



ORTA ANADOLU
İHRACATÇI BİRLİKLERİ
GENEL SEKRETERLİĞİ



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Konu: TÜRKİYE-JAPONYA SERBEST TİCARET ANLAŞMASI MÜZAKERELERİ
HK.

SİRKÜLER (G-2020)

Sayın Üyemiz,

T.C Ticaret Bakanlığı'ndan alınan bir yazıda, 28 Ocak 2020 tarihinde Türkiye-Japonya Ekonomik Ortaklık Anlaşması (EOA) menşe kuralları çerçevesinde Özel Sektörle İstişare Toplantısı'nın düzenlendiği ve söz konusu toplantıyla ilgili olarak hazırlanan not ve ekleri, toplantı sırasında yapılan sunum ile katılımcı listesinin yazı ekinde gönderildiği belirtilmektedir.

Bahsi geçen toplantıya katılım sağlayan kurum ve kuruluşlarımızın temsilcilerinin; sunumda yer alan fasıllara ilişkin Türk tarafının ve Japon tarafının tekliflerini, sektör verilerini de (ihracat, pazar oranları, üretim süreçleri) göz önünde bulundurmak suretiyle menşe kuralları açısından değerlendirerek, görüşlerini **en geç 10 Şubat 2020 tarihine kadar** Bakanlığa yazılı olarak ve ayrıca bozkurta@ticaret.gov.tr adresine yazılı olarak iletmeleri gerekmektedir.

Bilgilerine sunulur.

S.Tansel KUNBİ
Genel Sekreter A.
Şube Müdürü

Ek:

- 1- Toplantı Notu
- 2- Toplantı Katılımcı Listesi
- 3- Sunum
- 4- EU 3 A
- 5- EU 3 B 1

Ayrıntılı bilgi için: Rukiye Yarbay - Uzman

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ANNEX 3-A

INTRODUCTORY NOTES TO PRODUCT SPECIFIC RULES OF ORIGIN

Note 1

General principles

1. This Annex sets out the general rules for the applicable requirements of Annex 3-B provided for in subparagraph 1(c) of Article 3.2.
2. For the purposes of this Annex and Annex 3-B, the requirements for a product to be originating in accordance with subparagraph 1(c) of Article 3.2 are a change in tariff classification, a production process, a maximum value of non-originating materials, a minimum regional value content, or any other requirement specified in this Annex and Annex 3-B.
3. Reference to weight in a product specific rule of origin means the net weight, which is the weight of a material or a product, not including the weight of packaging.
4. This Annex, Annex 3-B and Annex 3-E are based on the Harmonized System, as amended on 1 January 2017.

Note 2

The structure of Annex 3-B

1. Notes on Sections or Chapters, where applicable, are read in conjunction with the product specific rules of origin for the relevant Section, Chapter, heading or subheading.
2. Each product specific rule of origin set out in Column 2 of Annex 3-B applies to the corresponding product identified in Column 1 of Annex 3-B.
3. If a product is subject to alternative product specific rules of origin, the product shall be originating if it satisfies one of the alternatives. If a product is subject to a product specific rule of origin that includes multiple requirements, the product shall be originating only if it satisfies all of the requirements.
4. For the purpose of this Annex and Annex 3-B,
 - (a) "Chapter" means the first two-digits in the tariff classification number under the Harmonized System;
 - (b) "heading" means the first four-digits in the tariff classification number under the Harmonized System;
 - (c) "Section" means a section of the Harmonized System; and

(d) "subheading" means the first six-digits in the tariff classification number under the Harmonized System.

5. For the purposes of product specific rules of origin, the following abbreviations apply:¹

"CC" means production from non-originating materials of any Chapter, except that of the product, or a change to the Chapter, heading or subheading from any other Chapter; this means that all non-originating materials used in the production of the product must undergo a change in tariff classification at the 2-digit level (i.e. a change in Chapter) of the Harmonized System.

"CTH" means production from non-originating materials of any heading, except that of the product, or a change to the Chapter, heading or subheading from any other heading; this means that all non-originating materials used in the production of the product must undergo a change in tariff classification at the 4-digit level (i.e. a change in heading) of the Harmonized System.

