

- (e) a non-originating material provided for in Chapters 50 through 64 of the Harmonized System that is used in the production of a good provided for in Chapters 50 through 64 of the Harmonized System; or
- (f) a non-originating material used in the production of a good provided for in subheading 3824.90, 8406.10 through 8406.82, 8415.10 through 8415.83, 8418.10 through 8418.69, 8421.12, 8422.11, 8450.11 through 8450.20, 8451.21 through 8451.29, heading 84.56 through 84.61, 84.62 through 84.63, subheading 8477.10 through 8477.20, 8477.30, heading 84.83, 85.01, subheading 8502.11 through 8502.39, 8516.31, 8516.33, 8516.40, tariff item 8516.60.aa, subheading 8516.72, 8526.10 or 8540.71 through 8540.79 of the Harmonized System.

3. Where Annex 3.1 sets out two or more alternative rules for a good, paragraph 1 shall apply only if the determination of whether the good is an originating good is being made under the first rule set out for that good.

**Article 3.3: Rules Regarding Accessories, Spare Parts and Tools, Indirect Materials, and Packaging and Packing Materials and Containers**

1. For purposes of determining whether a good is an originating good, the following materials shall be deemed to be originating materials without regard to where the materials are produced:

- (a) accessories, spare parts or tools delivered with the good that form part of the good's standard accessories, spare parts or tools, provided that the accessories, spare parts or tools are not invoiced separately from the good and the quantities and value of the accessories, spare parts or tools are customary for the good;
- (b) indirect materials used in the production of the good;
- (c) packaging materials and containers in which the good is packaged for retail sale, provided that the packaging materials and containers are classified under the Harmonized System with the good that is packaged within; and
- (d) packing materials and containers in which the good is packed for shipment.

2. For purposes of applying other Chapters of this Agreement to the materials referred to in subparagraphs 1(a), (c) and (d), these materials shall be deemed to originate if the good referred to in paragraph 1 originates.