from 275 different parts sourced globally, but with a critical A/C adapter from China. A court might have to decide if that single adapter imparts the essential character of the device or if the complex assembly of the other 274 parts in the Philippines is the defining transformation. These determinations are highly fact-specific and often rely on previous customs rulings and court cases.

Ultimately, the principle of substantial transformation is a dynamic and nuanced concept. It requires businesses to move beyond a simple 'Made In' label and deeply understand the journey their product takes from raw material to finished good. It's a journey defined not just by geography, but by changes in form, value, and identity. Mastering these rules is the first step in creating a resilient and compliant global supply chain, a topic we will explore further as we move into the specifics of documenting and certifying your claims in the chapters ahead.

Chapter 4

Building Blocks of Origin: Deconstructing Your Bill of Materials (BOM)

Every finished product, no matter how simple or complex, is a story. It's a narrative of design, engineering, and assembly, with a cast of characters that includes every screw, wire, and microchip. To truly understand your product's identity-its country of origin-you must first learn to read this story. The table of contents for this story is the Bill of Materials, or BOM. At first glance, a BOM might seem like a simple list, a mere recipe for production. But for our purposes, it is the foundational document, the Rosetta Stone that allows us to translate a list of parts into a defensible origin claim.

This chapter is where we roll up our sleeves. We will move from the theoretical concepts of the previous chapters into the practical, hands-on work of analysis. Think of yourself as a detective and the BOM as your primary source of evidence. Every line item is a clue, a breadcrumb that leads you back through your supply chain, sometimes to places you might

not expect. Our goal is to deconstruct this evidence, piece by piece, to build a case for your product's origin that is clear, documented, and verifiable.

Mapping Your Supply Chain Through the BOM

A Bill of Materials is a comprehensive and structured list of all the materials, components, parts, and sub-assemblies required to manufacture a product. It's the blueprint that guides everything from purchasing to production. For origin determination, the BOM serves as a critical map of your supply chain. It tells you not just what goes into your product, but implicitly, where it comes from.

Imagine assembling a modern office chair. Your BOM would list the casters, the five-point base, the gas lift, the seat mechanism, the armrests, the foam cushion, and the fabric cover. It would also specify the screws, bolts, and washers needed to put it all together. A simple, single-level BOM might list these as individual components. However, many products utilize a multi-level BOM, which shows the hierarchical relationship between parts. For example, the seat mechanism might be a sub-assembly with its own BOM, detailing the levers, springs, and housing that were assembled in a different factory, perhaps even in a different country.

This is the first and most crucial step: treating your BOM as a geographical map in waiting. Each component on that list has a journey. The plastic for the casters was molded somewhere; the steel for the base was forged in a particular mill; the fabric was woven and dyed in another facility. Your task is to trace these journeys. This requires a level of diligence that goes beyond what is typically required for production alone. You must engage with your procurement team and, by extension, your suppliers. It's not enough to know you buy a particular microchip from a

distributor in one country; you need to know where that microchip was fabricated. This is the essence of supply chain mapping through the lens of the BOM.

Classifying Each Component: HS Codes and Origin

Once you have begun to trace the geographic path of each component, the next step is to assign two critical pieces of information to every line item on your BOM: its country of origin and its Harmonized System (HS) code.

The Harmonized System is a standardized international system for classifying traded products, administered by the World Customs Organization (WCO). It assigns a six-digit code to various classifications, which allows customs authorities worldwide to speak the same language when identifying goods. This code is fundamental to determining duties, taxes, and whether a product is subject to specific regulations or trade agreements.

Why is this important at the component level? Because the rules of origin, which we will explore in greater detail in the next chapter, often depend on whether the manufacturing process resulted in a "substantial transformation" of the inputs. This transformation is almost always defined by a change in the HS classification between the components and the final product. For example, if you import plastic pellets (classified under one HS code) and mold them into a chair base (classified under a different HS code), that change in classification is a powerful argument for a transformation having occurred.

Therefore, your task is to work through your BOM, line by line, and assign an HS code to every single component. This can be a painstaking process. It requires a detailed understanding of the components

themselves. You can't classify a "fastener"; you need to know if it's a steel self-tapping screw or a brass bolt. This level of detail is paramount. Your suppliers should be able to provide the country of origin and the HS code for the parts they sell you. If they can't, it's a significant red flag. Verifying this information is a core part of your due diligence.

The Importance of Accurate Material Descriptions and Valuations

Customs officials rely on clear and precise descriptions to do their jobs effectively. Vague terms like "parts" or "electronics" are insufficient and can lead to delays, inspections, or even the rejection of your shipment. The descriptions on your BOM, which will eventually inform your shipping and customs documentation, must be accurate and detailed. Instead of "motor," your description should be "7.5W DC brushless motor." Instead of "plastic housing," it should be "injection-molded ABS plastic enclosure." This precision is not just for clarity; it's essential for correct HS classification.

Equally critical is the accurate valuation of each component. The customs value of your final product is the basis for calculating duties. This value is built up from the cost of its constituent parts. The primary method for customs valuation is the "transaction value"-essentially, the price paid or payable for the goods. When you are determining the origin of a product, especially under rules that have a regional value content requirement, you must be able to prove the value of both the materials that originate in a particular country and those that do not.

This means that the cost assigned to each component on your BOM must be accurate and defensible. It should reflect the real price paid. Attempting to undervalue components to reduce the final duty liability is considered fraud and can lead to severe penalties. Your internal cost accounting must

be robust enough to stand up to scrutiny from a customs audit. Keep meticulous records of purchase orders and invoices for every component listed on your BOM. These documents are the evidence that supports the values you declare.

Template: BOM-to-Origin Analysis Worksheet

To bring all these elements together in a practical way, the creation of a BOM-to-Origin Analysis Worksheet is an indispensable tool. This isn't just a simple spreadsheet; it's a dynamic document that will become a cornerstone of your compliance program. Think of it as your master ledger for origin determination.

While the specific format can be adapted to your company's needs, a robust worksheet should contain, at a minimum, the following columns for each component:

1. Level: For multi-level BOMs, this indicates where the component fits in the product hierarchy (e.g., 1 for the main component, 2 for a sub-assembly component).
2. Part Number: The unique internal identifier for the component.
3. Part Description: A clear, detailed, and unambiguous description of the component.
4. Quantity: The number of units of this component used in one unit of the finished product.
5. Unit of Measure: How the quantity is measured (e.g., each, kilograms, meters).
6. Supplier Name: The direct supplier from whom you purchase the component.

7. Supplier Location: The country where the direct supplier is located.
8. Component Country of Origin (COO): The verified country where the component was manufactured. This is a critical field and may require documentation from your supplier to confirm.
9. Component HS Code: The 6-digit Harmonized System code for the individual component.
10. Unit Value: The price paid per unit for the component, in a consistent currency.
11. Total Value: The unit value multiplied by the quantity.
12. Supporting Documentation Reference: A reference to the purchase order, supplier declaration, or other document that verifies the origin and value.

Populating this worksheet is the central task of the analysis described in this chapter. It requires collaboration between your engineering, procurement, and finance departments. Once completed, this document provides an at-a-glance view of your product's DNA. You can see the percentage of value derived from different countries, identify which components undergo a tariff shift, and have all the necessary data at your fingertips to begin applying the specific rules of origin we will discuss next.

This worksheet is not a one-time exercise. It must be a living document, updated whenever a supplier changes, a component is redesigned, or costs fluctuate significantly. It is your proof, your documentation, and your first line of defense. By diligently deconstructing your BOM into this format, you are no longer just assembling a product; you are building a robust and verifiable passport for your goods, preparing them for their journey into the global marketplace.

Chapter 5

The Numbers Game: Calculating Regional Value Content (RVC)

For many businesses, the path to proving a product's country of origin leads directly through a thicket of numbers and acronyms. If you've determined that the value of your product is the key to unlocking preferential tariff treatment under a Free Trade Agreement (FTA), then welcome to the main event: calculating the Regional Value Content, or RVC. This chapter is your guide through that thicket. We will demystify the formulas, walk through the primary calculation methods, and provide a clear framework to ensure your numbers are not only correct but also defensible.

At its core, RVC is a percentage that represents the portion of a product's value that originates from a specific country or region, as defined by an FTA. Think of it as a recipe. To call your cake a "local specialty," a certain percentage of its ingredients must be locally sourced. In the world of international trade, FTAs set these percentage thresholds, and it's your job

to prove your product meets them. Getting it right means accessing lower tariffs and gaining a competitive edge. Getting it wrong, however, can lead to costly penalties, shipment delays, and, in the worst cases, a loss of export privileges.

Understanding the Two Sides of the Coin: Build-down vs. Build-up

The first and most critical concept to grasp is that there are fundamentally two different ways to approach the RVC calculation. Nearly all free trade agreements, from the USMCA (United States-Mexico-Canada Agreement) to ASEAN (Association of Southeast Asian Nations) trade pacts, offer at least two methods. Your choice of method can sometimes be dictated by the specific rule of origin for your product, but often, you have the flexibility to choose the one that is most advantageous or easiest for you to document. These two core approaches are the Build-down and the Build-up methods.

The Build-down Method (or Transaction Value/Net Cost Method): This is often the more intuitive starting point for many companies. You begin with the final selling price (or value) of your product and subtract the value of any materials that are "non-originating"-that is, parts or components imported from countries outside the FTA territory. You are essentially "building down" from the total value to isolate the portion that is not from the region. The formula, in its simplest form, looks like this:

$$\text{RVC} = [(\text{Adjusted Value} - \text{Value of Non-Originating Materials}) / \text{Adjusted Value}] \times 100$$

This method is particularly useful when your product has a relatively small number of non-originating components, making them easy to identify, value, and subtract. The terms "Transaction Value Method" and "Net Cost Method" are specific variations of this build-down approach, often with

slight differences in what costs can be included in the product's total value. For example, the Net Cost method generally subtracts costs like sales promotion, marketing, and royalties from the total cost before the calculation begins.

The Build-up Method: As the name suggests, this method works in the opposite direction. Instead of starting with the final price and subtracting foreign content, you start from zero and add up the value of only the "originating materials" used in production. You are "building up" a case for the product's regional value by summing the costs of qualifying components.

The basic formula is:

$$\text{RVC} = (\text{Value of Originating Materials} / \text{Adjusted Value}) \times 100$$

This approach can be advantageous when a product is made from a vast number of components, and identifying and valuing only the originating ones is simpler than tracking down every non-originating part. It can also be beneficial if your originating materials have a high value relative to the non-originating ones.

Choosing which method to use is a strategic decision. It's not uncommon for a product to qualify under one method but fail under the other.

Therefore, it's wise to run the numbers both ways, if the FTA allows, to see which provides a more favorable result or a larger buffer above the required threshold.

Step-by-Step Calculation Examples and Templates

Let's move from the abstract to the practical. To illustrate these calculations, we'll use a fictional company, "Maple Leaf Electronics," based in Canada. They assemble a smart home thermostat for export to

the United States under the USMCA, which requires an RVC of at least 50% under the Net Cost Method or 60% under the Transaction Value Method for this product category.

Product: Smart Home Thermostat (Model T-1000)

Net Cost (NC) to Produce: \$45.00

Transaction Value (TV) / Selling Price: \$70.00

Bill of Materials: Microprocessor (from Taiwan): \$12.00 LCD Screen (from South Korea): \$8.00 Plastic Casing (produced in Canada): \$5.00 Sensors (sourced from the United States): \$6.00 Printed Circuit Board (PCB) (assembled in Mexico with global components): \$10.00 Wiring and Connectors (produced in Canada): \$2.00 Canadian Assembly & Overhead Costs: \$2.00

First, we need to identify our non-originating materials (VNM). In this case, the microprocessor from Taiwan and the LCD screen from South Korea are clearly non-originating. The PCB from Mexico is more complex; let's assume for this example that after its own RVC calculation, it does not qualify as originating. Therefore:

Value of Non-Originating Materials (VNM) = \$12.00 (Microprocessor) + \$8.00 (Screen) + \$10.00 (PCB) = \$30.00

Now, let's apply the formulas.

