THE IMPACT OF THE EXCHANGE RATE ON THE ORIGIN OF GOODS: HOW RELIABLE IS PROOF OF ORIGIN IN TIMES OF ECONOMIC TURMOIL?

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Abstract

This paper examines the influence of rapid changes in the exchange rate on the origin of goods produced in the European Union (EU) and exported to the Republic of South Africa (RSA). It raises concerns about whether the EU origin declaration can be trusted at this time of economic crisis which has severely influenced exchange rates. The analysis performed using a simplified model of a product manufactured in the EU and imported to the RSA under preferential duty treatment provides insight into how easily commercial fraud can be committed, even unintentionally, by EU exporters of goods at this time of economic turmoil.

1. Introduction

At first glance, the rules of origin (RoO) appear to be exclusively technical despite their practical importance. Theoretically, if a given country was to apply most favoured nation (MFN) treatment to imported products their origin would probably not matter at all. Nevertheless, countries often use the RoO (referred to as 'non-preferential') for a variety of purposes. This paper focuses on their purpose of distinguishing foreign from domestic products.

There are also many countries that depart from the MFN treatment of imported products. In any case, if an importing country wishes to differentiate between countries from which it imports products (for whatever reason), it first needs to identify the nature of the link between each of these countries and the product it wishes to subject to a different (that is, preferential) treatment.[1] This is how preferential RoO come to exist: by adopting them, the importing country defines the foreign origin of a given product and the conditions under which it will regard that product as originating in the country to which it grants preferential treatment.

1.1 Concept of originating products

Since only 'originating products' qualify for preferential treatment on importation to a given country, it is crucial to define the concept of 'originating products'. In general, a product is considered to 'originate' in the preferential trade partner when it is wholly produced or obtained there. This condition is usually satisfied by raw materials and agricultural products as well as secondary products manufactured locally.[2] In other cases (that is, involving manufactured products), imported materials (that is, of products containing local and imported inputs) must be 'substantially transformed' in the country of the preferential trade partner in compliance with the respective RoO before the product can be regarded as an 'originating product'.[3]

At least three different theories or methodologies are used in order to decide whether a product has been substantially transformed in the country of a preferential trade partner: the technical test, the customs classification test and the economic test. The first (also commonly referred to as the 'specific processing test') is technical in nature and requires that a specific process must be carried out locally before a product can be considered 'originating' (that is, the product resulting from a process or operation in the exporting country must have its own specific properties and composition that it did not possess prior to the process or operation). According to the customs classification test (also called the 'change in tariff heading test'), the process or operation performed on a product in an exporting country results in the product being classified under a different heading of the customs tariff classification (HS nomenclature). However, for the purposes of this investigation, the 'value-added test' is the most important. This is the most common form of economic test and stipulates, as a rule, that a product can be considered as having local origin provided the foreign inputs do not exceed a certain threshold.

Of the three methodologies, the value-added test is arguably the easiest to apply in practice. Nevertheless, it is regarded as having a number of weaknesses of which the following are the most important:

- it incurs a relatively high administrative burden largely due to the necessity of calculating the various cost components
- it is susceptible to the impact of fluctuating exchange rates (a weakening of the exchange rate raises the value of foreign inputs in relation to the total cost/ex-works price of the given product).[4]

Although both weaknesses are relevant to this paper, the second is especially important. In this respect, attention focuses on the question concerning the extent to which the fluctuating exchange rates affected the accuracy of EU proof of origin during 2008 – regarded as the year in which the economic crisis hit the world.

1.2 Evidence of origin

The regulations relating to evidence of origin reflect the practical dimension of RoO. The application of trade policy measures (including factors determining the imposition of import duties), depends *inter alia* on the origin of the goods imported. Only in a limited number of cases do the characteristics or self-contained features of goods provide sufficient information on their origin. Thus, the origin of goods must be confirmed by other means – usually by drawing up special documents.

The determination of origin should, as a rule, be properly and clearly documented in order to prevent any doubts as to its veracity. Generally, even a simple statement made by the exporter/supplier of goods on an invoice or other commercial document accompanying the goods ('invoice declaration') will suffice. The origin of goods can also be confirmed by means of transportation documents or a label permanently displayed on the goods or its packaging (for example, 'Made in the EU'). Nevertheless, in specific situations (and especially with regard to preferential agreements), such a statement or information must be confirmed or authenticated by the relevant authorities or authorised person who are independent of both the importer and exporter. In some cases they have to fill out special forms ('origin certificates') which attest to the origin of goods. On the other hand, there are also situations where the trading person is exempted from furnishing any proof of origin.

