

A false certification by an exporter will be subject to, with some modification, the same legal consequences that would apply to an importer who contravenes its customs laws and regulations in respect of false statements or representations.

RECORDS: Full records in respect of the Certificate must be kept for five years. These records should include:

- the purchase, cost, value and payment for the good exported;
- the purchase, cost, value and payment for all materials used in the production of the good; and,
- the production of the good in the form in which the good was exported.

VERIFICATION PROCEDURES: Verification procedures by customs administration officials could include a questionnaire to the exporter and/or on-site visits to review exporter records (upon written notification). Verification of regional value-added requirements will be in accordance with the Generally Accepted Accounting Principles as applied in the exporting country.

ADVANCE RULINGS: NAFTA provides for importers, exporters and producers to obtain advance rulings on the origin of goods from the customs authority of the country into which the goods are to be imported.

REVIEW AND APPEAL: Rights of review and appeal of determinations of origin and advance rulings will be on a non-discriminatory basis. Equal treatment will be given to all producers and exporters within the NAFTA area. Each country may, however, adapt the right of review and appeal to fit its own circumstances.

UNIFORMITY: NAFTA provides for uniform regulations to be established and implemented to ensure consistent interpretation, application and administration of the rules of origin, customs administration and other matters agreed to by Canada, the United States and Mexico.

WORKING GROUP AND CUSTOMS SUBGROUP: The Agreement calls for the creation of a trilateral working group to address future modification of the rules of origin, uniform customs procedures, country-of-origin marking obligations and other matters. A customs subgroup will also be created to meet at least four times per year. This group will exchange information and consult on technical and administrative aspects. The group will have a 60-day deadline to deal with issues brought before it.