Template 1: The Build-down (Net Cost) Method

The USMCA requires an RVC of 50% using this method.

Formula: $RVC = [(NC - VNM) / NC] \times 100$ Step 1: Identify Net Cost (NC). Maple Leaf Electronics has determined their NC is \$45.00. Step 2: Identify Value of Non-Originating Materials (VNM). As calculated above, the VNM is \$30.00. Step 3: Calculate. $RVC = [(\$45.00 - \$30.00) / \$45.00] \times 100$

$$\text{RVC} = [\$15.00 / \$45.00] \times 100 \text{ RVC} = 33.3\%$$

Result: Under the Net Cost Method, the thermostat does not qualify for preferential treatment, as 33.3% is below the 50% threshold.

Template 2: The Build-down (Transaction Value) Method

Let's see if the Transaction Value Method, with its 60% threshold, yields a different result.

Formula: $\text{RVC} = [(TV - \text{VNM}) / TV] \times 100$ Step 1: Identify Transaction Value (TV). The selling price is \$70.00. Step 2: Identify Value of Non-Originating Materials (VNM). This remains \$30.00. Step 3: Calculate. $\text{RVC} = [(\$70.00 - \$30.00) / \$70.00] \times 100$ $\text{RVC} = [\$40.00 / \$70.00] \times 100$ $\text{RVC} = 57.1\%$

Result: Again, the thermostat does not qualify, as 57.1% is below the 60% requirement.

This is a perfect example of why this process is so critical. Maple Leaf Electronics might have assumed their product was "Made in Canada" and qualified, but the numbers tell a different story. They would now need to consider sourcing a qualifying PCB or microprocessor from within the USMCA region to pass the test.

Common Pitfalls and Errors in RVC Calculation

The path to an accurate RVC is fraught with potential missteps. Even seasoned professionals can make errors that jeopardize their product's originating status. Here are some of the most common pitfalls to avoid:

1. **Incorrect Valuation of Materials:** Determining the correct value of both originating and non-originating materials is paramount. The value of imported materials should generally be the CIF (Cost, Insurance, and

Freight) value at the time of importation. Using an incorrect or outdated price can skew the entire calculation.

2. **Misclassifying Materials:** A supplier's declaration that a part is "originating" is not enough. You must perform due diligence. A component made in Mexico might not qualify as originating under USMCA rules if it contains too much non-regional content itself. Always request and verify certificates of origin from your suppliers.
3. **Ignoring "De Minimis" Provisions:** Many FTAs have a de minimis rule, which allows a small percentage (often 7-10%) of non-originating materials that fail to meet a tariff shift rule to be disregarded. Overlooking this can cause you to disqualify a product that might otherwise pass.
4. **Forgetting about Packaging and Shipping Costs:** The treatment of costs for packing, shipping, and other related expenses can differ significantly between the Net Cost and Transaction Value methods. Ensure you are including or excluding these costs correctly according to the specific formula you are using.
5. **Overlooking "Accumulation":** Accumulation allows a producer to count content from other FTA partner countries as "originating". For instance, in our thermostat example, the sensors from the U.S. and any qualifying value from the Mexican PCB assembly can be counted as originating content for a product made in Canada under USMCA. Failing to account for this is a missed opportunity.

Documenting Your Calculations for Audit Purposes

If you claim preferential treatment, you must be prepared to defend it. Customs authorities can and do conduct audits, and the burden of proof rests squarely on the importer or exporter. Simply having a final RVC

percentage is not enough; you must be able to show your work. Your documentation is your shield.

An audit-proof RVC file should contain a clear and logical trail that a customs officer can follow from raw materials to the final percentage. This file should include:

A Bill of Materials (BOM): A detailed list of every component used in the product. **Supplier Certificates of Origin:** For every material you claim as originating, you must have a valid, signed certificate from the supplier. **Purchase Orders and Invoices:** These documents support the valuation of both originating and non-originating materials. **The RVC Calculation Worksheet:** A spreadsheet or document showing the exact formula used (e.g., Net Cost), the values assigned to each variable (NC, VNM, etc.), and the step-by-step calculation leading to the final percentage. This should be done for each product. **Cost Accounting Records:** Your internal records must be consistent with the values used in your RVC calculation. Customs will often compare your RVC worksheet to your accounting ledger.

The key is consistency and traceability. Someone unfamiliar with your product should be able to pick up your file and replicate your result. If they can't, you are exposed to risk.

Mastering the RVC calculation is less about complex mathematics and more about meticulous record-keeping and a thorough understanding of the rules. It is a game of details, where every number must be sourced, verified, and documented. By embracing this process, you transform a potentially daunting obligation into a powerful tool for competitiveness. Now that we have the numbers straight, the next chapter will explore the equally critical world of certificates of origin and the proper documentation required to formally declare your product's status.

Chapter 6

A Little Help From Your Friends: Cumulation and De Minimis

Imagine you're building a high-performance bicycle. You've expertly crafted the frame in your workshop in Canada, but you're sourcing the advanced gear system from a renowned manufacturer in Mexico. Both Canada and Mexico, along with the United States, are partners in a major trade agreement. When you assemble the bicycle and prepare to export it to a customer in the U.S., a critical question arises: is that Mexican gear system considered 'local' or 'foreign'? If it's deemed foreign, its value might push your bicycle over the threshold for non-originating content, potentially disqualifying it from preferential tariff treatment. It feels a bit unfair, doesn't it? After all, Mexico is a partner, a friend in the trade agreement. Shouldn't their contributions count?

This is precisely the scenario where the rules of origin get a little help from some friendly provisions. The architects of trade agreements understand that modern supply chains are complex and rarely confined to a single

country. To encourage and strengthen regional economic ties, they've built in flexibility. This chapter is about two of the most powerful forms of that flexibility: cumulation and de minimis. These concepts may sound technical, but they are your strategic allies in navigating the often-rigid world of origin qualification. Think of cumulation as the rule that lets you treat your trade partners' materials as your own, and de minimis as a small but vital tolerance for the unavoidable foreign component. Mastering them can transform a product that fails to qualify into one that sails through customs with preferential status.

Expanding the Team: The Power of Cumulation

At its core, cumulation is a system that allows producers to source materials from specific partner countries and have those inputs count as 'originating' content. It effectively expands the definition of "local" from your single country to the entire bloc of participating nations. This provides a powerful incentive to keep supply chains within the family of the free trade agreement (FTA), strengthening regional economies and making it easier for everyone involved to meet the origin criteria. There are three primary forms of cumulation, each with a progressively wider scope: bilateral, diagonal, and full.

Bilateral Cumulation: This is the most straightforward and common type of cumulation, found in nearly all free trade agreements. It operates between two partner countries. Under bilateral cumulation, materials that originate in Country A are treated as if they originated in Country B when they are used to produce a good there, and that final good is then exported back to Country A. Let's go back to our bicycle. Under the United States-Mexico-Canada Agreement (USMCA), a Canadian bicycle manufacturer can use Mexican-originating gears, and the value of those gears is considered originating content when determining if the final

bicycle qualifies for preferential treatment when shipped to the U.S. It's a simple, reciprocal arrangement that strengthens the A-B supply chain.

Diagonal Cumulation: This form of cumulation extends the principle to a group of three or more countries, provided they all have FTAs with each other that contain identical rules of origin. It allows materials from any member of the group to be treated as originating in any other member country. The most prominent example of this is the Pan-Euro-Mediterranean (PEM) Convention, which creates a vast cumulation zone encompassing the European Union, EFTA states, Turkey, and countries in the Western Balkans and the southern and eastern Mediterranean.

For instance, a Serbian company could manufacture an electronic device using originating components from both Turkey and Switzerland. When exporting the final product to the European Union, both the Turkish and Swiss components would be counted as originating, helping the device meet the origin rules of the EU-Serbia trade agreement. This system creates highly integrated regional supply chains, allowing manufacturers to source the best parts from across a wide economic area without penalty.

Full Cumulation: This is the most flexible and integrated form of cumulation. While bilateral and diagonal cumulation focus on the origin of materials, full cumulation allows processing activities performed in different member countries to be aggregated. In other words, if a non-originating material undergoes some processing in Country A, but not enough to gain originating status on its own, it can be sent to Country B for further processing. The operations from both countries can be combined, and if the total processing is sufficient to meet the origin rule, the final product will qualify. This system is common within highly

integrated economic zones like the European Economic Area, which treats the EU, Iceland, Liechtenstein, and Norway as a single territory for origin purposes.

A Margin for Error: The De Minimis Rule

While cumulation helps you leverage your partners, the de minimis rule offers a different kind of flexibility—a small but crucial bit of forgiveness. The name comes from the Latin phrase *de minimis non curat lex*, which means "the law does not concern itself with trifles." In the context of trade, it's a tolerance rule that allows a product to qualify as originating even if a small portion of its components are non-originating and don't meet the required tariff shift rule.

Think of it as a grace allowance. You've done your best to source locally and from FTA partners, but for one minor component—a specific screw, a specialized microchip, a particular dye—you had to go outside the trade bloc. The de minimis rule prevents that tiny non-compliant part from disqualifying your entire product. Most trade agreements, including the USMCA and those of the European Union, contain a de minimis provision. The tolerance level is typically set as a percentage of the product's value, often around 10 percent, though this can vary. For example, the USMCA raised the de minimis level to 10% from the 7% allowed under the previous NAFTA agreement.

However, this rule is not a universal free pass. It's important to remember several key points:

1. **It Varies by Agreement:** The specific percentage and how it's calculated (e.g., based on transaction value or total cost) will be explicitly defined in the text of each trade agreement. You must consult the specific FTA you are using.

2. **There Are Exceptions:** The de minimis rule often does not apply to certain categories of goods. Agricultural products and textiles are common exceptions, as the origin of every input is considered critical. For example, under USMCA, items like sewing thread and pocketing fabric used in apparel must be sourced from North America and cannot be covered by the de minimis rule.
3. **It Cannot Be Abused:** Customs authorities are vigilant against the misuse of this provision, such as intentionally breaking down a single large shipment into multiple smaller ones to stay under a value threshold, a practice known as structuring.

It is also critical to note the shifting landscape of customs regulations, particularly in the United States. As of August 29, 2025, the U.S. suspended its long-standing de minimis shipment value exemption, which had allowed goods under \$800 to enter the country duty-free. While this policy change primarily affects low-value e-commerce shipments and is distinct from the rules-of-origin de minimis provision within FTAs, it signals a broader trend toward stricter trade enforcement and has significant impacts on supply chain strategies.

A Strategic Combination

Used wisely, cumulation and de minimis are not just footnotes in a trade agreement; they are active tools for supply chain optimization. A strategic business can design its entire sourcing and manufacturing process around these provisions.

Imagine a manufacturer of high-end audio speakers in the European Union. The wooden cabinets are made in Poland (EU originating). The sophisticated electronic drivers are sourced from Japan, a country with which the EU has an FTA allowing for bilateral cumulation. The speaker

cones are made in-house, but a specific adhesive, accounting for just 2% of the speaker's total value, is only available from a supplier in a third country. In this scenario, the manufacturer leverages bilateral cumulation to count the Japanese drivers as originating. Then, they use the de minimis rule to forgive the non-originating adhesive. The final product qualifies for preferential treatment, all thanks to a little help from its friends.