"CTSH" means production from non-originating materials of any subheading, except that of the product, or a change to the Chapter, heading or subheading from any other subheading; this means that all non-originating materials used in the production of the product must undergo a change in tariff classification at the 6-digit level (i.e. a change in sub-heading) of the Harmonized System.

¹ For greater certainty, if a requirement of a change in tariff classification provides for exception for a change from certain Chapters, headings or subheadings, none of the non-originating materials of those Chapters, headings or subheadings may be used, individually or jointly.

Note 3

Application of Annex 3-B

1. Paragraph 3 of Article 3.2, concerning products having acquired originating status which are used in the production of other products, applies irrespective of whether or not this status has been acquired inside the same factory in a Party where those products are used.
2. If a product specific rule of origin provides that a specified non-originating material may not be used or that the value or weight of a specified non-originating material cannot exceed a specific threshold, those requirements do not apply to non-originating materials classified elsewhere in the Harmonized System.
3. If a product specific rule of origin provides that a product shall be produced from a particular material, this does not prevent the use of other materials which cannot satisfy the requirement because of their inherent nature.

Note 4

Calculation of a maximum value of non-originating materials and of a minimum regional value content

Definitions:

1. For the purposes of product specific rules of origin:
 - (a) "customs value" means the value as determined in accordance with the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994;
 - (b) "EXW" means:
 - (i) the ex-works price of the product paid or payable to the manufacturer in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used and all other costs incurred in the production of a product minus any internal taxes which are, or may be, repaid when the product obtained is exported; or

- (ii) if there is no price paid or payable or if the actual price paid does not reflect all costs related to the production of the product which are actually incurred in the production of a product, the value of all the materials used and all other costs incurred in the production of the product in the exporting Party which:
 - (A) include selling, general and administrative expenses, as well as profit, that can be reasonably allocated to the product; and
 - (B) exclude the costs of freight, insurance, all other costs incurred in transporting the product and any internal taxes of the exporting Party which are, or may be, repaid when the product obtained is exported;
- (c) "FOB" means:
 - (i) the free on board price of the product paid or payable to the seller regardless of the mode of shipment, provided that the price includes the value of all the materials used and all other costs incurred in the production of a product and its transportation to the exportation port in the Party, minus any internal taxes which are, or may be, repaid when the product obtained is exported; or

- (ii) if there is no price paid or payable or if the actual price paid does not reflect all costs related to the production of the product which are actually incurred in the production of a product, the value of all the materials used and all other costs incurred in the production of the product in the exporting Party, and its transportation to the exportation port in the Party which:
- (A) include selling, general and administrative expenses, as well as profit, that can be reasonably allocated to the product, the costs of freight and insurance; and
- (B) exclude any internal taxes of the exporting Party which are, or may be, repaid when the product obtained is exported;
- (d) "MaxNOM" means the maximum value of non-originating materials expressed as a percentage;
- (e) "RVC" means the minimum regional value content of a product, expressed as a percentage; and

- (f) "VNM" means the value of non-originating materials used in the production of the product which is its customs value at the time of importation including freight, insurance where appropriate, packing and all the other costs incurred in transporting the materials to the importation port in the Party where the producer of the product is located. Where it is not known and cannot be ascertained, the first ascertainable price paid for the non-originating materials in either Party is used.

2. For the calculation of MaxNOM and RVC, the following formulas apply:

$$\text{MaxNOM}(\%) = \frac{\text{VNM}}{\text{EXW}} \times 100$$

$$\text{RVC}(\%) = \frac{\text{FOB} - \text{VNM}}{\text{FOB}} \times 100$$

Note 5

Definitions of processes referred to in Sections V to VII in Annex 3-B

For the purposes of product specific rules of origin:

(a) "biotechnological processing" means:

- (i) biological or biotechnological culturing (including cell culture), hybridisation or genetic modification of micro-organisms (bacteria, viruses (including phages) etc.) or human, animal or plant cells; and
- (ii) production, isolation or purification of cellular or intercellular structures (such as isolated genes, gene fragments and plasmids), or fermentation;

