

2. Paragraph 1 does not apply to:

- (a) a non-originating material provided for in Chapter 4 or tariff item 1901.90.aa of the Harmonized System that is used in the production of a good provided for in Chapter 4, tariff item 1901.20.aa, 1901.90.aa, heading 21.05, tariff item 2106.90.cc, 2202.90.cc or 2309.90.aa of the Harmonized System;
- (b) a non-originating material provided for in subheading 0201.10 through 0201.30 or 0202.10 through 0202.30 of the Harmonized System that is used in the production of a good provided for in Chapter 16 of the Harmonized System;
- (c) a printed circuit assembly that is a non-originating material used in the production of a good where the applicable rule in Annex 3.1 places restrictions on the consideration of such non-originating material for the purpose of determining whether the good originates;
- (d) a non-originating material used in the production of a good provided for in Chapters 1 through 19, heading 20.01 through 20.08, subheading 2009.90, heading 21.01 through 21.05, subheading 2106.10, tariff item 2106.90.bb, heading 22.01, tariff item 2202.90.bb or heading 22.03 through 22.07 of the Harmonized System, unless that non-originating material is provided for in a different subheading than the good for which origin is being determined under this Chapter;
- (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;