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Ordinance on the Certification of the Non-Preferential Origin of Goods (OCG)

of 9 April 2008 (Status as of 1 January 2022)

The Swiss Federal Council,

based on Articles 3 paragraph 2, 4 paragraph 1, 5 and 7 paragraph 5 of the Federal Act of 25 June 1982¹ on International Trade Measures, in implementation of the Agreement of 15 April 1994² on Rules of Origin (Annex 1A.11 of the Agreement Establishing the World Trade Organisation), Article 11 of the International Convention of 3 November 1923³ Relating to the Simplification of Customs Formalities and Article 2 of the International Convention of 18 May 1973⁴ on the Simplification and Harmonisation of Customs Procedures,

ordains:

Section 1 General Provisions

Art. 1 Subject matter and scope of application

¹ This Ordinance regulates the issue and use of certifications and declarations of origin used in external trade.

² It applies in Switzerland and its foreign customs enclaves (the territory).

Art. 2 Definitions

In this Ordinance:

- a. *production* means any working or processing of a good, including assembly or specific processes;
- b. *product* means the good obtained, even if it is intended for later use in another manufacturing operation;

AS 2008 1833

¹ SR 946.201

² SR 0.632.20, Annex 1A.11

³ SR 0.631.121.1

⁴ Wording according to the Protocol of Amendment of 26 June 1999 to the Convention; SR 0.631.21

- c. *materials* means any ingredient, raw material, component or part, used in the manufacture of a product;
- d. *goods* means both products and materials;
- e. *customs value* means the value as determined in accordance with the Agreement of 15 April 1994⁵ on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (WTO Customs Valuation Agreement);
- f. *ex-works price* means the price paid for the good ex-works, minus any internal taxes which may be repaid when the product is exported;
- g. *value of materials* means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials the territory;
- h. *chapters and headings under the Harmonised System* means the chapters and four-digit headings in the nomenclature used under the International Convention of 14 June 1983⁶ on the Harmonised Commodity Description and Coding System.

Art. 3 Certifications of origin

¹ Certifications of origin shall serve as proof of the origin and the value or price of a good; they may contain additional data required in order to identify the good.

² The following are certifications of origin:

- a. *certificate of origin*: this is issued on the form provided for this purpose;
- b. *attestation of origin*: this is added to commercial invoices or other commercial documents issued by the supplier;
- c. *internal certificate*: this is made out on commercial invoices or other commercial documents issued by the supplier and is deemed solely a preliminary document within the territory.

Art. 4 Other attestations relating to origin

The certification offices may attest to verifiable facts relating to origin, and in particular:

- a. the working or processing of goods that has been carried out within the territory but which does not confer origin;
- b. the shipment of goods.

⁵ SR 0.632.20, Annex 1A.9

⁶ SR 0.632.11

Art. 5 Declaration of origin

¹ The declaration of origin shall serve as proof of the Swiss origin of a good. Suppliers with a place of residence or registered office within the territory may include this on their commercial invoices or other commercial documents.

² This shall be deemed solely an initial document within the territory.

Art. 6 Certification offices

¹ The Federal Department of Economic Affairs, Education and Research (EAER)⁷ shall appoint the certification offices and establish their geographical areas of competence.

² The certification offices shall issue certifications of origin to individuals and businesses that:

- a. produce or trade in goods; and
- b. have a place of residence or registered office within their respective geographical area of competence.

³ The certification offices may issue certifications of origin to individuals and businesses that do not have a place of residence or registered office within their respective geographical area of competence if:

- a. the good concerned was produced in their respective geographical area of competence, and
- b. the competent certification office consents to doing so.

⁴ The Federal Office for Customs and Border Security (FOCBS)⁸ may allow further exceptions.

Art. 7 Information on origin

¹ On written request, the FOCBS shall provide written information on the non-preferential origin of goods; Article 20 paragraphs 2–5 of the Customs Act of 18 March 2005 (Customs Act)⁹ applies.