(b) "change in particle size" means the deliberate and controlled modification in particle size of a product, other than by merely crushing or pressing, resulting in a product with a defined particle size, defined particle size distribution or defined surface area, which is relevant to the purposes of the resulting product and with physical or chemical characteristics different from those of the input materials;

- (c) "chemical reaction" means a process (including a biochemical processing) which results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds, or by altering the spatial arrangement of atoms in a molecule, with the exception of the following which are not considered to be chemical reactions for the purpose of this definition:
- (i) dissolving in water or other solvents;
 - (ii) the elimination of solvents including solvent water; or
 - (iii) the addition or elimination of water of crystallisation;
- (d) "distillation" means:
- (i) atmospheric distillation: a separation process in which petroleum oils are converted, in a distillation tower, into fractions according to boiling point and the vapour then condensed into different liquefied fractions; products produced from petroleum distillation may include liquefied petroleum gas, naphtha, gasoline, kerosene, diesel or heating oil, light gas oils and lubricating oil; and
 - (ii) vacuum distillation: distillation at a pressure below atmospheric but not so low that it would be classed as molecular distillation; vacuum distillation is used for distilling high-boiling and heat-sensitive materials such as heavy distillates in petroleum oils to produce light to heavy vacuum gas oils and residuum;

- (e) "isomer separation" means the isolation or separation of isomers from a mixture of isomers;
- (f) "mixing and blending" means the deliberate and proportionally controlled mixing or blending (including dispersing) of materials, other than the addition of diluents, only to conform to predetermined specifications which results in the production of a product having physical or chemical characteristics that are relevant to the purposes or uses of the product and are different from the input materials;
- (g) "production of standard materials" (including standard solutions) means a production of a preparation suitable for analytical, calibrating or referencing uses with precise degrees of purity or proportions certified by the manufacturer; and
- (h) "purification" means a process which results in the elimination of at least 80 per cent of the content of existing impurities.

Note 6

Definitions of terms used in Section XI of Annex 3-B

For the purposes of product specific rules of origin:

- (a) "man-made staple fibres" means synthetic or artificial filament tow, staple fibres or waste, of headings 55.01 to 55.07;

- (b) "natural fibres" means fibres other than synthetic or artificial fibres. Their use is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, includes fibres which have been carded, combed or otherwise processed, but not spun; "natural fibres" includes horsehair of heading 05.11, silk of headings 50.02 and 50.03, wool-fibres and fine or coarse animal hair of headings 51.01 to 51.05, cotton fibres of headings 52.01 to 52.03, and other vegetable fibres of headings 53.01 to 53.05;
- (c) "printing" means a technique by which an objectively assessed function, such as colour, design, or technical performance, is given to a textile substrate with a permanent character, using screen, roller, digital or transfer techniques; and
- (d) "printing (as standalone operation)" means a technique by which an objectively assessed function, such as colour, design, or technical performance, is given to a textile substrate with a permanent character, using screen, roller, digital or transfer techniques combined with at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling, shearing, singeing, process of air-tumbler, process of stenter, milling, steam and shrinking, and wet decatizing), provided that the value of all the non-originating materials used does not exceed 50 per cent of the EXW or 45 per cent of the FOB of the product.

Note 7

Tolerances applicable to products containing two or more basic textile materials

1. For the purposes of this Note, basic textile materials are the following:
 - (a) silk;
 - (b) wool;
 - (c) coarse animal hair;
 - (d) fine animal hair;
 - (e) horsehair;
 - (f) cotton;
 - (g) paper-making materials and paper;
 - (h) flax;
 - (i) true hemp;
 - (j) jute and other textile bast fibres;
 - (k) sisal and other textile fibres of the genus *Agave*;

- (l) coconut, abaca, ramie and other vegetable textile fibres;
- (m) synthetic man-made filaments;
- (n) artificial man-made filaments;
- (o) current-conducting filaments;
- (p) synthetic man-made staple fibres of polypropylene;
- (q) synthetic man-made staple fibres of polyester;
- (r) synthetic man-made staple fibres of polyamide;
- (s) synthetic man-made staple fibres of polyacrylonitrile;
- (t) synthetic man-made staple fibres of polyimide;
- (u) synthetic man-made staple fibres of polytetrafluoroethylene;
- (v) synthetic man-made staple fibres of poly (phenylene sulphide);

