



European
Commission



Do you want to **export** to the EU?

Export Helpdesk is the right tool to use.

Economic Partnership Agreements
Cocoa

Trade

The Economic Partnership Agreements (EPAs) that the EU has with African, Caribbean and Pacific (ACP) countries, allows them to pay **lower duties on some or all of what they sell** to the EU. The EPAs are designed to facilitate these countries' integration into the global economy through gradual trade liberalisation and improved trade-related cooperation.

To determine if your country is listed as a beneficiary, check the Export Helpdesk website: www.exporthelp.europa.eu.

To benefit from the EPAs, you will need proof that your product 'originates' in your country.

What is 'origin' and what are the rules of origin for?

Origin is the 'economic' nationality of goods traded in commerce.

It is the origin that determines which duties apply to your product when it enters the EU market.

The **rules of origin** are used to determine whether a product may be considered as sufficiently linked to the country from which it is exported to say that it 'originates' from there.

To benefit from a EPA preferential tariff (duty-free/quota-free) when exporting to the EU, refer to the EPA's rules of origin applying to cocoa.

Be aware that the rules of origin applied to each country are not identical in all cases.

Basic concepts of rules of origin

Goods wholly obtained in your country

Cocoa originate in your country when it is **harvested there**. You may import the seed but the plant has to be grown in your country.

Goods sufficiently transformed in your country

The EU rules of origin define – for each product – the degree of processing that must be carried out in your country for the product to be considered as originating there.

Three basic criteria determine if a product was sufficiently transformed in your country:

- Value added rule: you need to compare the customs value of the materials not originating in your country with the ex-work price of your final product.
- Change of tariff classification: compare the product code (four-digit tariff classification) of the materials not originating in your country with the product code of your good.
- Specific requirements: you may use the quoted non-originating materials.

In some cases, the applicable rule may involve a combination of the above criteria.

Cumulation

Cumulation allows you to claim originating status for ingredients that do not originate in your country, but are used in the production process in your country.

Under the EPAs, the following types of cumulation are possible:

- **Cumulation among your region:** materials originating in your EPA regional group can be used in your product and then considered as originating in your country as long as the processing done locally goes beyond minimal.
- **Cumulation with the EU:** materials originating in the EU can be used in your product and then considered as originating in your country as long as the processing done locally goes beyond minimal.
- **Cumulation with the EU Overseas Countries and Territories (OCTs) and ACP countries:** materials originating in the OCTs and other ACP countries can be used in your product and then considered as originating in your country as long as the processing done locally goes beyond minimal. Different criteria apply for each EPA so check the rules for your country at the Export Helpdesk. For most EPAs currently in place, cumulation with other ACP countries only applies if:
 - the countries involved in the acquisition of the 'originating' status have agreements on administrative cooperation;
 - the ingredients and the final products have 'originating' status by application of the same rules of origin as the ones listed in the EPA.

Direct transport

Upon request, your importer must be able to prove to EU customs authorities that the cocoa bought to you and originating in your country has not been altered elsewhere before arriving in the EU.

You need to verify that your product has been sent from your country to the EU without being altered or transformed in another country. If your product "transit" in another country, it must not be altered or separated and it has to be under the vigilance of customs authorities.

Minimal operations

To claim originating status the production steps carried out in your country must go beyond the minimal operations listed in the agreement, such as shelling or milling. If only the steps listed were carried out in your country, and nothing else was produced or transformed there, the cocoa cannot be considered as originating in your country.

The full list of minimal operations is available at the Export Helpdesk.

Specific rules for cocoa

For all products containing cocoa the rule states that all materials used should be classified within a heading other than the product and the use of non-originating sugar does not exceed 30% of the ex-works price. For details, conduct a search in the 'My Export' section of the Export Helpdesk.

Tolerance

Ingredients whose import is limited or forbidden by the product specific rule may still be used if they do not exceed 15% of the product's final price.

Submitting proof of origin

To claim the tariff preference, you need to prove that your cocoa originates in your country and fulfils all conditions. For this, you need one of the following documents.

- **Movement certificate EUR.1:** this is needed for consignments valued more than 6000€ and it is issued by your country's authorities. You can download the template at the Export Helpdesk. Be prepared to submit documents proving the originating status of your cocoa.
- **Invoice declaration:** for consignments valued 6000€ or less, you can fill out a declaration. To make an invoice declaration, you should **type, stamp or print the following declaration** on the invoice, delivery note or other commercial document:

'The exporter of the products covered by this document (customs authorisation No ...) declares that, except where otherwise clearly indicated, these products are of ... preferential origin'.

Different language versions, along with explanatory notes, are available on the second page of the invoice declaration. Check that your customs authorities do not have any additional requirements.