For the purposes of this paper, it is assumed that the relevant parties have approved exporter status. According to European Community customs law (and virtually all preferential agreements the EU has concluded with its trading partners), any exporter who makes frequent shipments of products conferring preferential origin under specific regulations can be authorised by the customs authorities of the exporting country to file invoice declarations. However, an exporter seeking such authorisation must offer, to the satisfaction of the customs authorities, all guarantees necessary to verify the originating status of the products besides meeting the other requirements (in particular, presenting the appropriate documents and data that prove the information provided is correct).

Once approved exporter status has been granted (usually after a customs audit), the exporter will be able to file an invoice declaration without any interference from the customs authorities of exporting countries. In practice, this means that once the customs authorities have inspected the initial shipment to ensure compliance with the origin requirements of a specific preferential agreement, they will not inspect any subsequent shipments of the same goods to ensure accuracy of the data regarding their origin held by the approved exporter. Of course, the use of this simplification will be monitored by the customs authorities. They are required to withdraw the authorisation if the approved exporter no longer satisfies the requirements imposed by this status.

1.3 The EU-RSA agreement

This paper relates directly to the specific case where goods are produced in the EU and imported to the RSA under the application of preferential duty rates. Therefore, the next stage of the investigation is to explain the basis upon which preferential treatment is conferred. The relevant regulation is the EU-RSA agreement[5] which provides for substantial duty reductions regarding trade in products originating in either of the contracting parties.

As far as the concept of originating products is concerned, the EU-RSA agreement utilises all methodologies that determine whether a product has been substantially transformed in the country of the preferential trade partner. These have already been described in some detail above. They are often applied in combination and, for some products, exporters can choose between one of two tests.[6]

The EU-RSA agreement also utilises the general regulations relating to evidence of origin (as described above). Consequently, the approved European Community exporter is able to file invoice declarations to confirm the EU origin of goods manufactured in Poland, which provide the basis for granting the goods preferential treatment when they are imported into the RSA.

In this situation (taking into consideration the anticipated negative impact of exchange rates on the origin of goods exported to the RSA), one aspect of the subsequent verification of proofs of origin by means of invoice declarations becomes especially significant. According to Article 31.1. of the Protocol 1 to the EU-RSA agreement, '[s]ubsequent verifications of proofs of origin shall be carried out at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements…'. This means that the verification procedure for the origin of goods can only be initiated by the customs authorities of either the exporting or importing country. The former can do so according to its discretion, whereas the customs authorities of the importing country must show reasonable cause in relation to the products or documents in question. Taking this into consideration, Article 31.1. clearly makes the customs authority of the exporting country responsible for continuously monitoring of the accuracy of proofs of origin in the form of invoice declarations by the approved EU exporter.

If the subsequent verification of proof of origin is negative, the importer will have to pay the outstanding customs duties at the higher duty rate (that is, without the possibility of applying preferential rates to imports). In view of this, it is important to consider Article 33 of Protocol 1 to the EU-RSA agreement, which states that 'penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining a preferential treatment for products'. As a result, the EU-RSA agreement holds the European Community exporter responsible for any breach of the customs provisions – even if it is unintentional. As sanctions have not yet been harmonised by EU law,[7] the Polish penal code applies in such cases, which should make the exporter even more careful in verifying the EU origin of its products.

2. A model

Attention has already been drawn to the fact that the value-added test is susceptible to the impact of fluctuating exchange rates, albeit in the context of developing countries or countries with small economies.[8] However, the recent economic crisis may well see this weakness becoming a problem in developed countries with large economies (like Poland).[9] The fluctuating exchange rates of various currencies in today's international trade lead one to consider (in theory at least) what their impact will be on an EU-based entrepreneur (established in Poland) which produces goods within the territory of the EU and exports them to the RSA and, in particular, whether it is possible to verify EU origin in such a situation by means of an invoice declaration for each and every product manufactured within a certain period of time.