- (w) synthetic man-made staple fibres of poly (vinyl chloride);
- (x) other synthetic man-made staple fibres;
- (y) artificial man-made staple fibres of viscose;
- (z) other artificial man-made staple fibres;
- (aa) yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped;
- (bb) yarn made of polyurethane segmented with flexible segments of polyester whether or not gimped;
- (cc) products of heading 56.05 (metallised yarn) incorporating strip consisting of a core of aluminium foil or of a core of plastic film irrespective of whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film;
- (dd) other products of heading 56.05;
- (ee) glass fibres; and
- (ff) metal fibres.

2. Where reference to this Note is made in Annex 3-B, the requirements set out in its Column 2 shall not apply, as a tolerance, to non-originating basic textile materials which are used in the production of a product, provided that:
 - (a) the product contains two or more basic textile materials; and
 - (b) the weight of the non-originating basic textile materials, taken together, does not exceed 10 per cent of the total weight of all the basic textile materials used.

For example:

For a woollen fabric of heading 51.12 containing woollen yarn of heading 51.07, synthetic yarn of staple fibres of heading 55.09 and materials other than basic textile materials, non-originating woollen yarn which does not satisfy the requirement set out in Annex 3-B, or non-originating synthetic yarn which does not satisfy the requirement set out in Annex 3-B, or a combination of both, may be used, provided that their total weight does not exceed 10 per cent of the weight of all the basic textile materials.

3. Notwithstanding Note 7.2 (b), for products containing "yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped", the maximum tolerance is 20 per cent. However, the percentage of the other non-originating basic textile materials shall not exceed 10 per cent.

4. Notwithstanding Note 7.2 (b), for products containing "strip consisting of a core of aluminium foil or of a core of plastic film irrespective of whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film", the maximum tolerance is 30 per cent. However, the percentage of the other non-originating basic textile materials shall not exceed 10 per cent.
5. For a product of headings 51.06 to 51.10 and headings 52.04 to 52.07, non-originating man-made fibres may be used in the process of spinning of natural fibres, provided that their total weight does not exceed 40 per cent of the weight of the product.

Note 8

Other tolerances applicable to certain textile products

1. Where reference to this Note is made in Annex 3-B, non-originating textile materials (with the exception of linings and interlinings) which do not satisfy the requirements set out in its Column 2 for a made-up textile product may be used, provided that they are classified in a heading other than that of the product and that their value does not exceed 8 per cent of the EXW or FOB of the product.

2. Non-originating materials which are not classified in Chapters 50 to 63 may be used without restriction in the production of textile products classified in Chapters 61 to 63, whether or not they contain textiles.

For example:

If a requirement set out in Annex 3-B provides that yarn shall be used, for a certain textile item (such as trousers), this does not prevent the use of non-originating metal items (such as buttons), because metal items are not classified in Chapters 50 to 63. For the same reasons, it does not prevent the use of non-originating slide fasteners, even though slide-fasteners normally contain textiles.

3. Where a requirement set out in Annex 3-B consists in a maximum value of non-originating materials, the value of the non-originating materials which are not classified in Chapters 50 to 63 shall be taken into account in the calculation of the value of the non-originating materials.

APPENDIX 3-B-1

PROVISIONS RELATED TO CERTAIN VEHICLES AND PARTS OF VEHICLES

SECTION 1

Supplier's declarations

Where a supplier in Japan provides a producer in Japan of the products of headings 84.07 and 84.08 and headings 87.01 to 87.08 with the information necessary to determine the originating status of the products, a supplier's declaration may be provided by the supplier.

SECTION 2

Interim threshold of product specific rules of origin for vehicles and parts of vehicles

1. For the purpose of this Section, "year" means, with respect to the first year, the twelve-month period from the date of entry into force of this Agreement, and with respect to each subsequent year, the twelve-month period after the end of the previous year.