By understanding these provisions, you can build more resilient, efficient, and cost-effective supply chains. You can source the best components from a wider pool of allied suppliers and have a safety net for those minor, hard-to-source parts. These rules acknowledge the reality of global manufacturing and, when applied correctly, provide the flexibility needed to succeed. As we move on to the practicalities of paperwork in the next chapter, remember that the foundation of a successful origin claim often lies in the smart application of these foundational principles.

Chapter 7

The Paper Trail: Mastering Origin Documentation

An old saying in the world of logistics states that goods don't move without paper. While we're rapidly moving to a digital world, the sentiment holds truer than ever. Getting the origin determination right, as we've discussed, is a significant intellectual achievement. But without the correct, corresponding documentation, that determination is, for all practical purposes, worthless. This is the part of the process where theory meets the unforgiving reality of a customs inspection. A missing signature, an incorrect date, a vague product description-any of these seemingly minor errors can unravel a shipment, leading to delays, unexpected costs, and damaged customer relationships. This chapter is about mastering that reality. It's about building a paper trail-or a digital one-that is as robust and defensible as your origin calculation itself.

We'll move from the foundational documents you'll collect from your own suppliers to the formal certificates you'll present to customs authorities

abroad. We will also explore the increasing trend of self-certification, a powerful tool that also comes with significant responsibility. Ultimately, the goal is to assemble a complete 'documentation pack' for every shipment, a fortress of evidence that proves and defends your origin claim.

The Role and Format of Supplier's Declarations

For many businesses, particularly those that assemble or process goods rather than create them from raw materials, the origin journey begins one step down the supply chain. Before you can declare the origin of your finished product, you must have concrete proof of the origin of the components and materials you purchase. This is the primary function of a Supplier's Declaration.

A Supplier's Declaration is a statement from your supplier concerning the origin of the goods they provide to you. It is the foundational building block of your own origin determination. Think of it as the birth certificate for the parts you use. Without it, you are making an unsubstantiated guess about a critical piece of your product's identity. These declarations are especially crucial when your final product's eligibility for preferential treatment under a trade agreement depends on the originating status of its components.

There are two primary forms of these declarations. The first is a declaration for a single shipment, a one-time statement covering a specific consignment of goods. The second, and often more efficient for established relationships, is the Long-Term Supplier's Declaration (LTSD). An LTSD can cover multiple shipments of the same goods to the same buyer over a specified period, which can be up to 24 months. This is incredibly useful, as it streamlines the paperwork for regular, consistent supply chains. If you have a supplier who provides you with the same components month after month, an LTSD prevents the need to collect a new declaration for every single order.

Regardless of the type, a valid Supplier's Declaration must contain specific, standardized information. While the exact layout can vary, the core data elements are consistent and critical. These typically include the full name and address of both the supplier and the customer, a clear and unambiguous description of the goods that allows them to be easily identified, and a statement of their preferential origin status. The declaration must be dated and signed by an authorized person at the supplying company who can take responsibility for its accuracy. For LTSDs, the period of validity-with a clear start and end date-is also a mandatory component. One of the most important aspects is the undertaking by the supplier to inform the buyer immediately if the declaration is no longer valid for any reason. This is a crucial safeguard against changes in their own sourcing or production that could impact the origin of the goods they supply.

Certificates of Origin: When They Are Required and Who Issues Them

While a Supplier's Declaration is an internal-facing document-a piece of evidence you collect for your own records-the Certificate of Origin (COO) is the primary external-facing document used to declare the origin of your goods to a foreign customs authority. It is the formal attestation that your product meets the criteria to be considered as originating in a particular country. This document is what allows customs officials in the importing country to determine the correct tariff rates and to assess whether the goods are admissible at all.

COOs generally fall into two categories: preferential and non-preferential.

Non-Preferential COOs are the most common type. They state the country of origin but do not grant any tariff benefits. Their purpose is to enforce other trade policy measures, such as quotas, embargoes, or

anti-dumping duties. For instance, a country may have a trade embargo against another, and the COO is used to ensure that goods from the embargoed nation are not entering its market. These are often referred to as 'Normal' or 'Generic' COOs and are used when Most-Favored-Nation (MFN) duties apply.

Preferential COOs, on the other hand, are the golden tickets of international trade. They are used to claim reduced or zero duty rates under the terms of a Free Trade Agreement (FTA) or other preferential trade schemes. To issue a preferential COO, your goods must meet the specific, often complex, rules of origin negotiated as part of that particular agreement. An incorrect claim of preferential origin can lead to significant penalties, so the stakes for accuracy are considerably higher.

The issuance of these certificates is a formal process. Traditionally, and most commonly for non-preferential COOs, the issuing body is a Chamber of Commerce. The exporter prepares the certificate, which includes detailed information such as the exporter and consignee details, a precise description of the goods with their HS codes, weight, and invoice references, and then submits it to the Chamber for verification and certification. The Chamber, acting as a trusted third party, reviews the application and, if satisfied, stamps and signs the document, giving it official status.

For preferential COOs linked to specific FTAs, the process can differ. In some cases, a government authority, like the customs agency itself, may be responsible for issuing the certificate. It is absolutely critical to understand the requirements of the specific trade agreement and the importing country to know who the authorized issuing body is. Using an unauthorized issuer will render the certificate invalid.

The Rise of Self-Certification and Importer Statements

In a significant move towards trade facilitation, many modern Free Trade Agreements have shifted away from the traditional model of third-party certification. This has given rise to self-certification, a process that empowers exporters, and sometimes even producers or importers, to declare the origin of their own goods.

Under a self-certification regime, the exporter or producer can make an 'origin declaration' directly on a commercial document, such as the invoice, packing list, or a separate company letterhead. This statement effectively replaces the formal, chamber-issued Certificate of Origin for the purpose of claiming preferential tariff treatment. The language of this declaration is often precisely prescribed by the FTA, and any deviation can lead to its rejection.

This shift carries enormous benefits. It reduces administrative burdens, saves time, and cuts costs associated with obtaining formal certificates. However, it also places the full weight of responsibility-and liability-squarely on the shoulders of the certifier. There is no Chamber of Commerce to act as a buffer or a second pair of eyes. The company making the declaration is solely accountable for the accuracy of the claim. This means that the internal processes for determining origin must be impeccable, and the documentation to back up the claim must be readily available in case of an audit.

Some agreements, like the United States-Mexico-Canada Agreement (USMCA), have even broadened this concept to allow the importer to make the origin claim. This is a logical evolution, as the importer is often the party most directly benefiting from the preferential duty rate. However, for an importer to make such a claim, they must have a high degree of confidence in the origin information provided by their supplier, typically

backed by comprehensive documentation. The certification of origin under USMCA, for instance, doesn't have a prescribed format but requires a minimum of nine specific data elements, including details on the certifier, exporter, producer, importer, and the specific origin criterion met.

Whether it's an exporter's self-declaration or an importer's statement, the principle remains the same: with increased flexibility comes increased responsibility. These mechanisms are built on trust, but that trust is verified through post-importation audits and requests for supporting documentation.

Building a Complete and Defensible 'Documentation Pack'

At the end of the day, your origin claim is only as strong as the documents that support it. A customs authority, when conducting an audit, will not be satisfied with your final declaration alone. They will want to see the work-the entire chain of evidence that led to your conclusion. This is why the concept of a 'documentation pack' is so crucial. For every shipment where origin is declared, you should be able to pull together a comprehensive file containing all the relevant proof.

This pack is your defense. It is the story of your product's origin, told through verifiable documents. So, what should be in it?

1. **Finished Good Information:** This includes the commercial invoice, packing list, and bill of lading or airway bill for the exported shipment. It establishes the specifics of the transaction in question.
2. **Origin Determination Records:** This is the core of your proof. It should include your bill of materials (BOM), demonstrating all the components that went into the final product. It should also contain the worksheets and calculations you performed to classify the good and prove it meets the relevant origin rule (e.g., tariff shift or regional value content

calculations).

3. **Proof of Component Origin:** For every component listed on your BOM, especially those you've claimed as 'originating', you need proof. This is where your Supplier's Declarations come in. These should be filed and easily cross-referenced to the specific components.
4. **The Final Declaration:** A copy of the formal Certificate of Origin that was issued or the commercial invoice containing the self-certified origin declaration should be included.
5. **Supporting Correspondence:** Any relevant emails or communications with suppliers or customers regarding the origin of the goods can provide important context.

Record-keeping is not just a good practice; it is a legal requirement. Customs authorities mandate that records related to imports and exports be retained for a set period, often five years or more, and be producible upon request. Failure to produce this documentation can result in the denial of preferential treatment, the retroactive assessment of duties, and significant financial penalties. Recent regulations in some jurisdictions, such as the UK, are even placing direct liability on exporters for errors in the origin evidence they provide, with penalties for failing to notify authorities of known mistakes.

Creating and maintaining this documentation pack may seem like a burdensome administrative task, but it should be viewed as an essential part of your compliance and risk management strategy. It is the ultimate expression of due diligence in the complex world of international trade. It is the final, critical step in transforming your origin determination from a mere claim into a provable, defensible fact. As we will see in the next chapter, when the auditors come calling, this paper trail will be your most

valuable asset.

Chapter 8

Supplier Management: Your Weakest Link or Strongest Asset?

Imagine this: you've spent months, perhaps even years, perfecting your product. Your manufacturing process is a model of efficiency, your documentation is meticulous, and your team can recite the relevant trade agreements in their sleep. Your product ships, the customs declaration is filed, and everything seems perfect. Then comes the audit. A customs officer, digging through your records, points to a single component—a tiny, seemingly insignificant part from a third-tier supplier—and asks for proof of its origin. You pull up the supplier's declaration, a simple, signed form. But the officer isn't satisfied. They ask for more. Suddenly, the integrity of your entire product's origin claim rests on a document from a company you've never even spoken to directly.

This scenario, all too common in the world of global trade, highlights a fundamental truth: your country of origin claim is only as strong as its weakest link. And more often than not, that weak link is found somewhere

in the sprawling, complex web of your supply chain. Your suppliers are not just vendors; they are the gatekeepers of the information that forms the very foundation of your product passport. How you manage them-how you solicit, validate, and maintain their origin data-will ultimately determine whether your supply chain is a brittle chain of liability or a resilient asset that strengthens your claim.

Creating an Effective Supplier Solicitation Program

A common mistake is to view the collection of supplier origin information as a mere administrative task-a box to be checked. This mindset leads to flimsy, last-minute requests for a signature on a generic form. A robust supplier solicitation program, however, is a strategic function. It's a proactive, systematic process designed to educate your suppliers on what you need, why you need it, and how to provide it accurately.

Think of it as building a partnership in compliance. It begins not with a demand, but with education. Your suppliers, especially smaller ones, may not be experts in the nuances of rules of origin. They might not understand the difference between where a product is shipped from and where it is manufactured. Your solicitation program should bridge this knowledge gap. Provide clear, concise instructions, perhaps even a short guide, explaining the basics of origin determination and the importance of their declaration to your business.

The request itself must be specific. Don't just ask for a "Certificate of Origin." Ask for a declaration that covers a specific list of part numbers for a defined period, typically a calendar year. The document should require the supplier to explicitly state the country of origin for each part and cite the basis for their claim. Is it because the part was wholly obtained or produced there? Or did it undergo a substantial transformation? This level of detail is crucial for your own due diligence. Vague declarations are red

flags for customs authorities and should be for you, too. Effective communication and collaboration with all stakeholders, including suppliers, are critical for ensuring compliance with international trade regulations.

From Declaration to Validation: The Art of Scrutiny

Receiving a signed declaration from a supplier is not the end of the process; it is the beginning of the validation stage. Trust, but verify. Accepting supplier attestations at face value without any scrutiny is a gamble that rarely pays off. Validation is your internal audit, the process by which you gain confidence in the information your suppliers provide.