Consequently, a simplified model of a product manufactured in Poland and exported to the RSA has been constructed in an attempt to ascertain whether the EU-based entrepreneur may face such a problem and thereby commit (unintentional) customs fraud. This model poses the following three questions:

1. Can an EU proof of origin be relied upon at a time of economic crisis that severely influences exchange rates?
2. Under what circumstances (beyond the exporter's control), can the rules of origin be infringed?
3. What steps can be taken to prevent 1. and 2. from occurring in practice?

2.1. Model assumptions

This analysis is based on the following assumptions:

- an entrepreneur based in Poland manufactures a product classified as HS 8418 (refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading No 8415)
- the final product (refrigerator) is exported to the RSA under a long term commercial contract
- refrigerators produced in Poland confer European origin (that is, they meet the origin criteria provided for in the EU-RSA agreement: 'manufacture in which the value of all the [non-originating] materials used does not exceed 25 per cent of the ex-works price of the product'
- the model product comprises a number of components, which are either locally acquired/produced (that is, of EU origin) or imported (that is, of non-EU origin)
- as far as the imported components are concerned, their prices are contractually set in foreign currencies (other than the Polish Zloty [PLN])
- as far as components that are sourced from EU member states other than Poland are concerned, their prices are contractually shown in euros (EUR)
- the rest of the components are sourced locally in Poland and their prices are contractually shown in PLN
- the prices of all components are fixed during the period of analysis
- other costs and mark-ups are also fixed
- the shipments of finished products to the RSA are effected on a monthly basis, accompanied by a commercial invoice including confirmation of origin
- based on the invoice declarations, the product is imported to the RSA under a preferential duty rate of 0 per cent (instead of MFN rate 25 per cent).

Table 1 presents the composition of the final product together with the origin of components and their prices.

Table 1: Composition of the final product				
	Component	Origin	Value of non-originating component (PLN)	Value of originating component (PLN)
1	Steel	EU (Poland)	-	45
2	Compressor	EU	-	35
3	Plastics	USA	20	-
4	Copper	China	3	-
5	Gases	EU (Poland)	-	5
6	Glass	South Korea	5	-
7	Packaging	EU (Poland)	-	1
TOTAL			**28**	**86**

Table 2 shows the values of certain components in their original (invoiced) currency which was calculated into PLN according to exchange rates applicable at the beginning of 2008.

Table 2: Values of components in their invoiced currency					
	Component	Value of component (in invoiced currency)	Currency invoiced	Exchange rate to PLN applicable on 1 January 2008	Value of originating component (PLN)
1	Steel	45	1 PLN	-	45
2	Compressor	9,68	1 EUR (euro)	3,6159	35
3	Plastics	7,96	1 USD (dollar)	2,5115	20
4	Copper	8,81	1 CNY (yuan renminbi)	0,3404	3
5	Gases	5	1 PLN	-	5
6	Glass	1869,16	100 KRW (won)	0,2675	5
7	Packaging	1	1 PLN	-	1

(Please note that the values presented in tables have been rounded for presentation purposes)

Table 3 contains an origin analysis showing that, according to the exchange rates applicable on 1 January 2008, the model product meets the origin criteria that confer preferential treatment on imports to the RSA under the EU-RSA agreement.

Table 3: Origin analysis (1 January 2008)			
Total value of non-originating component (PLN)	Total value of originating component (PLN)	Ex-works (EXW) price of final product (PLN)	**Origin rule** (non-EU material value < 25% of EXW price)
28	86	120	**MET** (28 < 30)

(Please note that the values presented in tables have been rounded for presentation purposes)

