

DRAFT REGULATIONS

FOR IMPLEMENTATION OF THE COMESA ELECTRONIC CERTIFICATE OF ORIGIN

Considering that the Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA), Article 48, provides that goods shall be accepted as eligible for Common Market preferential tariff treatment if they originate in the Member States as it is set out in the Protocol on Rules of Origin annexed to the Treaty.

Considering that in the Common Market Customs Management Regulations (CMRs) the COMESA Member States agreed under the provisions of Regulations 55 for the Use of Information Technology; 56 for Data-processing Techniques; 57 for Electronic Signatures, Related Certificates and their Admissibility in Evidence; 58 for Use of Data-processing Technique in Customs Declaration; 59 for Powers to Inspect Documents and Records Stored Electronically; and regulation 150 for the provisions applicable to electronic declaration as it is stipulated in the CMRs, it is necessary to establish regulations for implementation of the electronic certificate of origin system in the region.

Noting that the electronic certificate of origin (eCO) assists in keeping pace with the rapid worldwide shift to e-business, and many international Chambers of Commerce and Industry are now issuing eCO, completed with digital rubber stamp and signatures, to provide CO in a secured documentation environment.

Aware that implementing the eCO system is necessitated to facilitate and provide secured trade, through online data exchange and integration, reduce paperwork, minimize data inaccuracy and forgery through online data sharing and tracking.

Considering that the issue related to certificate of origin is one of the most frequent reported as non-tariff barriers by Member States and that demands solution by a regional approach of automating the manual process of exporters registration, application and issuance and verification of CO in line with the provisions under the COMESA Protocol on rules of origin.

Recalling the Thirty-Second Council of Ministers decision that the Member States that are ready to accept and use the eCO should do so by 31 July 2014 and Member States whose legal systems do not provide for e-COs to enact enabling laws as soon as possible with the view to replace the manual Certificate of Origin with the electronic certificate of origin (eCO).

Taking in to account that the exporters registration is one part of the protocol that needs standard and uniform procedures of registration in the Member States that enables them easily to exchange related data and facilitate trade, designing and developing regional automation system for exporters registration is found necessary.

Affirming that the Member States are willing and ready to implement the eCO including online registration of exporter, online application and issuance and verification of CO process, this regulations for implementation of the COMESA eCO in Member States shall be in line with the Protocol of Rules of origin:

NOW THEREFORE

It is **HEREBY AGREED** to implement the eCO system as follows:

Part I Interpretations and General Provisions

Article 1 Interpretations

For the purposes of this regulation:

“Application for Exporter Registration form” means a form including the relevant supporting documents required for registration used by the exporter or his authorized representative applicant to apply for exporter registration and to get the approval letter of registration from the designated issuing authority.

“Approval letter of registration” means letter of approval with a unique exporter’s registration number issued manually or electronically by the designated issuing authority for registering the exporters who wish to export to Member States under the COMESA preference regime.

“Certificate of Origin (CO)” means the specified form identifying goods, in which the authority or body empowered to issue it certifies expressly that the goods to which the certificate relates to originate in a specific country, and which may include a declaration by the producer, supplier, exporter or other competent person.

“CMR” refers to the specific Common Customs Management Regulation as agreed by the COMESA Member States.

“Data” means any information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose.

“Digital Signature” refers to a digital code (generated and authenticated by public key encryption) which is attached to the electronically transmitted certificate of origin to verify its contents and the sender’s identity.

“Electronic Signature” refers to Scanned image of the physical signature as provided.

“Exporter’s Registration Number” means a unique reference number issued to the registered exporter by the designated issuing authority in accordance to the procedures of registration stipulated in this regulation of eCO implementation and the provisions in procedures manual of the protocol.

“Electronic Certificate of Origin (eCO)” means a Certificate of Origin that is structured electronically in accordance with the Protocol, issued electronically by the designated issuing authority and is transmitted electronically between Member States via the Web-based eCO system in accordance with the security provisions and procedures specified in this regulation.

“Member State” means a Member State of the Common Market for Eastern and Southern Africa.

“Imported materials” means non-originating materials which are imported from outside the COMESA region and include materials whose country of origin cannot be determined.

“Local materials” means originating materials or domestic materials which have been produced in any of the Member State and meet the requirements of the COMESA Rules of Origin.