So, what does a practical validation process look like? It starts with a simple "sniff test." Does the information make sense? If a supplier in a country with no domestic steel production provides a declaration for a "wholly produced" steel component, that's an immediate cause for concern. Cross-reference the supplier's location with their known manufacturing capabilities. A simple online search can often reveal if a supplier is a manufacturer or merely a distributor—a critical distinction, as a distributor's declaration may not be sufficient on its own.

For critical components or high-risk suppliers, you must dig deeper. Don't be afraid to ask for supporting documentation. This could include a Bill of Materials (BOM) for the component in question, which helps you trace the source of its raw materials. You might also request a manufacturer's invoice that shows the factory address. While some suppliers may be hesitant to share what they consider proprietary information, you can often negotiate a non-disclosure agreement to protect their interests while still getting the data you need for compliance. Remember, the burden of proof for an origin claim ultimately falls on you, the importer of record. If a supplier is unwilling or unable to substantiate their claim, you must treat

their materials as being of unknown or non-originating status for your own origin calculations.

The Ever-Changing Landscape: Managing Supply Chain Dynamics

Your supply chain is not a static entity. It is a living, breathing ecosystem in a constant state of flux. New suppliers are onboarded, materials are re-sourced, and manufacturing processes are updated. Each of these changes represents a potential point of failure for your origin documentation if not managed correctly. A compliance program that doesn't account for this dynamic reality is doomed to fail.

Every new supplier must be put through your full solicitation and validation process before their components are integrated into your production. It's far easier to address documentation gaps during the onboarding phase than it is to remediate them during a customs audit. This should be a non-negotiable step in your procurement workflow. Similarly, when an existing supplier provides a new part, that part needs its own origin verification. Never assume that because a supplier's other parts are of a certain origin, a new part will be as well.

Perhaps the most insidious risk comes from changes made by the supplier themselves. They might switch their own raw material supplier or move a portion of their production to another country to save costs. These changes directly impact the origin of the components they sell you, yet you may never be notified. This is where the partnership aspect of your solicitation program becomes vital. Your supplier agreements should include a clause that contractually obligates them to inform you of any changes to the manufacturing location or sourcing of key materials that could affect the country of origin. Proactive, periodic reviews and re-solicitations are your best defense against these hidden shifts.

Conducting internal reviews ensures your claims remain valid, especially after supplier or production changes.

The Paper Trail Imperative: Record Retention and Renewal Tracking

In the world of trade compliance, if it isn't documented, it didn't happen. The final pillar of a strong supplier management program is a rigorous system for record retention and renewal tracking. Customs authorities have the right to audit your import records for years after the date of entry. In the United States, for instance, importers are generally required to keep records for five years from the date of entry. The European Union's Union Customs Code mandates a retention period of at least three years. Failure to produce the necessary supplier declarations and supporting validation documents during an audit can lead to denied preferential duty claims, retroactive duty bills, and substantial penalties.

Your record-keeping system must be organized and accessible. All relevant documents-supplier declarations, BOMs, commercial invoices, and any correspondence related to origin validation-should be stored in a centralized location, ideally digitally linked to the specific parts and import entries they support. During an audit, speed matters; fumbling to find documents demonstrates a lack of control and invites deeper scrutiny.

Finally, supplier declarations are not evergreen. They are typically issued for a one-year period. An expired declaration is as useless as no declaration at all. Your system must include a mechanism to track expiration dates and trigger a re-solicitation process well in advance. A simple shared calendar or a more sophisticated compliance software can handle this, but the responsibility for action remains with you. Missing a renewal can create a gap in your compliance armor that could invalidate all claims made after the expiration date.

Your suppliers hold the keys to a critical piece of your product passport. By treating supplier management not as a burden but as a strategic imperative, you transform a potential liability into a powerful asset. A well-educated, transparent, and responsive supply chain is the bedrock of a defensible country of origin claim, allowing you to not only prove and document your goods' origin but to do so with confidence and integrity.

Chapter 9

Setting the Rules: Establishing Origin Governance

Imagine two departments in the same company, both shipping the exact same product to the same customer. The logistics team, working from their records, declares the product as "Made in Mexico" to qualify for a free trade agreement. Simultaneously, the sales team, using information from a product brochure, provides the customer with a certificate stating it is "Made in the USA." The shipment arrives at the border, and a customs agent, noticing the discrepancy, flags the entire container for inspection. Suddenly, what should have been a routine delivery becomes a costly delay, fraught with potential fines and a significant loss of customer trust. This isn't a far-fetched scenario; it's the chaotic reality for businesses that treat country of origin as an afterthought rather than a core business function requiring rigorous governance.

Up to this point, we have explored the what and the why of origin determination. We've delved into the complexities of substantial

transformation, tariff shifts, and regional value content. Now, we pivot to the essential-and often neglected-how. How do you embed these principles into the very fabric of your organization? The answer lies in moving from ad-hoc, reactive processes to a systematic, proactive framework of governance. This chapter is about building that framework: defining who is in charge, writing down the rules, tracking the changes, and managing the inevitable evolution of your products and supply chains.

Assigning Clear Ownership and Responsibilities

When everyone is responsible, no one is. The first and most critical step in building an origin governance framework is to assign clear and unambiguous ownership. Origin determination is not solely the domain of the logistics team, the legal department, or the procurement office. In today's interconnected supply chains, it is a profoundly cross-functional responsibility that touches nearly every part of the business, from initial product design to final sale. Failure to establish clear ownership often results in the kind of departmental silos that led to our customs dilemma.

For most organizations, this means creating a designated role or a cross-functional team. A "Trade Compliance Officer" or "Origin Manager" can serve as the central hub, responsible for overseeing the entire process. However, this individual cannot work in a vacuum. Their success depends on a well-defined committee or task force with representatives from key departments:

Engineering/R&D: They design the products and create the initial Bill of Materials (BOM), the foundational document for any origin analysis. Their decisions on which components to use are, in effect, the first step in determining origin. Procurement/Sourcing: This team is on the front lines, selecting suppliers and gathering the necessary origin declarations and certificates for every purchased component. They are the gatekeepers of

incoming origin data. Manufacturing/Operations: They know how the product is assembled and where transformations occur. Their insights are crucial for applying rules of origin, especially those concerning substantial transformation. Logistics/Supply Chain: Responsible for the physical movement of goods, this team manages the final import and export declarations submitted to customs authorities. Legal/Finance: These departments provide oversight, interpret complex trade regulations, assess risks, and manage the financial implications of duties and tariffs.

Establishing this team is about more than just assigning a task; it's about embedding accountability. Senior leadership must champion this structure, making it clear that trade compliance is a strategic priority, not a bureaucratic hurdle. When ownership is clear and every department understands its role, the foundation for a robust governance system is firmly in place.

Developing Standard Operating Procedures (SOPs)

With ownership defined, the next step is to codify the process. A Standard Operating Procedure (SOP) is the playbook for your origin determination process. It transforms tribal knowledge and inconsistent practices into a reliable, repeatable, and auditable system. Without a documented SOP, your process is subject to individual interpretation, employee turnover, and human error-risks that can lead to significant compliance failures.

A comprehensive origin SOP should be a practical guide, not an abstract policy document. It must detail the end-to-end workflow, from data collection to final declaration. Key elements of an effective SOP include:

1. **Data Collection and Supplier Solicitation:** The procedure must specify how and when supplier declarations and certificates of origin are requested and received. It should include templates for these requests

to ensure consistency and outline the process for validating the information provided by suppliers.

2. **Origin Analysis Methodology:** This section details the step-by-step process for analyzing a product's origin. It should instruct the user on how to apply the relevant rules of origin, whether they are based on tariff shift, regional value content (RVC), or other criteria specific to a trade agreement. It should also specify which software or tools are to be used for calculations.
3. **Documentation and Record-Keeping:** Proper documentation is the backbone of defensible origin claims. The SOP must define precisely what records need to be kept, where they should be stored, and for how long. This includes supplier declarations, BOMs used for analysis, calculation worksheets, and final origin determinations. This creates an essential audit trail that can be presented to customs authorities if a claim is ever challenged.
4. **Review and Approval Process:** No origin determination should be finalized in a silo. The SOP should outline a clear review and approval workflow. For instance, an initial analysis by a supply chain analyst might require secondary approval from the Trade Compliance Officer before the result is entered into the company's systems.

Think of the SOP as the recipe for your product's passport. Just as a baker follows a precise recipe to ensure a consistent cake every time, your team will follow the SOP to ensure every origin determination is accurate, consistent, and fully documented.

Implementing Version Control for BOMs and Origin Determinations

In modern manufacturing, a product is rarely static. A Bill of Materials (BOM)-the detailed list of all components and materials required to build a product-is a living document. Components change, suppliers are swapped, and formulations are tweaked. A minor change, such as sourcing a single screw from a new country, can potentially alter the origin of the entire finished product. This is where version control becomes absolutely critical.

Version control, also known as revision control, is the process of managing and tracking changes to documents and data over time. For origin governance, it means ensuring that every origin determination is permanently linked to the exact version of the BOM that was used for the analysis. When an auditor asks you to defend an origin claim from two years ago, you cannot simply point to your current BOM; you must be able to produce the specific BOM that was in effect at the time of that shipment.

A robust version control system provides a historical record of all changes, noting who made the change, when it was made, and why. This creates a "single source of truth" for product data, preventing teams from working with outdated information. When a BOM is updated, the governance framework should automatically trigger a review of the product's origin. The previous origin determination, linked to the old BOM version, is archived, and a new analysis is conducted using the updated BOM. This new determination is then saved as a new version.

Without this discipline, chaos ensues. Manufacturing might be using BOM version 2.1 while procurement is ordering parts based on version 2.0, and the compliance team is using a spreadsheet they created six months ago.

The result is an unreliable and indefensible origin claim. Implementing strict version control is non-negotiable for creating a system that is not only accurate today but can also withstand scrutiny tomorrow.

Managing Change: The Ultimate Test of Governance

A governance framework is truly tested not when things are stable, but when they change. Supply chains are in a constant state of flux, driven by cost pressures, geopolitical shifts, and innovation. A change in suppliers, the introduction of a new product, or a shift in manufacturing locations can all have profound implications for country of origin. A systematic change management process is therefore the final pillar of strong origin governance.

This process should be proactive, not reactive. It begins by identifying the key triggers that necessitate a re-evaluation of a product's origin. These triggers include:

New Product Introduction (NPI): Every new product must go through the full origin determination SOP as part of its official launch process. **Supplier Changes:** If a supplier for a key component changes, the origin of that component may change, requiring a new analysis. **BOM Modifications:** Any change to the components, materials, or even quantities listed in the BOM must trigger a review. **Manufacturing Process Changes:** If the location of assembly or a key manufacturing process moves to a different country, a complete re-assessment is required. **Changes in Trade Rules:** Free trade agreements are periodically updated, and rules of origin can change. The governance framework must include a process for monitoring regulatory changes and re-evaluating products accordingly.

When a trigger occurs, the change management process should dictate the required actions: who must be notified, what data needs to be

collected, and how the re-evaluation and approval process will be conducted. Automating these workflows where possible can improve efficiency and reduce the risk of human error.

By building a system that anticipates and manages change, you move your organization from a state of constant fire-fighting to one of control and strategic foresight. You are no longer surprised by the consequences of a sourcing decision; instead, you are evaluating its impact on origin and landed cost before the decision is even made.

With a robust governance framework in place-built on clear ownership, documented procedures, disciplined version control, and proactive change management-you are no longer just reacting. You are in control of your product's passport. But how do you verify that your well-laid plans are working as intended and standing up to regulatory scrutiny? In the next chapter, we will turn our attention to the critical process of auditing, testing, and continuously improving your origin compliance program.