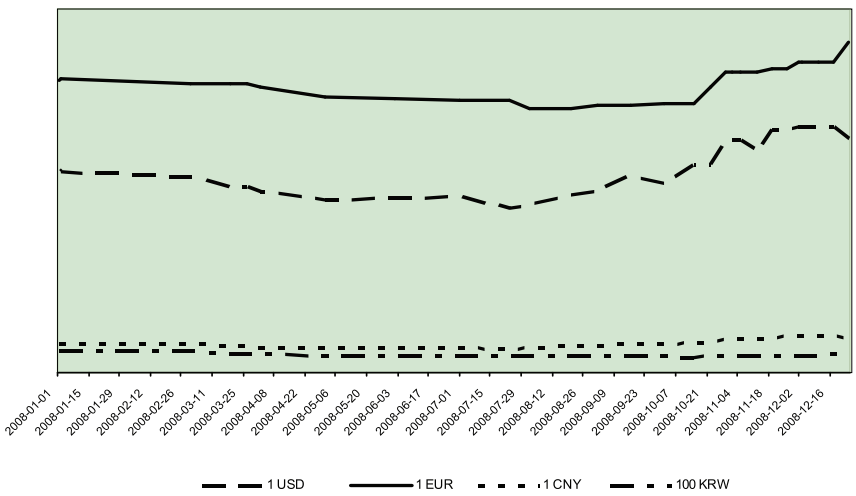
As the tables above show, on 1 January 2008 it was assumed that the total value of a non-originating component amounted to 28 PLN, while the origin rule provided for a threshold of 30 PLN (being 25 per cent of the ex-works price of the final product). However, the origin rule applied in the model only directly refers to the value of non-originating components. Therefore, fluctuations in the exchange rates of the currencies relating to the components (that is, USD, CNY and KRW) could have a significant impact on the product's ability to maintain EU origin consistently throughout 2008. Although the total value of the originating components is much higher and may also be subject to exchange rate fluctuations, these are unlikely to affect the origin to the same extent because firstly, most of the components are priced in PLN and secondly, the impact of the EUR exchange rate is indirect (that is, it manifests itself through changes in the ex-works price of the final product and, thereby, through changes to the threshold of the origin rule).

The initial relatively small difference between the total value of a non-originating component and the RoO threshold therefore justifies the hypothesis that such a situation can be susceptible to a fluctuating exchange rate and thus it is not possible to guarantee compliance with the origin rule consistently throughout 2008.

2.2 Exchange rates during 2008

In order to ascertain whether there is a risk that the preferential origin of a model product cannot be ensured throughout the period of analysis, Chart 1 shows the fluctuations in the exchange rates of selected currencies as determined by the National Bank of Poland during 2008.

Chart 1. Fluctuation of exchange rates of selected currencies to PLN during 2008



The chart shows that of the four currencies involved, USD and EUR fluctuated most during the period of analysis. For much of 2008, their value against PLN decreased, however, from mid-July (for USD) and November (for EUR), the exchange rate for PLN grew rapidly and irregularly. The exchange rate of CNY and KRW showed a much lower level of fluctuation during 2008, keeping a rather even keel throughout.

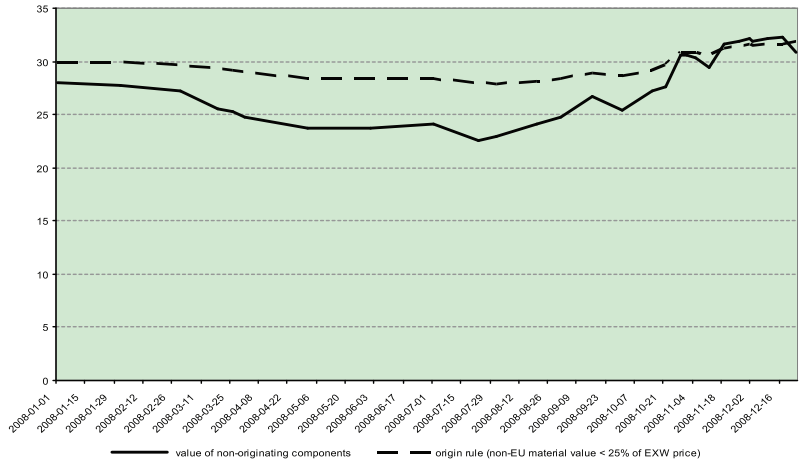
2.3 Results of the analysis

In order to assess the influence of fluctuating exchange rates on the origin of the model product subject to RoO (the 'manufacture in which the value of all the [non-originating]…materials used does not exceed

25 per cent of the ex-works price of the product'), it is necessary to calculate the value of originating and non-originating components as well as the ex-works price of the product for the period in question. The ex-works price of the product will then be used to assess the origin rule threshold for 2008 (25 per cent of the ex-works price). This will then enable us to calculate the periods for which the origin rule was not met.

Chart 2 presents this calculation in graphic form. For the sake of clarity, the data used for calculations are presented in Appendix 1. Chart 2 only displays the value of non-originating products against the 'origin rule'. This approach demonstrates the crucial importance of the whole calculation.