“Designated issuing Authority” means the Competent authority of the exporting Member State designated by the Government to register the exporter and issue a COMESA CO and notified to all the other Member States in accordance with the provisions of the protocol on Rules of Origin and this regulation.

“Materials” means raw materials, semi-finished products, products, ingredients, parts and components used in the production of goods;

“Origin Criteria” means any of the five independent origin criteria for the goods to be considered as originating in a Member State as it is stipulated in the protocol.

“Harmonized System or HS code” means the International Convention on the Harmonized Commodity Description and Coding System developed by the World Customs Organisation.

“Produced” and **“a process of production”** include the application of any operation or process except for any operation or process as set out in Rule 5 of the Protocol.

“Producer” means a natural or legal person who includes a mining manufacturing or agricultural enterprise or any other individual grower or craftsman who supplies goods for export.

“Regulation” refers to this regulation for implementation of the COMESA Electronic Certificate of Origin.

“Procedures manual” refers to the manual which provides guidance on the implementation of the protocol on the rules of origin for products to be traded between the member states of COMESA which is prepared by the Secretariat and as revised in accordance with the Treaty and the Protocol on Rules of Origin.

“Protocol” means the Protocol on Rules of Origin for Products to be traded between the Member States of the Common Market.

“Re-exportation Certificate of Origin” means an eCO issued by an intermediate exporting Member State based on the Certificate of Origin issued by the first exporting Member State based on an online application using the eCO system made by the re-exporter in the second exporting Member State.

“Retrospective Certificate of Origin” means an eCO issued retrospectively after the exportation of the products in response to an online application using the eCO system from a registered exporter to the designated authority stating the reasons for such an issue.

“Registered Exporter” means an exporter or re-exporter who is in a Member State and is registered with the competent authorities of that Member State for exporting or re-exporting originating products under the COMESA preferential tariff regime to other Member States.

“Secretariat” means the Secretariat of the Common Market established by Article 7 of the Treaty.

“Simplified Certificate of Origin” means the certificate of origin issued by the designated issuing authority under the special trade regime to facilitate small-scale cross border traders who export originating goods of a commercial nature valued at an agreed threshold to benefit from preferential tariffs using a simplified form in accordance to the ANNEX VI of the protocol.

“Technical Implementation Guideline” means a compilation of technical procedures and explanations of the eCO System which explains relevant technical architectural and business functionalities details and formalities for the effective implementation of the eCO system, to be adopted and updated in line with internationally accepted standards and new technology as deemed appropriate by the Member States.

“Treaty” means the Treaty Establishing the Common Market for Eastern and Southern Africa.

Article 2 General Provisions

1. All electronic procedures related to the electronic certificate of origin provided for in this procedure for implementation of the COMESA eCO shall have equal legal status with the manual procedures of certificate of origin as specified in the protocol.
2. Unless otherwise specified in this Procedure, the provisions of the Protocol and its implementation procedures shall also apply to the processing of online exporters registration and eCO.
3. The implementation of data processing techniques related registration of exporters; application and issuance of eCO shall be via the web-based COMESA eCO system in accordance with the regulation 55 of the CMR.
4. The use of electronic or digital signatures and stamps by the exporters or his authorised applicants as well as by the designated issuing authorities or customs authorities is

applied in the eCO system in accordance with the regulation 57 of the CMR and as defined in this regulation.

5. The eCO system shall be developed in all official languages (English, French and Arabic) approved by the Council.

Part II Scope and coverage

Article 3 Scope

1. The provisions of this Procedure of Implementation of the COMESA eCO System shall govern the procedures and operations related to the electronic exporter's registration, application and issuance process and verification of certificate of origin using the COMESA eCO system in all Member States.

Article 4 Coverage

1. This Regulation shall be applied in all types of Preferential certificates of origin including Certificate of origin (standard or normal), Retrospective Certificate of origin, Re-Exportation certificate of origin, and Simplified certificate of origin.
2. This Regulation does not cover procedures related to non-preferential certificate of origin and informal cross border traders.

