



DECISION No. 9

Adoption of the “Directive for the Application of Article 4.14 (Transit and Transshipment) of the Free Trade Agreement between the Republic of China (Taiwan) and the Republic of Guatemala”

The Administrative Commission of the Free Trade Agreement between the Republic of China (Taiwan) and the Republic of Guatemala (“the Agreement”), pursuant to its powers and in accordance with established in the Article 17.01 paragraphs 1, 2 (a) and (f), 3 (e) and 5 of the Agreement.

DECIDES:

To adopt the “Directive for the Application of Article 4.14 (Transit and Transshipment) of the Agreement.” as provided in Annex to this Decision.

Done in duplicate in the Chinese, Spanish and English languages, all versions are equally authentic. In the event of any discrepancy in the interpretation of this Decision, the English version shall prevail.

The present Decision will enter into force the June 1 of 2018.

**For the Government of the
Republic of China (Taiwan)**

**Jong-Chin Shen
Minister**

Ministry of Economic Affairs

Date: 8 (day)/5 (month)/2018

Place: Taipei City

**For the Government of the
Republic of Guatemala**

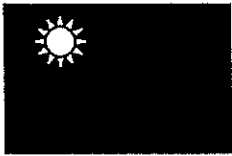
**Acisclo Valladares Urruela
Minister**

Ministry of Economy

Date: 10 (day)/04 (month)/2018

Place: Guatemala City

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ANNEX

Directive for the Application of Article 4.14 (Transit and Transshipment) of the Free Trade Agreement between the Republic of China (Taiwan) and the Republic of Guatemala

TRANSIT AND TRANSSHIPMENT

- I. Supporting documents to prove the required conditions in clause of "Transit and Transshipment" of Article 4.14.

For the purposes of Article 4.14 of the Free Trade Agreement between the Republic of China (Taiwan) and the Republic of Guatemala hereinafter "the Agreement", the importer may prove that goods originating from the other Party which have been in transit, with or without transshipment, temporary storage or separation of shipment, through the territory of one or more States that are not parties to the Agreement, have fulfilled all conditions stipulated in that Article, providing with the following documents, as the case may be:

- (i) Transport document, as air waybill, bill of lading or waybill, as the case may be, specifying the date and place of shipment of goods, and the port or airport or entry point of the final destination, when those goods have been in transit through the territory of one or more States that are not parties to the Agreement without transshipment or temporary storage;
- (ii) Transport document, as air waybill, bill of lading or waybill, as the case may be, and traceability letter, when the goods are subjects of transshipment by different means of transport, specifying that the goods, which have been in transit, were subjects only to transshipment without temporary storage in one or more States that are not parties to the Agreement; or
- (iii) Transport documents, as air waybill, bill of lading or waybill, as the case may be, and traceability letter with regard to goods that while in transit, have been subject to transshipment with temporary storage in one or more States that are not parties to the Agreement.

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In case of reasonable doubt regarding the compliance of the requisites established in Article 4.14 of the Agreement, the Customs Authority may start the corresponding procedure, thus the competent authority with regard to origin may a posteriori, request the importer the documents which prove that the goods fulfill the originating feature, in accordance to the Origin Verification Procedures, established in Article 5.06 of the Agreement.

II . Definitions

- i. The term “temporary storage” refers the storage or temporary deposit of an originating good when, during transit through a third country, has remained in a Customs Warehouse, Customs Free Zone, Free Zone, or any other customs regime.
- ii. The term “transshipment” refers the transfer or movement of goods from a transport unit to another transport unit, conducted in a transit country, to continue with the transport of such goods until the country of final destination.
- iii. The term “traceability letter” refers the letter or certification issued by the transport company where the individualization of goods states and their movement, since its origin until its final destination.

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