2. For vehicles of heading 87.03, each Party shall apply the following rule:

From the first year until the end of the third year	From the fourth year until the end of the sixth year	From the beginning of the seventh year
MaxNOM 55 % (EXW); or RVC 50 % (FOB)	MaxNOM 50 % (EXW); or RVC 55 % (FOB)	MaxNOM 45 % (EXW); or RVC 60 % (FOB)

3. The interim threshold set out in the tables of subparagraphs (a) to (c) applies to products directly exported from a Party to the other Party and does not apply to products incorporated into a complete vehicle as materials in the exporting Party:

(a) For parts of vehicles of headings 84.07 and 84.08, each Party shall apply the following rule:

From the first year until the end of the third year	From the beginning of the fourth year
MaxNOM 60 % (EXW); or RVC 45 % (FOB)	MaxNOM 50 % (EXW); or RVC 55 % (FOB)

(b) For parts of vehicles of headings 87.06 and 87.07, each Party shall apply the following rule:

From the first year until the end of the fifth year	From the beginning of sixth year
MaxNOM 55 % (EXW); or RVC 50 % (FOB)	MaxNOM 45 % (EXW); or RVC 60 % (FOB)

(c) For parts of vehicles of heading 87.08, each Party shall apply the following rule:

From the first year until the end of the third year	From the beginning of the fourth year
CTH; MaxNOM 60 % (EXW); or RVC 45 % (FOB)	CTH; MaxNOM 50 % (EXW); or RVC 55 % (FOB)

SECTION 3

Application of the product specific rules of origin for certain motor vehicles through production processes related to certain parts

1. For the purpose of satisfying the product specific rule of origin of Column 2 in Annex 3-B applicable to motor vehicles of subheadings 8703.21 to 8703.90, a material listed in Column (i) in the table below used in the production of those motor vehicles shall be considered originating in a Party if:
 - (a) it meets the product specific rule of origin of Column 2 in Annex 3-B applicable to that material; or

- (b) the production process related to that material, as laid down in Column (ii) in the table below, is carried out in a Party.

Table

Column (i) Harmonized System Classification (2017) including specific description ¹	Column (ii) Related production process
7007.11	Tempering of a non-originating material provided that non-originating materials of heading 70.07 are not used.
7007.21	Tempering or laminating of a non-originating material provided that non-originating materials of heading 70.07 are not used.

¹ Where a specific description of a material is included in Column (i), the related production process in Column (ii) applies only to that material.

Column (i) Harmonized System Classification (2017) including specific description ¹	Column (ii) Related production process
8707.10 - Bodies in white ¹ in steel, for the motor vehicles of subheadings 8703.21 to 8703.90	Production from non-originating semi-finished steel products of headings 72.07, 72.18 and 72.24. ²

¹ For the purposes of this Section, "bodies in white" means bodies where the metal components have been joined together before painting; including assembly of:

- frame; and
 - body parts; and
- excluding assembly in the frame structure of:
- the engine;
 - the chassis sub-assemblies, or trim (glass, seats, upholstery, electronics, etc.); or
 - moving parts (doors, trunk, bonnet, as well as fenders).

² In order to apply the related production process rule:

(a) the parts of the body in white listed below, to the extent they are constituent parts of the body in white, shall be made in steel:

- A, B and C pillars or equivalent part;
- side members or equivalent part;
- cross members or equivalent part;
- floor side rails or equivalent part;
- sides panels or equivalent part;
- roof side rails or equivalent part;
- dash board support or equivalent part;
- roof supports or equivalent part;
- rear wall or equivalent part;
- firewall or equivalent part;
- bumper beams or equivalent part; and
- floor pan or equivalent part; and

(b) parts or combinations of parts, whichever their name, as far as they fulfil the same function as the parts listed above, shall also be made in steel.