Article 5 Model of the eCO system

1. Member States shall use the web-based eCO system based on the Conceptual Model of eCO layout as it appears in the technical implementation guideline, as attached with in Annex (a).
2. Notwithstanding the above paragraph 9, Member States shall have the option to integrate their own systems with or use the COMESA eCO system based on the Conceptual Model of eCO layout as it appears in the technical implementation guideline, as attached with in Annex (a), or se the COMESA eCO System.
3. The eCO system shall contain at least the following functionalities:
 - a. Users access and role authorization management;
 - b. Guide and references that may include:
 - i. System users profiles and database administration;

- ii. Legal references such as the Treaty, protocol, CMR, and relevant procedures manual;
 - iii. Database of Registered exporters and Specimen of their electronic signatures;
 - iv. Database of Designated issuing authorities including their Names and Specimen of their electronic Signatures;
 - v. Database of contact persons of customs authorities including their address;
 - vi. List of goods of particular importance to the economic development of the Member States;
 - vii. eCO technical implementation guideline for users;
 - viii. Other necessary documents and forms.
- c. Process of registration of users of the eCO system;
 - d. Process of Application and approval of exporter's registration;
 - e. Process of Application and issuance of eCO by the designated issuing authority;
 - f. Process of Verification by the importing country;
 - g. Process of search engine for the eCO and related information based on the access provided with the users;
 - h. Process of Access to View and print out the eCO by relevant persons;
 - i. Process of system user(s) personal profile(s) management;
 - j. Process of news, updates and periodical reports electronically distributed to users.
4. The eCO system shall be developed and upgraded as necessary based on international standards and best practices in line with the Treaty, CMRs and the Protocol and shall take in to account the interoperability with other automated customs management systems and Electronic Single Window used by the Member States.
 5. The secure infrastructure for the eCO system shall follow international standards and best practices of development of web-based data exchange system with features such as confidentiality, data integrity, authenticity and non-repudiation.
 6. For the purpose of the eCO system, Member States shall, align data information parameters, for exporter's registration, application and issuance as deemed appropriate of eCO as well as verification of eCO, to the relevant international standards in line with the protocol and other COMESA instruments and tools.

Part III

Exporter Registration

Article 6

Process of Application and Approval for Exporter Registration

1. Any company located in a Member State wishing to export to other Member States under the COMESA preference regime should be registered with the relevant designated issuing authority in the exporting Member State using the eCO system.
2. The eCO online registration process shall be as follows:
 - a) The exporter from the exporting country shall use the web-based eCO system to complete and submit the Exporter Registration Form by entering all the required information, upload electronic signature and image of stamp as well as supporting documents to register as an approved exporter using the eCO system;
 - b) Whereas the online application is not possible, the Exporter shall apply using the registration form as attached in Annex (b) herewith this regulation and submit it to the designated issuing authority;
 - c) Upon approval by the designated issuing authority, the eCO system shall send an automatic message notification to the email address of the Applicant notifying them of receipt of their application. The email notification shall include at least the details of application submission identification number and the date of acceptance so that the Exporter could follow up the status of registration approval using the submission number;
 - d) In case the application is not feasible electronically, the designated issuing authority shall accept manual application and subsequently enter all the required data into the eCO system as received from the applicant;
 - e) The exporter, using the submission identification number, shall have access to the eCO system to check the status of the process of approval of registration;
 - f) The designated issuing authority shall verify the application for registration submitted by the applicant;
 - g) If applicable, the designated issuing authority can collect appropriate payments associated with registration service charges from the applicant using online payment system or available payment procedures in the Member State;
 - h) Once the application is approved by the designated issuing authority, the eCO system shall:

- (i) issue a Registration approval letter to the Exporter with a unique Exporter's registration number and date of registration and date from which the registration is valid;
 - (ii) send a notification message of the result of verification and the Registration Approval letter to the Exporter's Contact email address or other similar communication channels via the eCO system; and
 - (iii) set the exporter as the approved exporter registered user for eCO system.
- i) The Registration approval letter issued by the designated issuing authority and generated by the eCO system shall contain at least:
- (i) The Exporter's details;
 - (ii) The Exporter's registration number with alphanumeric format like COMESA + Country Code + Sequential order of registered exporters in that country. For example: COM-ZM000001;
 - (iii) Date of registration of the exporter with the format ddmmyyyy (dd=day, mm=month, yyyy=year); and
 - (iv) Validity or renewal date of the Designated issuing authority name and signatures
- j) Once the exporter has received the approval letter, the exporter shall get login access rights to use the eCO system and to create/amend his/her user name and password automatically as well as submit online application for issuance of certificate of origin using the eCO system;
- k) The designated issuing authority shall have access to the eCO system to modify and update registration data as well as revoke registration an exporter.
3. The online Exporters Registration form described in the eCO system shall include, but not limited to:
- a) Exporter Details (Name, TIN, and Address);
 - b) Exporter Contact person details (Name, Designation and Address);
 - c) Exporter's Authorized Applicant (s) details (including Name and his specimen of signature);
 - d) Type of business (manufacturer/ producer; or supplier/distributor);
 - e) State nature of business (company; manufacturer; sole proprietor; supplier/distributor);