The Risk Equation: When to Claim Preference and When to Pass

It's a tempting proposition, isn't it? A free trade agreement exists between your country of production and your target market, dangling the promise of preferential treatment-reduced or even zero duties. On paper, it's a straightforward win, a direct boost to your bottom line. But as anyone who has spent time in the trenches of international trade can attest, what appears simple on the surface often conceals a labyrinth of complexity. The decision to claim preference is not a foregone conclusion. It is, in fact, a carefully balanced equation of risk versus reward, a strategic choice that demands a clear-eyed assessment of the potential benefits against the very real costs and dangers of non-compliance.

To claim or not to claim? That is the question we will dissect in this chapter. We will move beyond the initial allure of duty savings to construct a framework for making informed, defensible decisions. This isn't just about filling out a Certificate of Origin; it's about understanding the full

spectrum of obligations that come with it. It's about weighing the tangible financial gains against the often-hidden costs of compliance and the potentially catastrophic consequences of getting it wrong. For every dollar saved in duties, there is a corresponding investment in time, resources, and diligence. The art lies in knowing when that investment yields a worthwhile return.

Calculating the Potential Duty Savings (The 'Benefit')

The most logical starting point in our equation is the reward. Quantifying the potential duty savings is the foundational step that determines whether pursuing a preference claim is even worth considering. At its core, the calculation is simple: it's the difference between the standard tariff rate, often called the Most-Favored-Nation (MFN) rate, and the preferential rate offered under a specific Free Trade Agreement (FTA).

To begin, you must have two critical pieces of information: the correct Harmonized System (HS) code for your product and the total customs value of your shipment. The HS code is the universal language of international trade, classifying your product and determining its standard duty rate in the destination country. The customs value, meanwhile, is the total value of the goods, which typically includes the cost of the goods themselves, freight, and insurance.

Let's walk through a practical example. Imagine your company manufactures high-end leather handbags in Mexico for export to the United States. The correct HS code for these bags dictates a standard MFN duty rate of 10% for entry into the U.S.. If you have a shipment valued at \$200,000, the standard duties would be \$20,000.

However, under the United States-Mexico-Canada Agreement (USMCA), these handbags, if they meet the specific rules of origin, are eligible for a

preferential duty rate of 0%. The calculation is stark: claiming preference would result in a direct saving of \$20,000 on this single shipment. Extrapolate that over a year's worth of shipments, and the benefit becomes substantial, potentially reaching hundreds of thousands of dollars. Studies on EU free trade agreements have shown that average duty savings can be around 6% of the import value, a significant margin for any business.

This initial calculation provides the compelling 'reward' side of our risk equation. It's the number that will justify the subsequent effort required. It's essential to perform this analysis for each product and each target market, as MFN rates and preferential rates vary widely. What might be a massive saving for one product line could be negligible for another, especially if the standard MFN duty rate is already low.

Assessing the Compliance Burden and Audit Risk (The 'Cost')

With the glittering prize of duty savings calculated, we must now turn our attention to the other side of the ledger: the cost. This is not merely a financial calculation but an assessment of the resources, processes, and potential liabilities involved in substantiating a preference claim. These compliance costs are both direct and indirect, and they represent the true price of admission to the world of preferential duties.

First are the administrative and operational costs. These are the internal resources required to manage the origin determination process. This includes the labor hours spent by your trade compliance team, logistics staff, and even procurement specialists to meticulously trace the origin of every component in your bill of materials. It involves soliciting, verifying, and managing supplier declarations, a task that grows exponentially with the complexity of your product and the number of suppliers in your chain. There are also external costs, such as fees for customs brokers to

prepare and file the necessary documentation, which can range from \$50 to over \$120 per entry, and potentially more for complex filings. Don't forget the investment in specialized software or training needed to navigate the notoriously complex rules of origin, often described as a "spaghetti bowl" of overlapping and sometimes conflicting requirements.

Beyond these operational costs lies the significant, and perhaps more daunting, risk of a customs audit. It is a common misconception that audits are entirely random. In reality, customs authorities like U.S. Customs and Border Protection (CBP) use sophisticated risk-based targeting systems to select importers for review. Certain factors act as red flags, immediately increasing your audit profile. These include operating in high-risk sectors like textiles, automotive, or electronics; inconsistencies across your shipping documents; a sudden spike in claims under a particular FTA; or a history of prior compliance issues.

If selected for an audit, you will be required to produce comprehensive documentation to substantiate your preference claim. This goes far beyond the Certificate of Origin itself. Auditors will demand to see the complete trail of evidence: supplier declarations, manufacturing records, cost data, and proof that your product meets the specific rule of origin, whether it's a tariff shift or a Regional Value Content (RVC) calculation. The record-keeping requirements are stringent, often demanding that documents be maintained for five years or more.

The consequences of a failed audit can be severe. At a minimum, you will face the retroactive payment of all duties that were waived, plus interest. But the penalties can escalate dramatically depending on the perceived level of culpability. For simple negligence, penalties can be up to two times the lawful duties or 20% of the dutiable value. In cases deemed to be gross negligence or outright fraud, the penalties can be astronomical,

potentially reaching the full domestic value of the goods themselves. Furthermore, some jurisdictions are now holding exporters liable for errors, with fines and even potential prison sentences for fraudulent claims. The damage to a company's reputation and the disruption to its supply chain can be just as costly as the financial penalties.

Risk Scoring Your Products and Supply Chains

Given the high stakes, a reactive approach to compliance is a recipe for disaster. A proactive, risk-based strategy is essential. This involves systematically evaluating and scoring your products and supply chains to identify areas of high risk before they trigger an audit. A supply chain risk assessment matrix is a powerful tool for this purpose, allowing you to categorize risks based on their likelihood and potential impact.

Your risk scoring model should consider several key factors:

Product Complexity: The more components a product has, especially from various countries, the higher the risk. A product assembled from hundreds of parts sourced globally is inherently riskier than a product made from a handful of locally sourced materials. **Supplier Reliability:** How robust are your suppliers' own compliance programs? Do they readily provide accurate and timely origin information, or are you constantly chasing them for documentation? A weak link anywhere in the supply chain can invalidate your entire claim. Tier-one suppliers with established compliance track records present a lower risk than new, unvetted suppliers in high-risk jurisdictions. **Rule of Origin Complexity:** Some rules of origin are straightforward, while others, particularly those involving complex Regional Value Content (RVC) calculations or intricate tariff shift requirements, are fraught with potential for error. The more complex the rule, the higher the risk of misinterpretation or miscalculation. **Supply Chain Volatility:** Frequent changes in suppliers or manufacturing

processes introduce instability and increase the likelihood of errors. A stable, long-term supply chain is generally lower risk than one that is constantly in flux.

By assigning a score to each of these factors for a given product, you can create a risk profile. A simple 1-5 scale for each category can be effective. For example, a product with a high number of components (5), from several new suppliers (4), subject to a complex RVC rule (5), would have a high overall risk score. This quantitative approach allows you to move beyond gut feelings and prioritize your compliance efforts. High-risk products demand more rigorous internal audits, more frequent supplier verification, and perhaps the decision to forgo a preference claim altogether until the risks can be mitigated.

Making Strategic Decisions for Partial or Mixed-Origin Shipments

The risk equation becomes particularly nuanced when dealing with shipments that are not entirely straightforward. What happens when only a portion of a shipment qualifies for preferential treatment? Or when a product is assembled from components with mixed origins, some qualifying and some not?

This is where strategic decision-making comes to the fore. It's rarely an all-or-nothing proposition. One common scenario involves a shipment containing multiple, distinct products. If you have rigorously documented the origin of Product A and are confident it qualifies, but are uncertain about Product B due to a non-responsive supplier, the prudent course of action is to claim preference only for Product A. You would declare and pay the standard duties on Product B. This surgical approach minimizes your risk by not allowing one uncertain product to jeopardize the entire shipment.

More complex are situations involving products with mixed-origin components. Many FTAs include a de minimis or tolerance rule, which allows a small percentage of non-originating materials (often 7-10% of the product's value) to be disregarded when determining origin.

Understanding and correctly applying this rule is critical. However, misusing the de minimis provision is a common audit trigger, so it must be approached with caution and meticulous calculation.

Another critical consideration for mixed-origin goods is the direct transport or consignment rule, which is a feature of most trade agreements. This rule generally requires that goods be shipped directly from the country of origin to the destination country to qualify for preference. If your mixed-origin goods are transshipped through a third country where they undergo any process beyond simple loading or unloading, you could inadvertently invalidate your preference claim, even if the goods themselves met the origin criteria. This logistical complexity must be factored into your risk assessment.

Ultimately, the decision to claim preference is a strategic one that should be re-evaluated regularly. The duty savings on a product might be high, but if it requires an inordinate amount of administrative effort and carries a high audit risk, the net benefit could be negative. In such cases, the wisest decision might be to pass on the claim, pay the standard duty, and redirect your compliance resources toward lower-risk, higher-reward opportunities. It is a continuous balancing act, but one that, when mastered, separates the savvy global trader from the one caught in the crosshairs of a customs audit.

Under the Magnifying Glass: Preparing for Audits and Verifications

It arrives like an unexpected guest, often quiet and unassuming at first. A formal-looking envelope, a crisp email with an official subject line: "Request for Information." This is it. The moment every importer and exporter, no matter how diligent, quietly anticipates. A customs authority, somewhere in the world, has a question about your goods. Specifically, they want to know if your country of origin claim-the very foundation of your product's passport-is accurate. This is not a casual inquiry; it is the opening move in a process that can escalate from a simple request to a full-blown audit. How you respond in these initial moments will set the tone for everything that follows. It can be the difference between a swift, amicable resolution and a costly, disruptive investigation that ties up your resources and your goods.

For many businesses, a customs verification feels like a test they didn't

know they needed to study for. But it doesn't have to be this way. The question is not if customs will verify your product's origin, but when. With the right preparation, a query from customs can be a routine event, a simple matter of providing well-organized proof. This chapter is your study guide. We will pull back the curtain on the audit and verification process, transforming it from a source of anxiety into a manageable aspect of international trade. We will explore what triggers these inquiries, how to build a fortress of documentation, what to expect when the magnifying glass is turned on your operations, and how to stay one step ahead through proactive self-assessment.

Common Triggers for Customs Audits and Origin Verifications

Contrary to a common misconception, customs audits are rarely random. While a certain number of random checks do occur, most verifications are the result of sophisticated data analysis and risk-based targeting by customs authorities like the U.S. Customs and Border Protection (CBP). These agencies use powerful algorithms to spot anomalies in the vast sea of import data, flagging shipments and companies that deviate from the norm. Understanding these red flags is the first step toward avoiding them.

One of the most significant triggers is operating in a high-risk sector. Industries such as textiles and apparel, automotive, electronics, and steel are under constant scrutiny due to their complex global supply chains and the high value of tariffs involved. If your business is in one of these areas, you can assume a higher likelihood of inspection.

Documentation inconsistencies are another major catalyst. Simple clerical errors can spiral into significant problems. If the country of origin on your commercial invoice doesn't match the certificate of origin, or if the Harmonized System (HS) code for the same product changes between

shipments, these discrepancies raise suspicion. Consistency across all your paperwork is not just good practice; it's a critical defense mechanism.

Your company's own trading patterns can also attract attention. A sudden, dramatic increase in imports claiming preferential treatment under a Free Trade Agreement (FTA), for instance, might signal to customs that a closer look is warranted. Similarly, a history of non-compliance, even with minor infractions, can place you on a watchlist. Incorrectly utilizing FTAs is a frequent cause for audit; claiming benefits without the proper documentation to prove your goods meet the specific rules of origin is a gamble that rarely pays off.

Other triggers can be entirely outside of your direct control. A competitor's complaint, whether justified or not, can launch an investigation. An audit of one of your suppliers or even one of your customers can have a domino effect, leading customs authorities to scrutinize every link in that particular supply chain. The key takeaway is that customs agencies are actively looking for outliers. Your goal is to ensure your operations are so buttoned-up that you never appear as one.