² It shall provide the information no later than 40 days after receiving the documents required to answer the request.¹⁰

⁷ The name of this administrative unit was amended on 1 Jan. 2013 in application of the Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (AS **2004** 4937). This amendment has been made throughout the text.

⁸ The name of this administrative unit was changed on 1 Jan. 2022 pursuant to Art. 20 para. 2 of the Publications Ordinance of 7 Oct. 2015 (SR **170.512.1**) (AS **2021** 589). This change has been made throughout the text.

⁹ SR **631.0**

¹⁰ Inserted by No I 7 of the Ordinance of 6 June 2014 on Official Processing Times for Matters within the Jurisdiction of the Federal Customs Administration, in force since 1 Sept. 2014 (AS **2014** 2051).

Art. 8 Charges

¹ The certification offices shall levy charges for issuing certifications of origin and also for other services rendered under this Ordinance.

² The scale of charges adopted by the certification offices shall require approval by the EAER.

³ The FOCBS shall levy charges under the Ordinance of 4 April 2007¹¹ on FOCBS Charges.

⁴ In all other respects, the provisions contained in the General Fees Ordinance of 8 September 2004¹² applies.

Section 2 Origin Criteria**Art. 9** Swiss origin

A product shall be considered to be of Swiss origin if it either has been wholly obtained or produced or has been sufficiently worked or processed within the territory.

Art. 10 Wholly obtained or produced

The following shall be considered to be wholly obtained or produced within the territory:

- a. mineral products extracted from its soil;
- b. vegetable products harvested or obtained from vegetable cell cultures there;
- c. live animals born or hatched and raised there;
- d. products derived from live animals raised or from animal cell cultures there;
- e. products of hunting or fishing conducted there;
- f. products of sea-fishing and other products taken from the sea and caught by Swiss vessels;
- g. goods produced on board Swiss factory ships solely from the products referred to in subparagraph (f);
- h. used articles collected there for the purpose of recovering raw materials;
- i. waste and scrap resulting from manufacturing operations conducted there ;
- j. produced exclusively from the products specified products produced there exclusively from products referred to in subparagraphs (a) to (i).

¹¹ SR 631.035

¹² SR 172.041.1

Art. 11 Sufficiently worked or processed

¹ A product shall be considered to be sufficiently worked or processed if:

- a. the value of all materials of foreign origin used in its production does not exceed 50% of its ex-works price;
- b. on account of working or processing, it has to be classified under a heading in the Harmonised System different from the one applicable to the products of foreign origin used in its production; or
- c. possible specific origin-conferring processing or working has been undertaken in accordance with paragraph 2.

² The EAER may define specific origin-conferring working or processing for particular products. It may exclude the applicability of paragraph 1 letters a and b for certain of these products.

³ Tolerance rules may be specified for products falling under paragraphs 1 letter b and 2.

Art. 12 Materials originating within the territory

¹ A product that has been sufficiently worked or processed within the territory and which is used in the production of another product shall be considered to be a material of Swiss origin. It is irrelevant whether the material was produced in the same or in another business.

² Materials of foreign origin that have been used in the production of a domestic material under paragraph 1 are not to be taken into account when determining the origin of the other product.

Art. 13 Insufficient working or processing

The following are considered insufficient for conferring originating status:

- a. treatments intended to keep the products in the same state during transportation or storage (ventilation, dispersion, drying, cooling, freezing, immersion in brine or water containing sulphur or other added substances, removal of spoiled parts and similar treatments);
- b. simple dust removal, sieving, segregation, classification, sorting (including the making of assortments), washing, painting, cutting up;
- c. simple packing work, specifically:
 1. the replacement of packaging binders, the division or assembly of packing units,
 2. simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on boards and , vacuum-packing and enclosure in a controlled atmosphere;
- d. applying brand names, labels or other similar distinguishing marks to the products themselves or to their packaging;