- f) Intended Markets or Country to export the products;
 - g) Details of the Producer/Manufacturers who supply the Exporter with the goods, if the Exporter is not Producer;
 - h) Details of final good(s) intended to be exported under the COMESA preferential regime to other Member States including the HS Code, Quantity and Value;
 - i) production cost analysis statement (including materials description, origin, HS Code, Value, Quantity, name of suppliers of materials, and other production costs) of imported and local materials as well as labour, overhead factory cost, etc., used in production of the final good intended to export;
 - j) Consent of exporter to the publication of his data on the public website using the eCO system;
 - k) Name and address of the Designated Issuing Authority's office where the exporter is submitting his/her application;
 - l) Undertaking or Declaration by the Exporter/Authorized Applicant.
4. Companies applying for exporters registration using the eCO system, shall upload and submit the following supporting documents:
- a) Company or Business Registration Certificate;
 - b) Tax payer Identification Number (TIN/PIN) Certificate;
 - c) Currents relevant sector certificate (e.g. production operation license or Mining License for minerals);
 - d) Company letterhead and duly endorsed nominating officer that will apply for certificates on behalf of the company. (Authorised Signatory or Applicant registration letter);
 - e) Letter of award/agreement/Appointment between Exporter and producer (if exporter is not producer);
 - f) Copy of ID or Passport Card of the Exporter or the Authorised Applicant of the Exporter;
 - g) Approved company information and seal or Stamp;
 - h) Digital Signature Certificate and stamp;
 - i) Production Cost Analysis Statement Sheet as attached here with in Annex (c) which must be supported with the necessary supporting documents such as invoices and import declarations for imported raw materials, wage bills for labour, factory overhead

costs and other relevant cost bills as appropriate and approved by the producer's signature and stamp;

- j) Enter the specific qualifying criterion under Rule 2 of the Protocol;
 - k) Production process flow chart that is indicated by the producer's signature and stamp;
 - l) Catalogue or brochure of the products intended to export;
 - m) Letter of undertaking by the Exporter to use the eCO system under the Terms and Conditions of the system;
 - n) Other relevant supporting documents, as required by the competent authorities.
5. The Registered Exporters shall keep their user name and password confidentially and use it properly as per terms and conditions set out in the eCO system.
 6. An importer in a Member State who wishes to import goods from another Member State under the COMESA Preferential trade regime should be able to verify the validity of the registered exporter number of the registered exporter in that country, using the eCO system.

Article 7

Renewal and Revocation of registered Exporters in the eCO system

1. The registered exporter has the right to edit/renew and withdraw its registration using the eCO system provided that other related national legislation and procedures are fulfilled.
2. Subject to national laws, the registered exporter must renew its registration status periodically in not more than 5 years. To this end, the eCO system shall send a reminder message to the exporter via email or compatible channels to renew his/her approval letter for registration status.
3. Notwithstanding the above provision, the Registered Exporter shall promptly renew or update his registration using the eCO system if there is any change of information submitted during his/her first registration at any time before the 5 years of renewal.
4. The database of registered exporters on the eCO system should be updated regularly by the designated authority so that the relevant users from customs authorities of the exporting Member State and of other Member States be informed of those changes using the eCO system.
5. The designated issuing authority in Exporting Member State shall revoke the registration from the eCO system if the registered exporter:
 - a) no longer exists;