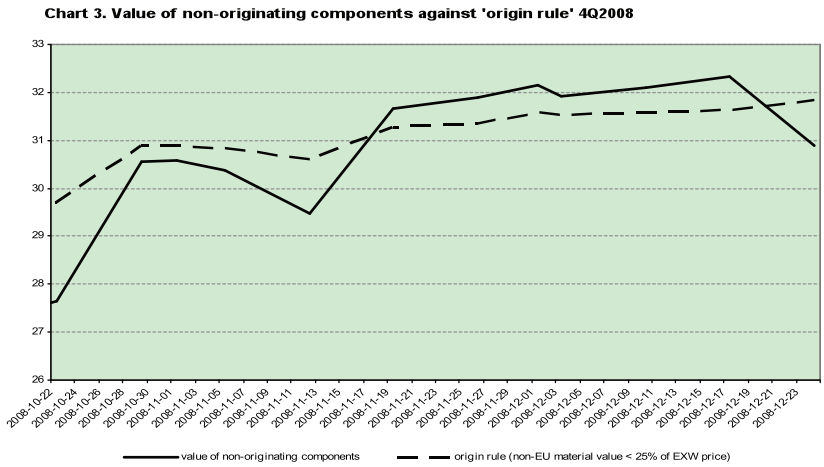
Chart 2. Value of non-originating components against 'origin rule'



Notwithstanding the above, the most interesting period for our purposes is the last quarter of 2008, when the origin rule was breached due to changes in exchange rates. Table 4 presents the data and Chart 3 represents it graphically for this period.

Table 4: Values of non-originating components and 'origin rule' threshold 4Q2008

Date	Value of non-originating components	Origin rule threshold (25% of EXW price)	Meeting origin rule
08-10-01	25,35513048	28,66262862	YES
08-10-15	27,16025292	29,11390923	YES
08-10-22	27,64810368	29,70559392	YES
08-10-29	30,56133568	30,87797192	YES
08-11-01	30,58750392	30,88451398	YES
08-11-05	30,36881220	30,82984105	YES
08-11-12	29,46723264	30,60444616	YES
08-11-19	**31,66339664**	31,28755516	NO
08-11-26	31,89774264	31,34614166	NO
08-12-01	32,15961328	31,59335132	NO
08-12-03	31,90914584	31,53073446	NO
08-12-10	32,09419268	31,57699617	NO
08-12-17	32,32409936	**31,63447284**	**NO**
08-12-24	30,88184236	31,85228859	YES



The above calculation shows that, for the period between 19 November 2008 and 17 December 2008, the value of non-originating components exceeded the origin rule threshold. Therefore, for this particular period, the goods manufactured by the Polish producer did not satisfy the conditions to qualify as EU originating goods pursuant to the EU-RSA agreement.

At the same time, the model constructed in order to verify whether the exchange rate fluctuations have an impact on the origin of goods, confirms this widely recognised weakness of the value-added test. The results therefore vindicate the hypothesis underlying this paper.

Consequently, the analysis based on a simplified model of a product manufactured in Poland and exported to the RSA confirms (subject to a number of assumptions) that the EU-based entrepreneur may face the problem of unintentionally breaching the RoO. The question as to whether this would mean the entrepreneur would be committing customs fraud largely depends on whether an invoice declaration covering goods not meeting the origin rule has been issued and forwarded to the purchaser in the RSA. Nevertheless, the risk in this area should be considered as significant having regard to the assumptions of monthly invoicing.

3. Duties of a responsible exporter and attentive customs authorities

In the light of the above results of this model, it is important to examine the duties of the responsible exporter and customs authorities with regard to a temporary breach of the RoO owing to large-scale exchange rate fluctuations over a rather short period of time. The salient questions are whether this situation could happen in practice and, if so, what actions should be undertaken (i) by the EU-based approved exporter of a model product in order to avoid a breach and the accusation of commercial fraud and (ii) by customs authorities which are obliged by the provisions of the EU-RSA agreement to monitor the actions of the approved exporter.

3.1 Duties of a responsible exporter

As stipulated above, the model analysed in this paper was simplified in terms of both production process and components price. For ease of analysis, the product was composed of the same few components and purchased at fixed prices all the time. The manufacturing process itself and its costs were also fixed. This allowed us to ascertain how the single variable (that is, the exchange rate of currencies in which some components were purchased) affected the origin of the model's product.

