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

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

*The Federal Department of Economic Affairs, Education and Research (EAER)¹
based on Articles 6 paragraph 1, 11 paragraphs 2 and 3, 19 paragraph 3,
20 paragraph 1, 24 paragraph 2 and 25 paragraph 1 of the Ordinance of
9 April 2008² on the Certification of the Non-Preferential Origin of Goods (OCG),
ordains:*

Section 1 General Provisions

Art. 1 Certification offices

The chambers of commerce listed in Annex 1 shall be authorised to act as certification offices within the territory for their respective geographical areas of competence.

Art. 2 Rules for the working and processing of particular products

¹ The products listed in Annex 2 Table 1 shall be regarded as having been sufficiently worked or processed within the territory within the meaning of Article 11 paragraph 1 letter c of the OCG if the conditions set out in column 3 of the list have been met.

² The products listed in Annex 2 Table 2 shall be regarded as having been sufficiently worked or processed within the territory within the meaning of Article 11 paragraph 2 of the OCG only if the conditions set out in column 3 of the list have been met.

AS 2008 1851

- ¹ The name of this administrative unit was modified pursuant to Art. 16 para. 3 of the Publications O of 17 Nov. 2004 (AS 2004 4937) on 1 Jan. 2013. This modification has been made throughout the text.
- ² SR 946.31

Art. 3 Tolerance rule

Materials that are not of Swiss origin may be used in the manufacture of a product if:

- a. their total value does not exceed 10% of the ex-works price of the product; and
- b. the application of this Article does not result in the maximum permitted percentages for certain materials without originating status stipulated in column 3 of the lists in Annex 2 being exceeded.

Art. 4 Accessories, spare parts and tools

¹ Accessories, spare parts and tools supplied as part of the standard equipment with instruments, machinery or vehicles, shall be regarded as having the same origin as the instruments, machinery or vehicles in question.

² In the case of essential spare parts that are intended for instruments, machinery or vehicles listed in chapters 84–92 of the Harmonised System³ and are characteristic of these products, Swiss origin may be certified if:

- a. these are parts without which the instruments, machinery or vehicles cannot be operated and which are used to restore the product concerned to its original state;
- b. presentation of an attestation of origin or a certificate of origin is mandatory in the country of destination; and
- c. the applicant provides the necessary details under No. 3 of the declaration contained on the back of the application form.

Section 2 Requirements as to Form and Procedure**Art. 5** Form of certifications of origin

¹ The application for a certification of origin shall be made using the certification application form contained in Annex 3 and shall be signed. The form shall as a rule also be used in electronic processing.

² The certificate of origin shall be issued on the form contained in Annex 4. The form shall as a rule also be used in electronic processing.

³ The certification application form shall be printed on yellow paper, and the certificate of origin form on green paper. White paper may be used in electronic processing.

⁴ The attestation of origin on commercial invoices or other commercial documents shall be effected by means of a stamp or, in electronic processing, by means of a corresponding imprint.

³ SR 632.10, Annex

⁵ Certificates of origin and attestations of origin shall be issued in an official national language. A different language may be used, should this be required. The certification office may request an authenticated translation in an official national language.

⁶ Copies of the certificate of origin or the attestation of origin may be authenticated. They shall be marked as such.

⁷ Both a certificate of origin and an attestation of origin may be issued for the same good.

Art. 6 Declaration of origin

The declaration of origin shall be stated on commercial invoices or other commercial document in accordance with Annex 5.

Art. 7 Translation of foreign certifications of origin

For foreign certifications of origin that serve as preliminary documents pursuant to Article 17 of the OCG, the certification office may request a certified translation in an official national language.

Art. 8 Application procedures for certifications of origin

¹ The applicant shall complete the certification application and, if necessary, the certificate of origin form. Commercial invoices and other commercial documents that are to be certified shall contain corresponding data.

² Hand-written applications shall be completed in ink or with a ballpoint pen using block letters.

³ The applicant shall:

- a. provide proof of the Swiss origin of the good by means of verifiable documentation;
- b. present a declaration of origin issued within the territory; or
- c. provide proof of the foreign origin of the good by presenting a basic or replacement certificate or an internal certification pursuant to Article 17 of the OCG or an equivalent attestation.

⁴ In examining whether the documents referred to in paragraph 3 correspond to the good, the certification office must be provided with further substantiating documents, in particular, the supplier's invoice made out to the applicant, the commercial invoice and other documents related to the transaction.

⁵ If using the simplified or electronic procedure, the applicant must be in possession of the documents referred to in paragraph 3 at the time the certification application is submitted.

⁶ Equivalent attestations within the meaning of paragraph 3 letter c are documents providing proof of preferential origin as set out in:

- a. Article 1 and Article 9 paragraph 2 of the Free Trade Ordinance of 8 March 2002⁴;
- b. Article 1 and Article 4 of the Second Free Trade Ordinance of 27 June 1995⁵; and
- c. Articles 20 to 37 of the Rules of Origin Ordinance of 17 April 1996⁶.

Art. 9 Agreements on simplified procedures and authorisation to use the electronic certification procedure

¹ The certification offices may conclude agreements pursuant to Article 20 of the OCG if:

- a. the individuals and businesses concerned routinely make applications for certifications of origin; and
- b. control of the originating status of the goods is guaranteed.

² Individuals and businesses with which the certification office has concluded an agreement pursuant to paragraph 1 shall be permitted to use the electronic certification procedure.

³ In justified cases, the certification offices may permit individuals and businesses to use the electronic procedure without an agreement pursuant to paragraph 1, provided control of the originating status of the goods is guaranteed.

Art. 10 Certifications of origin for public procurement contracts

¹ The applicant shall satisfactorily demonstrate to the certification office that in the event that a contract is awarded, the good being offered will be wholly obtained or produced or sufficiently worked or processed within the territory.

² The details given on the certification application, the certificate of origin or the commercial document on which the attestation of origin is made shall conform with Annex 6.

Art. 11 Retroactive issue of certifications of origin

Provided the necessary supporting documents have been furnished pursuant to Article 8 paragraphs 3 and 4, certifications of origin may be issued retrospectively for goods that have already been supplied.

⁴ [AS 2002 1158; 2004 4599, 4971; 2005 569; 2006 867 Annex No 3, 2901, 2995 Annex 4 No II 8, 4659; 2007 1469 Annex 4 No 22, 2273, 3417. AS 2008 3519 art. 7]. See now the Free Trade O 1 of 18 June 2008 (SR 632.421.0).

⁵ SR 632.319

⁶ [AS 1996 1540; 1998 2035; 2004 1451; 2008 1833 Annex No 4. AS 2011 1415 art. 48]. See now the O of 30 May 2011 (SR 946.39).

Art. 12 Loss of certifications of origin

¹ In the event of theft, loss or destruction of a certification of origin, the exporter may request that the certification office issue a duplicate.

² The duplicate shall be marked «Duplikat», «Duplicata» or «Duplicato» and shall contain the number and issue date of the original document. The mark may in addition be added in another language as well.

Section 3 Final Provisions**Art. 13** Repeal of current legislation

The Ordinance of the EAER of 15 August 1984⁷ on Origin is repealed.

Art. 14 Commencement

This Ordinance comes into force on 1 May 2008.

⁷ [AS 1984 936; 1988 159]