- b) no longer meets the conditions for exporting goods under the COMESA preferential regime;
 - c) has informed the competent authority of the Member State that he/she no longer intends to export goods under the scheme;
 - d) intentionally or negligently draws up, or causes to be drawn up, a certificate of origin which contains incorrect information and leads to wrongfully obtaining the benefit of preferential tariff treatment; or
 - e) fails to keep the data concerning his registration up-to-date and if it has major impact on country of origin determination and obtaining the benefit of preferential tariff treatment.
6. The designated issuing authority of a Member State shall inform the registered exporter about the revocation of his registration and of the date from which the revocation will take effect. Revocation of registrations shall only take effect for the future, i.e. in respect of certificate of origin made out after the date of revocation provided that the eCO which was issued is correct.
7. The revocation of a registered exporter's authorisation shall be cancelled in case of an incorrect revocation. The exporter or the re-consignor of goods shall be entitled to use the registered exporter number assigned to him at the time of the registration.
8. The data relating to a revoked registration shall be kept in the eCO system by the designated authority of the Exporting Member State which introduced them into that system, for at least 5 calendar years from time the revocation took place.

Part IV

Issuance of Electronic Certificate of Origin

Article 8

Process of Application and issuance of eCO

1. A Certificate of Origin in electronic format may be applied for, issued, and accepted in lieu of one in paper format, with equivalent legal effect.
2. The procedure for issuing an eCO shall be as follows:
 - a) Registered Exporter or his authorized applicant shall login into the eCO system using his/her user name and password created by the system. The eCO system automatically sends the exporter an authorization notification to use the system;

- b) The Registered Exporter or his authorized applicant shall lodge his application with the designated issuing authority of the exporting country using the eCO system entering the required data in the provided fields of the application form, uploading all the required supporting documents and subsequently digitally signing it;
- c) Once the application is received over the eCO system, the designated issuing authority shall review the application and send an acceptance notification with a unique submission identification number so that the exporter can follow up on the status of the issuing the eCO;
- d) In lieu of the manual process in the Protocol, the designated issuing authority shall review and verify the application for an eCO and supporting documents and determine whether the application is duly completed and authenticated as well confirming that the applicant is listed in the eCO system's internal database of the registered exporters;
- e) After the designated issuing authority approves the eCO application using its own internal procedures, digitally signs the eCO by the authorized official and sends an automatically generated message notifying the issuance of the eCO via email address of the applicant or compatible communication channel. In the event of problems with the application, the applicant is notified through the eCO system to make corrections and re-submit the corrected application to the designated issuing authority;
- f) If payment related the issuance of eCO is applicable, the issuing authority sends a bill of payment via email or similar communication channels to the exporter, and the exporter in turn pays the bill for issuing the eCO through electronic or other available payment systems as accepted by the designated issuing authority. Once the payment is received, the designated issuing authority sends a receipt and confirmation to the exporter;
- g) The exporter can check the status of the issuing process using the submission identification number which is automatically generated by the eCO system after application;
- h) Once the eCO is issued, the exporter shall receive an email notification message with "a Serial number and date of issued" of the issued certificate of origin. The Exporter can access the issued eCO using the eCO system with inquiries according to its reference number and date issued and can view/download/print the eCO. However, once it is issued by issuing authority, exporters are not allowed to modify it;
- i) The exporter can send the issued eCO to the importer at his email or other communication channels via the eCO system so that the importer can fill the serial number of the issued eCO in his import customs declaration for submission to customs in the importing Member State;
- j) The issued eCO shall be stored in the web-based eCO system and shall be accessible to designated customs authorities in the exporting as well as in the importing Member countries at any time.

3. The process of issuance of electronic re-exportation certificate of origin of COMESA originating goods shall be as follows:

- a) Re-exportation of either whole or partial consignments of COMESA originating goods shall be allowed only when goods remain under customs control and do not undergo any operations except those meant to preserve the goods and unloading and reloading;
- b) The procedures of certificate of re-exportation of COMESA originating goods using the eCO system shall be followed similar to the procedures with in the protocol and its procedures of implementation;
- c) The online application and certification forms for re-exportation of COMESA originating goods using the eCO system shall be in line with the forms in ANNEX VII and ANNEX VIII to the protocol procedures of implementation, respectively;
- d) The original certificate of origin issued by the first exporting country and import declaration shall be described in the appropriate field of the eCO system and be uploaded as a supporting document.