How to Organize Your Records for a Quick and Effective Response

When a customs authority sends that "Request for Information," they are not just asking for a document; they are testing your credibility. A swift, organized, and complete response demonstrates competence and control. A fumbling, delayed, or incomplete one invites deeper scrutiny. The foundation of a good response is laid long before the request ever arrives, through meticulous and centralized record-keeping.

U.S. Customs regulations, for example, mandate that importers retain records for five years from the date of entry. This isn't just a suggestion;

it's a legal requirement. Failing to produce these documents upon request is a major red flag. While your customs broker also keeps records, the ultimate responsibility lies with you, the importer.

So, what does an audit-ready filing system look like? Think of it as creating an "origin dossier" for every product or SKU you trade internationally. This file, whether physical or digital, should be a self-contained library of proof. It should include:

Commercial Documents: The commercial invoice, packing list, and bill of lading are your starting point. Auditors will check these first to ensure the declared origin is consistent across all documents. **Bill of Materials (BOM):** A detailed BOM is crucial, especially for goods with components from multiple countries. It allows an auditor to trace the source of every raw material and part, which is essential for proving that a "substantial transformation" occurred in the claimed country of origin. **Production and Process Flow Records:** These documents tell the story of how your product was made. They should clearly outline each step of the manufacturing or assembly process, demonstrating where the value-added work took place. This could include routing sheets, fabrication notes, or even photos and videos of the production line, which can be powerful supporting evidence. **Certificates and Supplier Declarations:** If your origin claim relies on components sourced from other suppliers, you must have their signed declarations or Certificates of Origin on file. These documents must be current and align with the materials listed in your BOM.

* **Proof of Preferential Treatment Claims:** For goods claiming benefits under an FTA, your dossier must include the specific Certificate of Origin and all supporting calculations, such as for Regional Value Content (RVC) or Tariff Shift analyses.

Best practice is to centralize these records. While different departments, like accounts payable, might hold some of these documents, having copies or a well-indexed digital system that links everything by entry number is vital. When customs asks for a record, they will almost always reference the entry number; your ability to retrieve all related documentation promptly based on that single piece of information is a measure of your compliance program's effectiveness.

The Verification Process: What to Expect

The verification process can take several forms, ranging in intensity. It often begins with a written request for information. In the U.S., this might come as a CBP Form 28. This is your first opportunity to demonstrate your preparedness. The response should be clear, structured, and directly address the questions asked. It's often wise to include a cover letter that summarizes your origin claim and references the specific evidence you are providing. Transparency is key; if your internal review uncovers a minor error, it is better to proactively explain it than to have it discovered by the auditor.

If the initial response is insufficient or raises more questions, the process may escalate. Customs authorities might conduct verification visits to the producer's or exporter's facilities to observe the production process firsthand. For verifications under trade agreements, these visits are typically preceded by a formal written notification, and the exporter or producer must provide written consent. Refusing a visit or failing to cooperate can lead to the denial of preferential tariff treatment.

During an on-site visit, auditors will want to see the production floor, inspect records, and interview staff. This is where your organized dossiers and a well-trained team become invaluable. The goal is to show that the processes and materials documented in your paperwork are what is

actually happening in your facility.

At the conclusion of the verification process, the customs authority will issue a written determination of origin. If they find that your goods do not qualify for the claimed origin or preferential treatment, you will likely face a bill for back-duties, and potentially interest and penalties. However, you typically have the right to appeal this decision.

Proactive Internal Audits and Self-Assessments

The best way to survive a customs audit is to conduct one on yourself first. Proactive self-assessment is the hallmark of a mature compliance program. It allows you to find and fix problems before they become expensive liabilities.

An internal audit should mirror the process a customs officer would follow. Start by selecting a sample of recent import or export declarations-perhaps 10% of your total-and scrutinize them. Do the declared values seem correct? Are the HS codes accurate and consistently applied? Most importantly, can you trace the country of origin claim from the finished product all the way back through the supply chain with hard-copy evidence?

Create a standard operating procedure (SOP) for how your company determines and documents origin. This ensures consistency and provides a clear methodology to show an auditor. This SOP should detail the steps taken for each new part or SKU, as well as a process for annual review to confirm that suppliers or processes haven't changed in a way that would alter the product's origin.

For U.S. importers, programs like the Importer Self-Assessment (ISA) offer a structured way to formalize this process in partnership with CBP. Participation in ISA can lead to benefits such as being removed from

certain audit pools, signaling to the agency that you are a trusted trader committed to compliance.

The simple act of regularly reviewing your own data can reveal gaps you never knew existed. Cross-referencing your purchase orders with the certificates of origin you have on file might show that you are missing documentation from a key supplier. An internal review is your chance to correct your course, to strengthen your product passport before it is challenged at the border.

Ultimately, preparing for an audit is not a one-time task but a continuous discipline. It is about embedding a culture of compliance into your daily operations. By understanding the triggers, meticulously organizing your proof, knowing what to expect from the process, and proactively policing your own systems, you transform the audit from a threat into an opportunity—an opportunity to prove that your product passport is not just a claim, but a documented and defensible fact. This state of readiness is not just about avoiding penalties; it's about building a resilient, trustworthy, and ultimately more profitable global business.

The Official Challenge: How to Respond to Customs Queries

It arrives as an official letter or, more commonly today, as a notification in your company's online customs portal. The language is formal, the subject line unambiguous: "Request for Information." Your heart might skip a beat. After all the meticulous work of tracing your supply chain, classifying your components, and confidently declaring your product's country of origin, a customs authority is now formally questioning your claim. This is not a routine inspection; it is a direct challenge. A moment of panic is understandable, but it must be fleeting. When a customs authority formally challenges your origin claim, a calm, structured, and strategic response is not just important-it's critical.

This chapter is your playbook for that moment. We will move beyond the theoretical and into the practical reality of managing a formal inquiry. This isn't just about defending a claim; it's about demonstrating the robustness of your compliance program and reinforcing your credibility as a trusted

trader. A well-handled query can resolve the immediate issue and may even reduce the likelihood of future challenges. A poorly managed response, however, can lead to delays, financial penalties, and a damaged reputation with the very authorities who control your access to global markets.

Deconstructing the Customs Query: What Are They Really Asking For?

The first step in formulating a response is to fully understand the question. Customs inquiries are rarely vague; they are targeted requests for specific information. In the United States, for example, this often comes in the form of a Customs and Border Protection (CBP) Form 28, Request for Information. While the specific form may vary by country, the intent is the same: the customs authority has encountered insufficient, incomplete, or seemingly contradictory information during their review and requires clarification to make a final determination.

These requests are not random acts of bureaucratic curiosity. They are typically triggered by something specific, such as a perceived discrepancy in your documentation, a question about eligibility for a free trade agreement, or a validation of the product's tariff classification. The core of the issue often revolves around the principle of "substantial transformation." As we've discussed, when a product is made of components from multiple countries, its origin is conferred by the country where it was last substantially transformed into a new and different article of commerce. The customs query is essentially asking you to prove that this transformation occurred where you claimed it did.

Take a deep breath and read the request carefully, several times if needed. Identify the precise entry numbers, product descriptions, and the specific questions being asked. Are they questioning the origin of a single

component, or the entire manufacturing process? Are they seeking clarification on a specific rule of origin under a trade agreement, like the Regional Value Content calculation we covered in Chapter 9? Sometimes, a simple phone call to the issuing import specialist or auditor can provide valuable context and clarity on what might have triggered the inquiry. Understanding the why behind the request is the foundation of a successful response.

Gathering and Presenting Your Evidence Pack

Your response will be built not on assertions, but on evidence. This is where the diligence you've applied in creating your "product passport" pays off. Now is the time to assemble a comprehensive evidence pack that substantiates your origin claim. Think of yourself as building a legal case; your documentation is your proof. The clearer and more organized your evidence, the more straightforward the audit process will be.

Your evidence pack should be a curated collection of documents that tells the complete story of your product's journey from raw materials to finished good. While the specific documents may vary, a strong submission will typically include:

Manufacturing Records: This is the heart of your evidence. Provide detailed production records, process flow diagrams, and work orders that illustrate every step of the manufacturing process. If your claim rests on a "tariff shift," this documentation must clearly show how the tariff classification of the components changed as they were transformed into the final product. **Bills of Materials (BOMs):** A detailed BOM for the finished good is essential. It should list every component, its country of origin, and its value. This is particularly crucial for claims based on Regional Value Content calculations. **Supplier Declarations and Certificates of Origin:** The documentation for your inputs is as important

as for your outputs. Include the Certificates of Origin and supplier affidavits for all major components, especially those that are origin-conferring. Cost and Value Data: Be prepared to provide detailed cost data, including invoices and transaction records for raw materials, labor costs, and factory overhead. This data must be verifiable and consistent across your financial records.

* Shipping and Transit Documents: Include bills of lading and other transport documents to demonstrate the product's journey and confirm that it meets any direct shipment requirements under specific trade agreements.

Organize these documents logically, perhaps with a cover letter that serves as a roadmap, explaining what each document proves and how it directly addresses the questions raised in the customs query. The goal is to make the auditor's job as easy as possible. A well-organized, easy-to-follow submission signals professionalism and a commitment to compliance.

Crafting a Clear, Concise, and Persuasive Response

With your evidence gathered, the next step is to draft your formal written response. The tone of this communication is paramount. It should be professional, respectful, and cooperative, not adversarial. Remember, the customs officials are doing their job, which is to enforce trade laws and regulations. Your goal is to help them do that job by providing the information they need.

Begin your letter by acknowledging the request and referencing the specific inquiry number. State your position clearly and confidently at the outset. For example: "This letter is in response to your inquiry regarding the country of origin of our Product X, Entry Number Y. We affirm that the correct country of origin is [Country], based on the substantial

transformation that occurs during our manufacturing process, as detailed in the enclosed documentation."

The body of your response should systematically address each question from the inquiry. Refer directly to the evidence you have provided. For instance, you might write, "To substantiate the tariff shift from heading A to heading B, please refer to Exhibit 1, which contains the detailed production flow chart, and Exhibit 2, the Bill of Materials showing the origin and classification of all inputs."

Be honest and transparent. If you discover an error in your original declaration during your review, it is almost always better to disclose it voluntarily. A proactive disclosure of a mistake, coupled with a clear explanation and a plan for corrective action, will likely be viewed more favorably than if the auditors discover it on their own. Honesty builds trust and can mitigate potential penalties.

Finally, conclude your letter by offering further assistance. Provide the name and contact information of a knowledgeable person in your company who can answer any follow-up questions. This demonstrates your commitment to resolving the issue and reinforces the cooperative tone of your response.

Working with Customs Brokers and Legal Counsel

You do not have to navigate a customs challenge alone. In fact, in many cases, you shouldn't. Your customs broker and legal counsel are invaluable allies in this process.

Your customs broker is often your first line of defense. They have experience interacting with customs authorities and can provide insights into why the query was issued and how best to respond. They can help you interpret the request, gather the necessary documentation, and

ensure your response is submitted correctly and on time. Regular communication with your broker is a key component of a robust compliance strategy.

There are also times when engaging legal counsel specializing in trade and customs law is a prudent investment. If the inquiry involves complex legal interpretations of origin rules, significant financial liabilities, or the potential for penalties, an experienced attorney is essential. They can help you formulate a legal strategy, ensure your response is legally sound, and represent your interests in direct communications with the customs authority. Consulting with a customs attorney can be particularly helpful if you are importing complex goods without a straightforward classification.

The decision to involve legal counsel is a strategic one. While it represents an additional cost, it can prevent much larger financial and reputational damage down the line. A good rule of thumb is to bring in legal expertise as soon as you believe the inquiry could escalate beyond a simple request for documentation.