Using the model presented above as a reference, special attention should be given to the period between the beginning of October and the end of November 2008. In this period there were rapid increases in the exchange rates of EUR, USD and CNY (thus causing the value of all components priced in a currency other than PLN to increase). Thereafter, the value of EUR grew constantly causing the value of the model product's originating components to increase. Although CNY subsequently remained at a rather stable level, the USD exchange rate increased further, levelling out at a higher rate in mid-November 2008. This trend had a crucial impact on the value of non-originating components. However, as the value of EUR to PLN did not grow at the same pace and value as the value of USD to PLN (the increase in the exchange rate of USD was higher than the increase in the exchange rate of EUR at the same time), the origin rule threshold (which depends on the ex-works value of the final product), was breached.

Although the increase in value of components commenced at around 1 August 2008 (until that time the value analysed was decreasing), the Polish manufacturer of the model product may have already recognised this trend by at least September 2008. A close observation of this trend and the overall economic situation on the world at that time would probably have encouraged the manufacturer to pay more attention to the impact of the exchange rate on the origin of manufactured products. However, the rapid changes which took place between the beginning of October and the end of November 2008 could not have been reasonably anticipated. At that time, the customs exchange rates used by the Polish manufacturer to define the value of non-originating components used to manufacture the model product had been amended by the National Bank of Poland eight times and normally the customs exchange rates change on a monthly basis. More importantly, the EU origin of the model product could not have been assigned only in the period from 19 November 2008 to 17 December 2008 (that is, within 12 days of November and 16 days of December 2008). Thereafter, it would have been possible to assign EU origin again for another week. Thus, assuming continuous production and shipments (and consequently the continuous filing of invoices including origin declarations at the end of each month), the origin requirements for model products manufactured from imported components up to 19 November 2008 were not met for these 12 days of November and 16 days of December 2008 only.

In the absence of advanced IT systems and attentive customs staff, there is a considerable risk of a customs offence being committed when assigning the correct value to each imported component and tracing the actual use of these components in the production process on a daily basis. The risk of non-compliance with certain RoO arises when some simplifications (which provide for an average monthly pricing of components in production, average monthly direct and indirect costs, etc.) are applied which, incidentally, is a normal practice of manufacturers because not all accounting systems calculate prices of manufactured products on a day-to-day basis.

This gives rise to the question of what action the manufacturer should take in response. The answer is rather simple: monitor the cost side of the production process very closely (start using advanced IT systems which trace goods and their prices on a daily basis, train customs staff, etc.) and, should daily analysis reveal that some products do not confer origin, suspend the issue of invoice declarations for the relevant production area. In other words, the EU-based manufacturer must tolerate a relatively high administrative burden in order to prevent a potential breach of RoO. Whether the benefits from the ability to sell EU-originating goods would outweigh the costs of maintaining such IT systems is a question beyond the scope of this paper.

3.2 Duties of attentive customs authorities

The results of the above analysis also require us to look at the duties of the customs authorities of both the importing and exporting countries.

Regarding the latter, the customs authority should pay greater attention to the origin declaration issued at a time of rapidly fluctuating exchange rates by means of more frequent audits (such as a *post ante* action

aimed at disclosing irregularities) and increased requirements in order to assure the origin of products by their manufacturer (for example, an *ex ante* action aimed at allowing only those exporters to issue invoice declarations who have the necessary means of ensuring compliance with RoO at all times).

On the other hand, the issue is much more difficult regarding the customs authorities of the importing country. How can they justify having a reasonable doubt about the origin of products imported to their territory when they are unaware of the product's composition and all other factors influencing origin? Obviously, their duties are harder, if not impossible, to fulfil. Having regard to the circumstances they face, there seems to be only one recommendation, namely to maintain close contact with the customs authority of the exporting country, on an informal basis, and request them to monitor approved exporters more closely during periods of economic turmoil that severely affect exchange rates.

4. Summary and conclusions

This paper has analysed the effect of exchange rate fluctuations on the origin of goods produced in the EU and exported to the RSA using a simplified model. Taking into consideration the RoO for the manufacture of refrigerators (that is, 'manufacture in which the value of all the [non-originating] materials used does not exceed 25 per cent of the ex-works price of the product'), a single model variable was selected as the exchange rate. The model was constructed in order to assess whether the EU origin declaration could be relied upon during an economic crisis that severely affected exchange rates.

The outcome of this analysis has proved the widely recognised weakness of the value-added test, namely, that it is susceptible to the impact of fluctuating exchange rates.