4. Procedures of issuance of retrospective eCO shall be as follows:

- a) The existing manual procedures of retrospective issuance of certificate of origin shall be automated using the eCO system in line with the protocol and procedures manual;
- b) The registered exporter can apply online for the retrospective CO, within three months from the date of exportation of the products, stating the reasons for the delayed application using the eCO system;
- c) The designated issuing authority shall endorse "ISSUED RETROSPECTIVELY" in box 5 of the electronic certificate of origin using the eCO system.

Article 9 **Minimum Requirements of Standard of theeCO**

1. A valid electronic certificate of origin shall at least satisfy the following conditions:

- a) It shall be issued by a governmental agency designated for that purpose by a Member State;
- b) It shall contain all the particulars necessary for identifying the product(s) to which it relates. The descriptions and HS codes of goods used in the certificate shall be the

same with the descriptions used in the Export Declaration of that goods and related commercial documents;

- c) It should bear an Exporter registration number in top right-hand corner of the certificate;
- d) It should bear a "serial number of the certificate" in the top right-hand corner of the certificate but above the exporter registration number which includes a serial reference number and date of the certificate and exporting country code;
- e) It should have been completed in type only using the eCOsystem;
- f) It should not contain errors. An authorised signatory of the designated issuing authority of a Member State should re-issue new certificate in case there is an error or an incorrect information;
- g) It shall certify unambiguously that the product(s) to which it relates originates in a specific COMESA Member State;
- h) It shall bear an electronic or digital signature of the exporter which is approved by the designated issuing authority and be identical with the one submitted or updated during the Exporters registration and approval;
- i) It should bear the official electronic image of the stamp of the designated issuing authority and an electronic or digital signature of an authorised signatory of the designated issuing authority which is the same with the one uploaded at the eCO system and circulated to the other Member States.

Part V

Presentation and Verification of the issued eCO

Article 10

Presentation of the eCO

1. In addition to the electronic process specified in the *eCO System Technical Implementation Guideline*, an eCO may be forwarded directly to the exporter by the COMESA Regional Single Window or National Single Window of the issuing Member State and the eCO may be forwarded directly to the importer by the exporter or by the National Single Window of the importing Member State or using the regional single window, as appropriate.

2. In order to ensure interoperability, Member States shall exchange electronically the COMESA eCO in accordance with the *eCO System's Technical Implementation Guideline*, as updated from time to time.
3. For the purpose of claiming preferential tariff treatment, the importer shall submit electronically to the customs authority of the importing Member State at the time of import, an import declaration containing information on the eCO reference number, supporting documents (i.e. invoices and, when required, the Airway Bill or the Bill of Lading issued in the territory of the exporting Member State) and other documents as required in accordance with the laws and regulations of the importing Member State.

Article 11

Verification of the issued eCO in importing country

1. The customs authority in the importing Member State may generate an electronic Customs response indicating the utilisation status of the eCO in accordance with the message implementation guideline for Customs Response specified in the *eCO System's Technical Implementation Guideline*. The utilisation status, if generated, shall be transmitted electronically via the eCO system to the designated issuing authority either soon after the import or as and when it has been generated, within the validity period of the eCO in accordance to the protocol.
2. The online Checking and Verification process in the importing country shall be as follows:
 - a) the importer shall receive notification message of the issued eCO from the Exporter or through the e-CO system or similar electronic communication channels;
 - b) The importer shall search and view the e-CO by entering serial number and date of issue in the e-CO system and confirm the details on the issued eCO;
 - c) The importer or his customs broker shall input the serial number and date of the issued eCO into the import declaration and submit it with relevant supporting documents to the Customs Authority in the importing Member State;
 - d) The Customs authority receives, manually or electronically as appropriate, the import declaration and supporting documents from the importer/his customs broker;
 - e) The customs authority logs in and views the eCO using its unique serial Number and date;
 - f) The customs authority shall review and verify the eCO and its supporting documents based on risk management principle, as follows:
 - (i) Compare the impression of the digital stamp and digital signature of the designated issuing authority appearing in box 12 of the eCO presented by the importer with those notified by designated issuing authority of the exporting Member State or with the registered data of signatories inside the database of the eCO system;