Responding to a customs query is a serious test of your company's trade compliance program. By approaching it with a calm demeanor, a structured methodology, and the right expert support, you can not only navigate the immediate challenge but also strengthen your processes for the future. This is your opportunity to prove the integrity of your product passport and solidify your standing as a compliant and trustworthy participant in the global marketplace. The next chapter will explore what happens when these disputes escalate, and how to navigate the formal appeals process.

When You Get It Wrong: Corrective Actions and Disclosures

No matter how robust your compliance program, how diligent your team, or how trustworthy your suppliers, mistakes happen. In the complex world of global trade, an incorrect country of origin claim is not a matter of if, but when. It might be a simple clerical error, a misinterpretation of a free trade agreement's dense rules, or faulty information passed up the supply chain. The discovery can trigger a moment of panic—a sinking feeling followed by a rush of questions about potential penalties, shipment seizures, and reputational damage. But the discovery of an error is not the end of the story. In fact, it's a critical turning point. How you respond in the moments, days, and weeks that follow will define the outcome. Acting with transparency, diligence, and a commitment to correction can transform a potentially costly mistake into a powerful learning opportunity that strengthens your entire compliance framework. Ignoring it, on the other

hand, is simply not an option. This chapter is about navigating that turning point. It's about moving from acknowledging a mistake to actively correcting it, mitigating the damage, and ensuring it never happens again. We will walk through the difficult but necessary steps of withdrawing an incorrect claim, engaging with customs authorities, and rectifying the issue at its source, turning a moment of vulnerability into a demonstration of integrity and control.

The Moment of Realization: Withdrawing an Incorrect Claim

The first step upon discovering an incorrect origin claim is immediate containment. You must stop making the incorrect claim on any new shipments. This may involve halting outgoing orders until documentation can be corrected, updating your ERP system, and communicating urgently with your customs broker. The goal is to prevent the error from multiplying while you assess its scope.

Simultaneously, you must begin an internal investigation to understand the depth and breadth of the problem. Was this an isolated incident affecting a single shipment, or is it a systemic issue that has impacted months or even years of imports? You will need to review entry records, supplier declarations, and production documents to quantify the number of affected transactions and the total value of the goods involved. This forensic analysis is not just for internal understanding; it will form the basis of your disclosure to customs authorities.

Coming Clean: Duty Repayments and Prior Disclosures

Confronting a customs authority with news of your own non-compliance can feel daunting, but it is unequivocally the most prudent course of action. Most customs administrations, including U.S. Customs and Border Protection (CBP), have formal mechanisms for voluntary self-disclosure

that can significantly reduce penalties. In the United States, this process is known as a Prior Disclosure.

A Prior Disclosure is a formal notification to CBP that you have discovered errors in your import filings before CBP has initiated a formal investigation against you. The primary benefit of this proactive approach is the potential for drastically reduced penalties. For errors that do not involve fraud, penalties can be limited to the interest owed on the underpaid duties, a stark contrast to the significant fines that can be levied for negligence, gross negligence, or fraud discovered by CBP during an audit. A false claim of origin, even without a loss of revenue, can be considered a material false statement and lead to penalties.

To be valid, a Prior Disclosure must be filed before, or without knowledge of, the commencement of a formal investigation. The disclosure itself is typically a detailed letter outlining the circumstances of the violation, identifying the specific import entries involved, and calculating the loss of revenue to the government. This is where the internal investigation becomes crucial. Your disclosure must be thorough and accurate.

Following the disclosure, you must tender the actual loss of duties, taxes, and fees. This is often done through a process called a voluntary tender, a supplemental payment made after the initial entry has liquidated or finalized. You can either make this payment at the time of disclosure or within 30 days of CBP confirming your calculation of the duties owed. The process demonstrates good faith and a commitment to rectifying the error, which is a significant mitigating factor in the eyes of the authorities.

Correcting the Source: Supplier Re-Papering

While you are addressing the immediate compliance and financial consequences with customs, a parallel effort must be made to correct the

error at its root. Very often, an incorrect origin claim originates with incorrect information provided by a supplier. Addressing this requires a process of "re-papering" and corrective action with your supply chain partners.

This begins with issuing a Supplier Corrective Action Request, or SCAR. A SCAR is a formal document that notifies a supplier of a non-conformance-in this case, an incorrect origin declaration-and requests an investigation and a plan for correction. It's more than just a notification; it's the start of a collaborative process to understand why the error occurred. Was it a misunderstanding of the rules of origin? A change in their own sourcing that wasn't communicated? A flaw in their documentation process?

The supplier's response should include a root cause analysis-tools like the "5 Whys" or a fishbone diagram can be effective here-and a detailed corrective action plan. This plan should not only fix the immediate problem but also include preventative measures. This might involve retraining their staff, implementing new software, or changing their own supplier vetting processes. Your role is to review and approve this plan, ensuring it is robust enough to prevent recurrence. This is also the time to obtain corrected certificates of origin and supplier declarations for all affected products, creating a new, accurate paper trail for all future shipments.

Building Resilience: The Corrective Action Plan

With the past errors disclosed and the supplier's process corrected, the final, and perhaps most critical, step is to look inward. You must develop and implement your own internal corrective action plan to prevent similar errors in the future, regardless of their source. This moves beyond fixing the single point of failure and towards building a more resilient compliance program. A comprehensive plan should address several key areas:

1. **Process Improvement:** Were there gaps in your own internal verification procedures? Your plan should introduce new checks and balances. This might mean requiring a secondary review of all new supplier origin declarations or implementing a more rigorous annual solicitation process for certificates of origin.
2. **Training and Education:** Often, errors stem from a lack of understanding. A key part of your corrective action is to provide enhanced training for your procurement, logistics, and compliance teams. They need to understand the fundamentals of origin determination and the critical importance of accurate documentation.
3. **Enhanced Supplier Audits:** Trust, but verify. Your corrective action plan might include a more robust supplier auditing schedule. This could involve periodic on-site visits or more detailed desk audits of their origin documentation and processes, especially for high-risk suppliers or complex products.
4. **Technology and Automation:** Manual processes are prone to human error. Consider how technology can help. Software platforms can be used to manage supplier certificates, flag expiring documents, and cross-reference information to catch inconsistencies before they become import errors.

Documenting this corrective action plan is vital. Not only does it provide a roadmap for your organization, but it also serves as powerful evidence of your commitment to compliance. Should customs ever scrutinize your operations in the future, a well-documented and fully implemented corrective action plan demonstrates that you have exercised "reasonable care," the legal standard to which all importers are held. It shows that you have learned from your mistakes and have taken meaningful steps to improve.

Discovering an error in your country of origin claims is a serious matter, but it does not have to be a catastrophe. By acting swiftly to withdraw the claim, proactively disclosing the error to customs, working with suppliers to fix the root cause, and implementing a thorough corrective action plan, you can navigate the challenge effectively. This process, while difficult, reinforces the integrity of your supply chain and strengthens your standing as a compliant and trustworthy importer. It transforms a reactive crisis into a proactive strategy for long-term resilience, which is the ultimate goal of any robust product passport system.

Putting It All Together: Product-by-Product Origin Workshops

For thirteen chapters, we have carefully dissected the theories, regulations, and labyrinthine rules that govern country of origin. We have explored the grand architecture of free trade agreements, the granular detail of tariff codes, and the critical importance of documentation. Now, it is time to leave the lecture hall and enter the workshop. This is where the abstract principles we have learned are put to the test against real-world items. Think of this chapter as a laboratory where we apply our knowledge to determine the "economic nationality" of four distinct products, moving from the elegantly simple to the dauntingly complex.

Each of the following case studies is a self-contained workshop. We will roll up our sleeves, lay out the components on our workbench, and use the tools acquired in the previous chapters to build a defensible origin claim. The goal here is not just to find the right answer but to understand

the process of finding it-the questions you must ask, the data you must gather, and the logic you must apply. Let's begin.

Case Study 1: The Simple Product - 'Wholly Obtained'

Our first subject is perhaps the most straightforward: a bottle of extra virgin olive oil marketed as a "Product of Spain."

The Product: 500ml bottle of Aceite de Oliva Virgen Extra.

The Supply Chain:

1. Olives are grown, cultivated, and harvested from groves in the Andalucía region of Spain.
2. The harvested olives are transported to a local cooperative mill, also in Andalucía.
3. At the mill, the olives are washed, crushed, and pressed using mechanical means to extract the oil.
4. The resulting crude oil is bottled and labeled at the same facility.

The Workshop Analysis:

This case lands squarely in the simplest category of origin determination: "wholly obtained or produced." This criterion applies to goods that are exclusively produced in a single country, without incorporating materials from any other country. The World Customs Organization and various national customs authorities provide clear, harmonized lists of what this entails. It typically includes mineral products extracted from the soil, vegetable goods harvested there, and live animals born and raised in that country.

To analyze our olive oil, we break it down. Are the olives, the foundational

component, from Spain? Yes, they were grown and harvested there. Was the processing done in Spain? Yes, the pressing and bottling occurred in Spain. Were any non-Spanish materials introduced? No, the product is made exclusively from Spanish olives. According to virtually every rule of origin framework, from the WCO guidelines to specific free trade agreements, this product is unambiguously Spanish.

Documentation and Proof:

Even with a simple case, proof is paramount. To defend this claim, the producer would need to maintain records such as: Harvest records indicating the location of the olive groves. Transport logs from the grove to the mill. Production records from the mill confirming that only these olives were used. A clear paper trail showing the product never left Spain during its production cycle.

This first workshop is a foundational lesson: when a product's entire lifecycle, from raw material to finished good, exists within the borders of a single nation, the origin determination is clear and powerful.

Case Study 2: The Electronic Device - Tariff Shift Rule

Next, we move to a more common scenario in modern manufacturing: a product assembled in one country from components sourced globally. Our subject is a portable power bank.

The Product: 10,000mAh Portable Power Bank, assembled in Vietnam.

The Bill of Materials (BOM) & Supply Chain:

1. Lithium-ion battery cells (non-originating): Sourced from China.
2. Printed Circuit Board Assembly (PCBA) (non-originating): Sourced from Taiwan.

3. Plastic Casing (non-originating): Sourced from Malaysia.
4. Final assembly, testing, and packaging: Performed at a factory in Ho Chi Minh City, Vietnam.

The finished power bank is being exported from Vietnam to a country with which Vietnam has a Free Trade Agreement (FTA) that uses a Tariff Shift rule for electronics.

The Workshop Analysis:

This product is clearly not "wholly obtained." Its origin will be determined by where it underwent a "substantial transformation." Many FTAs use the Tariff Shift rule as the primary test for this transformation, especially for manufactured goods.

The first step is to classify everything according to the Harmonized System (HS). The HS code is the universal language of international trade, a standardized numerical system for classifying products. The final power bank is classified under HS subheading 8507.60 (Lithium-ion accumulators).

Now, let's classify the key non-originating components: Lithium-ion battery cells: HS subheading 8507.60 PCBA: HS heading 8543 (Electrical machines and apparatus, having individual functions, not specified or included elsewhere) Plastic Casing: HS heading 3926 (Other articles of plastics)

Let's assume the FTA's rule of origin for HS 8507.60 is: "A change to subheading 8507.60 from any other heading."

This rule tells us that for the final product to be considered of Vietnamese origin, all non-originating materials must be classified under a different HS heading (the first four digits of the code) before they were processed in

Vietnam.

Let's test our components: PCBA (8543)! Power B a change from heading 8543 to 8507. The rule is met. Plastic Casing (3926)! Power Bank (8507.60): This is a change f 8507. The rule is met.

But we have a problem. The Chinese battery cells are classified under the same subheading (8507.60) as the final product. There is no tariff shift. Under this specific rule, the assembly process in Vietnam, which combines these components, would not be enough to confer Vietnamese origin because the most critical component did not "transform." The product would likely be considered of Chinese origin for customs purposes.