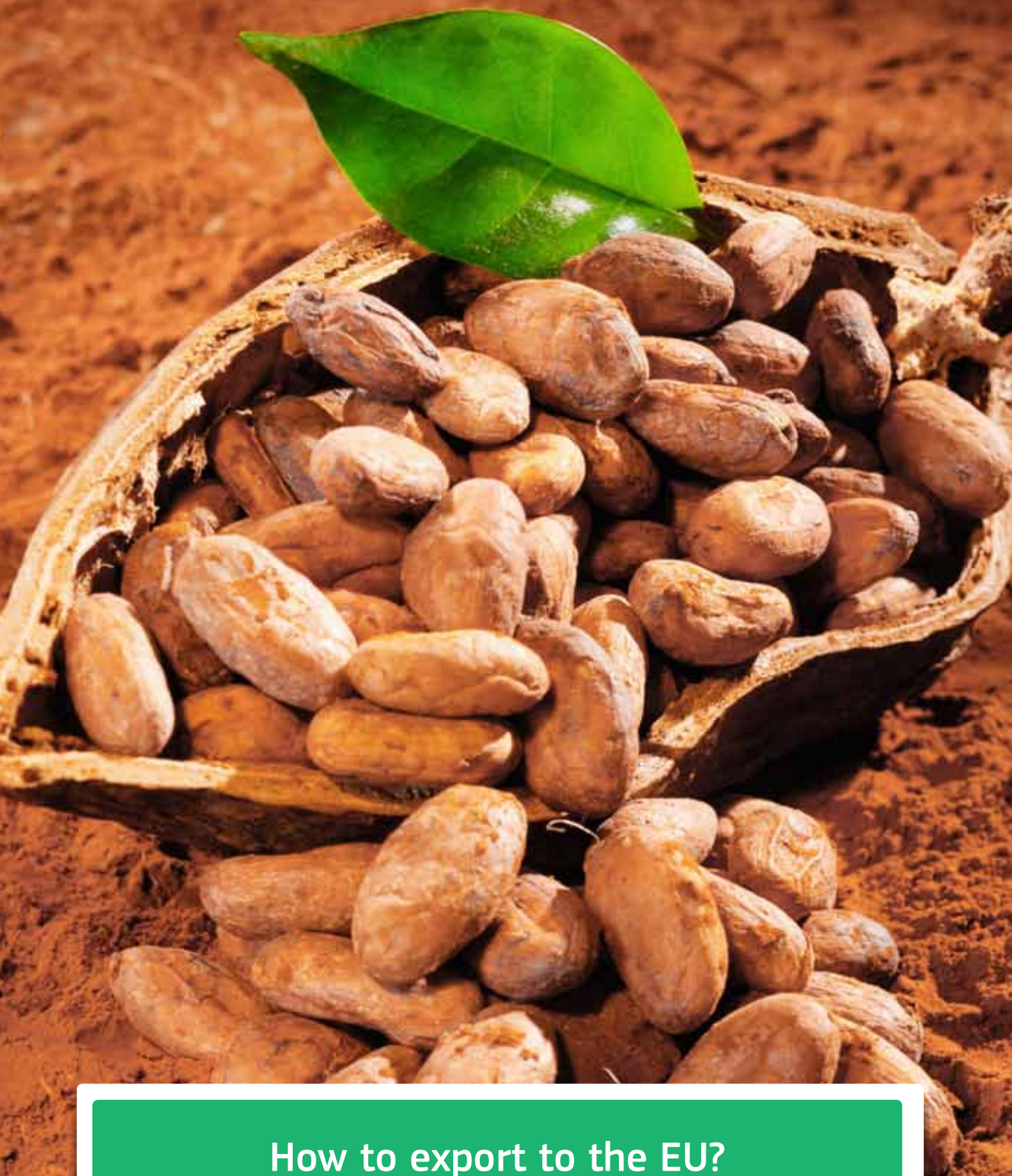
Important: You must date and sign your declaration by hand.

If you are an **approved exporter**, you are exempt from this requirement if you provide your customs authorities with a document stating that you accept full responsibility for any declarations identifying you as an exporter.

To become an approved exporter, your customs authorities must be satisfied that your cocoa has originating status and meets any other requirements that they may have.

Proofs of origin remain valid for 10 months after issue.





How to export to the EU?
Check it at www.exporthelp.europa.eu

The European Union (EU) is the world's largest single market. Therefore, many exporters around the world want to export their products to the EU to meet the large consumer demand.

Sometimes, however, exporters feel that they lack information on how to export to the EU and how to meet EU norms. Yet the information is there!

Indeed, with the Export Helpdesk, you can find all the facts and figures you need: information, forms and contacts.

The challenge is there.
Interested in accessing the European market?
Check the Export Helpdesk at www.exporthelp.europa.eu