- (ii) Verifies that the description of goods given in the electronic certificate of origin corresponds with the one on the invoice, packing list, bill of loading, and the customs import declaration and other relevant supporting documents.
- g) During verification, the customs authority may come up with three situations:
 - (i) Accept the electronic certificate of origin without any Queries. If the customs authority is satisfied that the goods to which the documents relate to, are eligible for preferential tariff treatment as claimed, the consignment will be so admitted;
 - (ii) Accept with minor queries: if there are minor inaccuracies or omissions of a clerical nature or similar nature detected on a certificate of origin, the customs authority may allow the importer to correct/amend the import declaration as appropriate without rejection of the claim to COMESA preferential tariff treatment;
 - (iii) More serious queries: Where serious doubts arise about the eligibility of any consignment of goods for COMESA preferential tariff treatment, a formal online query of the evidence of origin presented by filling the fields in the verification form integrated into the eCO system in lieu of the Annex IV and V to the protocol may be communicated through the eCO system and via email or similar electronic means to the designated issuing authority of the exporting Member State.
- h) The designated issuing authority shall verify the query and respond the feedback to the Customs authority within the time limit and standard form of communication in the eCO system.
- i) Once received the online queries, the designated issuing authority in the exporting country shall verify the eCO and consult with or visit at the Exporters premises and send online the response via email or eCO system or similar electronic means of communication to the customs authority of the importing Member State.
- j) The Customs authority shall receive and review the responses of verification query and shall fill the verification result whether it is accepted, rejected, or pending, as appropriate. If it is accepted, release goods at preferential tariff treatment. If rejected or kept pending, the customs authority shall clarify the main reason for rejecting or keeping pending the electronic certificate of origin in the eCO system. The clarifications should be detailed and exhaustive in addressing the grounds of denial of preference raised by the importing Member State.
- k) Where the customs authorities of the importing Member State decide to suspend the granting of preferential tariff treatment to the goods concerned while awaiting the results of the verification and until final decision is made, the customs authorities shall release the goods into free circulation, provided adequate security has been given by the importer for any payable duties and taxes as well as provided that the goods are not subject to any prohibition.
- l) After clearing any inquiries and payable duties and taxes, customs authorities release the goods for import. In the eCO system, the customs authorities shall fill in the status

of verification result or utilization status of the eCO in accordance with the message implementation guideline for Customs response specified in the *eCO Technical Implementation Guideline* so that the importer or exporter can get updated information.

Article 12
Procedures of Simplified electronic certificate of origin

1. The process of registration, application and issuance of CO and verification of CO of the small-scale cross border traders shall also be automated in a similar procedure using the eCO system in accordance to the protocol and the procedures manual.

Part VI
Access and Retention of data

Article 13
Publication and Access of Data and Information in the eCO system

1. The user of the eCO system including Exporters, designated issuing authorities, customs authorities, importers, Secretariat and relevant actors shall have specific access to the eCO system based on the user's role-map identified in the *technical implementation guideline* provided that protecting the confidential information and security of database.
2. The designated issuing authorities and authorised officers of customs authorities in Member States shall have full access to the data of registered Exporters using the eCO system.
3. Taking in to account that the importers and customs authorities in the importing Member States should be able to verify the validity of the registered exporter number of the registered exporter and data related to certificate of origin, the following data and information shall always be available to the public using eCO system:
 - a) Exporters' Registration number with its date of registration, date from which the registration is valid, and date of revocation of the registration where applicable;
 - b) List of designated issuing authorities with their contact names and full address;
 - c) List of Custom authorities with their contact names and full address.
4. The following data shall be available to the public with the consent given by the exporter by signing in the form available for this purpose in the eCO system:
 - a) Name of registered Exporters with their TIN, full address, contact details and authorized applicant(s);
 - b) Description of goods with their HS codes which qualify to export to Member States under the COMESA preferential regime.

5. Registered exporters have the right to access, modify and block their registered data in the eCO system in accordance with the protocol and this Annex. In case of modifying and blocking their registered data, the registered exporters shall submit a request to the designated issuing authority which shall verify and take appropriate action in accordance with the protocol and this Annex.
6. Designated issuing authorities of the Member States shall modify the data of registered exporters in the eCO system accordingly and inform the Secretariat as well as the Member States immediately of any changes to the information notified under the above paragraphs through eCO system or similar electronic means.