This workshop demonstrates the exacting nature of Tariff Shift rules. It's not about the value of the work done; it's a technical test of classification change. To solve this, the manufacturer might need to source battery cells from Vietnam or another FTA partner country, or perhaps find an alternative rule in the FTA, if one exists.

Case Study 3: The Apparel Item - Specific Processing Rules

Our third workshop examines a men's cotton polo shirt, a product from an industry notorious for its complex and specific origin rules.

The Product: Men's 100% Cotton Polo Shirt, to be imported into the United States under the United States-Mexico-Canada Agreement (USMCA).

The Supply Chain:

1. Raw cotton: Grown in India (non-originating).
2. Yarn spinning: The Indian cotton is spun into yarn in India (non-originating).
3. Fabric weaving: The Indian yarn is shipped to Mexico, where it is woven into fabric.
4. Cutting & Sewing: The Mexican-woven fabric is cut and sewn into finished polo shirts in the same Mexican facility.

The Workshop Analysis:

Textile rules in many FTAs, including the USMCA, often use a "yarn-forward" standard. This rule generally requires that for an apparel item to qualify for preferential treatment, the yarn production and all subsequent operations (fabric weaving/knitting, dyeing, cutting, sewing) must occur within the FTA territory.

Let's trace our polo shirt's journey against this rule: Yarn Spinning: Occurred in India. This is outside the USMCA region (United States, Mexico, Canada). Fabric Weaving: Occurred in Mexico. This is within the USMCA region. Cutting & Sewing: Occurred in Mexico. This is within the USMCA region.

Based on the standard yarn-forward rule, this polo shirt would not qualify for USMCA benefits. The origin of the yarn is the critical starting point, and in this case, the yarn is from India. The substantial transformation from fabric to finished garment in Mexico is not, by itself, sufficient under this specific rule.

This is a perfect illustration of how specific processing rules function. They

don't care about tariff shifts or value; they mandate that certain production steps must happen in the region. It forces supply chains to integrate more deeply within the FTA bloc. For this polo shirt to qualify, the manufacturer would need to source yarn spun in the U.S., Mexico, or Canada. The Indian cotton fiber is acceptable, as the rule starts with the yarn, not the fiber.

This highlights a crucial lesson: for certain product categories like textiles and apparel, you cannot simply read the general rules of an FTA. You must find the specific, product-level annexes and chapter notes that contain these exacting process-based requirements.

Case Study 4: The Complex Machine - Regional Value Content (RVC)

Our final and most complex workshop involves an industrial-grade water pump, a product with a deep bill of materials and significant value. We will use the Regional Value Content (RVC) method to determine its origin.

The Product: An industrial centrifugal pump, assembled in the United States and destined for an FTA partner country. The FTA requires a minimum of 50% RVC to qualify for preferential tariffs.

The Financials & Supply Chain: Final Sale Price (Adjusted Value):

\$10,000 Non-Originating Materials: Electric Motor (Germany): \$3,000

Impeller Casting (China): \$800 Mechanical Seals (Japan): \$400

Originating Materials: Pump Housing (USA): \$1,200 Fasteners & Gaskets (USA): \$300 U.S. Production Costs: Direct Labor: \$1,500 Factory

Overhead (energy, depreciation, etc.): \$800

The Workshop Analysis:

The RVC method determines origin based on the share of the product's value that was added within the FTA region. There are two primary formulas for this: the Build-down method and the Build-up method.

1. The Build-Down Method:

This is often the most common method. It starts with the final value of the good and subtracts the value of any non-originating materials used.

The formula is:

$$\text{RVC} = (\text{Adjusted Value} - \text{Value of Non-Originating Materials}) / \text{Adjusted Value} \times 100$$

Let's plug in our numbers: Adjusted Value (AV): \$10,000 Value of Non-Originating Materials (VNM): \$3,000 (Motor) + \$800 (Impeller) + \$400 (Seals) = \$4,200

$$\text{RVC} = (\$10,000 - \$4,200) / \$10,000 \times 100$$

$$\text{RVC} = \$5,800 / \$10,000 \times 100$$

$$\text{RVC} = 58\%$$

Since 58% is greater than the required 50%, the industrial pump qualifies as originating in the United States under the Build-down method. This method is advantageous because it captures not only originating materials but also all local labor, overhead, and profit as part of the regional value.

2. The Build-Up Method:

This method does the opposite. It sums the value of only the originating materials and checks if that value meets a certain threshold. The formula is:

RVC = Value of Originating Materials / Adjusted Value x 100

Let's calculate: Value of Originating Materials (VOM): \$1,200 (Housing) + \$300 (Fasteners) = \$1,500 Adjusted Value (AV): \$10,000

$$\text{RVC} = \$1,500 / \$10,000 \times 100$$

$$\text{RVC} = 15\%^*$$

Under the Build-up method, the pump would not qualify. This method is much stricter and is often used when the value of originating components is very high. It ignores the value added by local labor and overhead.

Most FTAs allow the producer to choose the method that is most advantageous for them, but the choice must be applied consistently. This final workshop underscores the absolute necessity of meticulous cost accounting. Without a precise understanding of the value of every component, as well as production costs, a valid RVC calculation is impossible.

These four workshops have taken us on a journey from a Spanish olive grove to a high-tech factory floor in Vietnam. We have seen how the nature of the product dictates the rule that applies, whether it's the simple purity of being wholly obtained, the technical dance of a tariff shift, the rigid choreography of specific processing, or the complex arithmetic of regional value. Each case provides the same overarching lesson: determining origin is not a matter of opinion, but a structured process of investigation, classification, and calculation.

With this practical foundation firmly in place, we are now prepared for the final step. Having learned the rules and practiced their application, we must now consider what happens when our conclusions are challenged.

In our final chapter, we will turn our attention to the world of customs audits, disputes, and the strategies required to defend your product passport when it comes under scrutiny.

Your Product Passport: A Future of Confident Compliance

We've traveled a long way together. From the foundational pillars of tariff classification to the intricate tapestry of free trade agreements, our journey has been about one thing: transforming a complex regulatory burden into a strategic business asset. We've deconstructed the rules, examined the risks, and assembled a new framework for thinking about the "economic nationality" of your goods. Now, as we arrive at our destination, it's time to stamp your passport. This isn't just a final piece of paper; it's a living document, a system of proof, and a mindset of proactive control. This is your Product Passport, and with it, you are ready to trade with confidence.

A Return to First Principles

At its heart, the entire discipline of origin determination rests on a few core principles. It's easy to get lost in the specifics of a particular trade agreement or a nuanced customs ruling, but returning to these fundamentals will always provide a reliable compass. The first principle is

the clear distinction between non-preferential and preferential origin.

Non-preferential rules are the baseline, determining a good's nationality for purposes of quotas, marking, and anti-dumping duties. Preferential rules, by contrast, are your keys to the kingdom-the specific, often more stringent, requirements that unlock the tariff benefits of free trade agreements.

Second is the unshakable foundation of the Harmonized System (HS) of tariff classification. Without the correct six-digit HS code, any origin analysis is built on sand. It dictates which specific rule of origin applies to your product. Finally, we have the two primary methods of conferring origin: "wholly obtained" for goods derived entirely from a single country-think minerals mined from its soil or vegetables harvested there-and "substantial transformation" for goods made from components of multiple origins. Whether that transformation is measured by a change in tariff classification, a regional value content percentage, or a specific manufacturing process, the principle remains the same: the product must become something fundamentally new.

Mastering these concepts is not an academic exercise. It is the bedrock of a defensible and profitable trade compliance program. Getting it right facilitates trade and can lead to substantial cost savings; getting it wrong can lead to financial penalties, shipment seizures, and a damaged reputation.

The Mindset of a Trade Compliance Professional

Beyond the regulations and spreadsheets, effective origin management requires a particular mindset. A successful trade compliance professional is part detective, part strategist, and part diplomat. They possess a meticulous, almost obsessive, attention to detail, understanding that the difference between two words in a regulation can mean millions of dollars

in duties. They thrive in the weeds, splitting hairs between technical definitions and chasing down arcane details from engineers and suppliers.

But this diligence must be paired with strategic vision. A compliance professional doesn't just say "no"; they find a compliant way to say "yes." They see compliance not as a cost center, but as a competitive advantage that enables growth and builds trust with customers and regulators alike. This requires perseverance-the tenacity to follow up relentlessly when information is needed and the resilience to advocate for compliance even when it conflicts with other business pressures.

Finally, they are skilled communicators, able to translate complex technical requirements into clear, actionable guidance for colleagues in procurement, logistics, and sales. They build bridges within the organization, fostering a culture where compliance is a shared responsibility, not the sole burden of a single department.

The Future of Origin: Emerging Trends and Technologies

The world of trade compliance is not static. As we look toward the horizon of the coming years, several powerful forces are reshaping how origin is documented and verified. The trajectory seems clear: the future is digital, transparent, and data-driven. As global trade becomes more complex, customs authorities are shifting from traditional gatekeeping to risk-focused oversight, increasing the frequency and complexity of audits. For businesses, this means the pressure to provide accurate, verifiable data is higher than ever.

One of the most promising technologies on this front is blockchain. By creating a decentralized, immutable ledger, blockchain offers the potential for an unalterable record of a product's journey, from raw material to finished good. This provides a powerful tool for proving provenance and

combating counterfeit goods, enhancing the transparency that both consumers and regulators increasingly demand.

Artificial intelligence (AI) and machine learning are also becoming indispensable. These technologies can analyze vast datasets, such as complex bills of materials, to flag potential compliance risks, identify anomalies in data, and even predict the impact of regulatory changes. AI-powered tools can automate many of the repetitive tasks in compliance, freeing up professionals to focus on more strategic challenges.

The concept of a "Product Passport" is rapidly moving from theory to reality. The European Union's Digital Product Passport (DPP), set to become mandatory for various product categories starting in 2026, is a landmark development. The DPP will require a unique digital identifier for products, linking to a comprehensive set of data about their entire lifecycle, including material composition, manufacturing origin, and repairability. This initiative signals a fundamental shift toward cradle-to-grave traceability and will have global ramifications for any company wishing to sell into the EU market.

Final Checklist for Your Product Passport Program

As you close this book and begin the real work of building or refining your origin management program, use this final checklist as a guide. This is your blueprint for creating a living system of confident compliance.

1. **Secure Executive Sponsorship:** Does your leadership team understand that trade compliance is a strategic function, not just an administrative one? Ensure you have the resources and authority to build a robust program.
2. **Establish a Cross-Functional Team:** Have you identified key

stakeholders from procurement, engineering, finance, logistics, and legal? Origin determination is a team sport, and a dedicated, trained team is essential.

3. **Invest in the Right Tools:** Are you relying on manual spreadsheets where a dedicated global trade management (GTM) software could provide greater accuracy and efficiency? Evaluate technologies that can automate data collection, analysis, and record-keeping.
4. **Document Everything:** Do you have a written compliance manual and standard operating procedures? Can you produce the necessary backup documentation for every origin claim, and are you retaining those records for the legally required period, which can be five years or more?
5. **Know Your Supply Chain:** Have you solicited and validated origin information from all your suppliers? Do you have a process for regularly updating this information?
6. **Train Continuously:** Is your team kept up-to-date on the latest regulatory changes? Ongoing education is non-negotiable in this ever-evolving field.
7. **Audit Yourself:** Do you conduct regular internal audits to find and fix weaknesses before customs authorities do? A proactive audit program turns a potential risk into an opportunity for improvement.

Think of this book not as an ending, but as the foundation upon which you will build a stronger, more resilient, and more competitive global business. The Product Passport is in your hands. You have the tools, the knowledge, and the framework. Now, go forth and trade with confidence.

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