The paper has also provided insight into how easily a fraud can be committed at a time of economic turmoil, without any intention.

Besides that and arguably even more importantly, it has been shown that even a responsible exporter and attentive customs authority may not be able to prevent a commercial fraud being committed. Prevention is only possible using a thorough *ex post facto* analysis of origin criteria or a very advanced IT-based origin compliance tool.

The analysis has also shown that the exchange rate might be a crucial factor in ascertaining the origin of goods and that, in some cases, it could negatively influence the origin of the final product. Therefore, manufacturers producing goods that satisfy certain RoO which are thus eligible to be imported to a trade partner under preferential duty rates, as well as customs authorities should pay greater attention to the exchange rate. This is especially necessary at a time of economic crisis.

Appendix 1. Series of data					
date	value of non-originating components	value of originating components	EXW price	origin rule (non-EU material value < 25% of EXW price)	meeting origin rule
2008-01-01	27,990467	86,001912	119,992379	29,99809475	YES
2008-02-01	27,69124128	86,11904	119,8102813	29,95257032	YES
2008-03-01	27,18615952	85,691184	118,8773435	29,71933588	YES
2008-03-19	25,48904428	85,691184	117,1802283	29,29505707	YES
2008-03-26	25,23296936	85,691184	116,9241534	29,23103834	YES
2008-04-01	24,81329236	85,23816	116,0514524	29,01286309	YES
2008-05-01	23,69767	83,983632	113,681302	28,4203255	YES
2008-06-01	23,70889092	83,753248	113,4621389	28,36553473	YES
2008-07-01	24,10754988	83,68452	113,7920699	28,44801747	YES
2008-07-23	22,52043276	83,68452	112,2049528	28,05123819	YES
2008-08-01	22,99587568	82,559704	111,5555797	27,88889492	YES
2008-08-20	24,08629368	82,559704	112,6459977	28,16149942	YES
2008-09-01	24,73991956	83,024344	113,7642636	28,44106589	YES
2008-09-16	26,66049456	83,024344	115,6848386	28,92120964	YES
2008-10-01	25,35513048	83,295384	114,6505145	28,66262862	YES
2008-10-15	27,16025292	83,295384	116,4556369	29,11390923	YES
2008-10-22	27,64810368	85,174272	118,8223757	29,70559392	YES
2008-10-29	30,56133568	86,950552	123,5118877	30,87797192	YES
2008-11-01	30,58750392	86,950552	123,5380559	30,88451398	YES
2008-11-05	30,3688122	86,950552	123,3193642	30,82984105	YES
2008-11-12	29,46723264	86,950552	122,4177846	30,60444616	YES
2008-11-19	31,66339664	87,486824	125,1502206	31,28755516	NO
2008-11-26	31,89774264	87,486824	125,3845666	31,34614166	NO
2008-12-01	32,15961328	88,213792	126,3734053	31,59335132	NO
2008-12-03	31,90914584	88,213792	126,1229378	31,53073446	NO
2008-12-10	32,09419268	88,213792	126,3079847	31,57699617	NO
2008-12-17	32,32409936	88,213792	126,5378914	31,63447284	NO
2008-12-24	30,88184236	90,527312	127,4091544	31,85228859	YES

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Endnotes

1 Bourgeois 1994, p. 1.

2 A consideration of cumulation of origin is beyond the scope of this paper.

3 Naumann 2008.

4 Naumann 2008.

5 European Commission [1999], 21999A1204(02), OJ L 311, 04/12/1999, pp. 0003-0415.

6 See, for example, rules for textile wall coverings (HS 5905) or yams, sweet potatoes and similar edible parts of plants (HS 2001) or other navigational instruments and appliances (HS 9014).

7 See Vermulst, Waer & Bourgeois (eds) 1994, p. 101.

8 See Lyons 2001, pp. 201-202.

9 Poland is a member state of the EU, however not yet a member of the EU currency union (it did not apply EUR as its currency nor tie its currency with EUR).

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Cezary Sowiński, Manager in the Indirect Taxes team of PricewaterhouseCoopers Poland, is a specialist in international trade issues with respect to VAT, customs and excise duties. As a former employee of the Polish Ministry of Economy, he was responsible for legislation in the area of EU customs policy. Cezary is currently working on his PhD thesis 'Managing customs origin of goods: entrepreneur perspective' at Warsaw University of Economics.