Article 14 **Electronic Archiving and Data Retention**

1. For the purposes of the verification process in the importing country pursuant to the protocol, the producer or/and exporter applying for the issuance of an eCO shall keep the records all relevant documents, in paper or in electronic form, used during registration, application and issuance of the eCO for not less than five (5) years or such other time as stipulated in national legislation, from the date of issuance of the eCO.
2. The specimens of digital signatures and stamps uploaded on the eCO system during registration of exporter shall be stored in the system and used the same during the application and issuance of the eCO.
3. The application for Exporters registration and for an eCO and all documents related to such application shall be retained by the issuing authorities for not less than five (5) years or such other time as stipulated in national legislation, from the date of issuance of the eCO.
4. The registered exporters shall keep their records for at least five years or such other time as stipulated in national legislation, from the date of their registration as approved exporter and shall provide to competent authorities when requested, in accordance with the protocol.
5. Information relating to the validity of the eCO shall be provided upon request of the importing Member State, by an authorised official of the designated issuing authority.
6. Unless otherwise explicitly mentioned, any information related to the registration of exporters, issuance and verification of the eCO exchanged between the Member States concerned shall be treated as confidential and shall be used for the purpose of eCO validation only.

**Part III
Other Provisions**

**Article 15
Cooperation and Institutional arrangement**

1. The officials of the Member states responsible for Trade and Customs shall meet periodically to review and evaluate the implementation of the eCO system and considering further improvement measures to improve implementation of the eCO system and the Rules of Origin.
2. A technical working group on eCO system implementation (TWG-eCO) composed of customs, trade and IT experts shall be established by the Trade and Customs Committee to consider the technical issues related to the development, implementation, coordination, monitoring of the eCO system. The technical working group will provide periodic reports to the trade and customs committee.

**Article 16
Roles and functions**

1. Member States shall determine the roles and functions of their respective designated issuing authority as well as the leading agency for the effective implementation and operation of the eCO system in accordance with the Protocol of rules of origin.
2. The designated issuing authority shall take responsible of application, registration of Exporters, issuing of eCO and providing access to users including exporters or their authorized applicants and officials in the designated authorities to use the eCO system.
3. Customs authorities in the Member states shall be responsible in providing access to users including officials in the customs authorities to use the eCO system.
4. Member states shall communicate the details of their national leading agency, a designated issuing authority or a customs authority who is responsible government authority for implementing the eCO system through the national coordinating ministry directly to the secretariat and other Member States.
5. The Secretariat shall facilitate to provide secure infrastructure and access to the eCO system to the Member States.
6. The Secretariat shall provide necessary technical support or advice regarding the interpretation and implementation of the eCO System where it is needed by the Member States.

Article 17
Cost and charges

1. The service cost of online registration of exporter, application and issuance of the eCO shall be free of charge. However, other related costs and charges related to services such as Exporters Membership to the Chamber Association, technical expertise for verification analysis and administrative penalties may be applied to exporter or importer in accordance to the national legislations of the Member States.

Article 18
Implementation Framework

1. The eCO system be implemented in a phased approach and the piloting phase shall start immediately, after the adoption of this provision by the council, with the Member States who are ready to start implementing the eCO. After 1 year of piloting the project, it shall be rolled-out to all Member States and be fully operation within another 1 year from the date of launching of the pilot project.
2. The Secretariat shall prepare necessary action plans of implementation of eCO System and circulate it to the Member States for its approval and its effect of implementation.
3. Member states shall implement the eCO system in accordance with the Action Plan of implementation agreed by Member State and may be reviewed or revised as deem appropriate.
4. Exporters shall be allowed to use the existing procedures until the eCO system procedure is fully operational in the Member State.
5. Member States who are ready to implement the new electronic procedures shall inform the secretariat and other Member States through the national coordinating ministries so that it can be recognised and be implemented using the eCO system.

Article 19
Transitional Arrangements

1. Member states are encouraged to use digital signatures as a primary source of identification for exporters and designated issuing authorities.
2. Accordingly, every Member State shall, within a period of 5 years, put in place all the required measures to recognise and use the digital signatures and the eCO.
3. A review shall be undertaken after the 5 year period to assess implementation.

Article 20
Effectivity

1. The provisions of this Regulation shall take effect upon its adoption by the Council.