Column (i) Harmonized System Classification (2017) including specific description ¹	Column (ii) Related production process
8708.10 - Bumpers (not including parts thereof)	All non-originating polymer and flat-rolled products used shall be moulded or stamped.
8708.29 - Body stampings (not including parts thereof) - Door assemblies (not including parts thereof)	All non-originating materials shall be moulded or stamped. All non-originating materials used to produce door skin or insole panel shall be moulded or stamped; and all non-originating door parts used shall be assembled; and non-originating materials of heading 87.08 shall not be used.
8708.50 - Drive-axles with differential, whether or not provided with other transmission components - Non-driving axles (not including parts thereof)	Drive shaft and differential gears are produced from non-originating flat-rolled metal; and non-originating materials of heading 87.08 shall not be used. Non-driving axles are produced from non-originating flat-rolled metal; and non-originating materials of heading 87.08 shall not be used.

2. The application of paragraph 1 is without prejudice to the application of the provisions of Section A of Chapter 3 and Annex 3-A.

SECTION 4

Review of and consultations on the implementation of Section 3

1. After seven years from the entry into force of this Agreement, the Parties shall, on request of either Party on the basis of available information, jointly review the implementation of Section 3.
2. After the initiation of the review provided for in paragraph 1, a Party may request consultations with the other Party, provided that, based on facts and not merely on allegation, conjecture or remote possibility, there is evidence:
 - (a) that imports of the products of subheadings 8703.21 to 8703.90 from the requested Party into the requesting Party have, by application of Section 3, significantly increased in absolute terms or relative to domestic production, or

- (b) of changes in patterns of sourcing after the entry into force of this Agreement which have had a negative effect on competition for domestic producers of directly competitive products in the requesting Party.
3. The Parties shall consult with a view to establishing the accuracy of the facts and identifying appropriate measures relating to the implementation of Section 3. Such measures shall not result in an expansion of the application of Section 3.
4. For greater certainty, in case of disagreement between the Parties on the application of this Section, a Party may have recourse to dispute settlement under Chapter 21.

SECTION 5

Relation with third countries

The Parties may decide that some or all materials of headings 84.07, 85.44 and 87.08 of the Harmonized System originating in a third country used in the production in a Party of a product of heading 87.03 of the Harmonized System are considered as originating materials under this Agreement, provided that:

- (a) each Party has a trade agreement in force that forms a free-trade area with that third country, within the meaning of Article XXIV of GATT 1994;

- (b) an arrangement is in force between the Party and that third country on adequate administrative cooperation ensuring full implementation of this Section and that Party notifies the other Party of the arrangement; and
- (c) the Parties agree on any other applicable conditions.
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T.C. TİCARET BAKANLIĞI



JAPONYA İLE EOA MÜZAKERELERİ MENŞE KURALLARI



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya Menşe Kuralları

- Japonya ile Ekonomik Ortaklık Anlaşması (EOA) müzakereleri
- 17. Tur: Tokyo, 30 Eylül- 5 Ekim 2019
- Menşe Kuralları : AB ile GB yükümlülüğümüz kapsamında, AB-Japonya EOA kuralları



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Deri-Kürk-Ayakkabı

41. Fasıl (deri) (4104.11- 4104.19, 4104.41-4104.49, 4105.3, 4106.22, 4106.31, 4106.32, 4106.40, 4106.92, 41.07-41.13, 41.14-41.15)

43. Fasıl (kürk) (43.02-43.03)

64. Fasıl (ayakkabılar) (64.01-64.06)

Belli bir süre daha katı kurallar

- Pazara giriş müzakerelerinin tatmin edici olarak sonuçlanması
- “X” yıl için daha katı kural talebinin uygulanması koşuluyla AB ile aynı menşe kuralları kabul edilebilir



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Chapter 41	TR's proposal	JP's proposal
4104.11- 4104.19 (<i>Yaş halde sırcalı deri, yarma deriler-diğer deriler</i>)	CTH	CC
4104.41-4104.49 (<i>Kuru halde sırcalı deri, yarma deriler-diğer deriler</i>)	CTSH except from subheadings 4104.41 to 4104.49.	CC
4105,3 (<i>Kuru halde bitkisel ön tabaklama yapılmış Hint melezi</i>)	CTSH	CC
4106,22 (<i>Kuru halde bitkisel ön tabaklama yapılmış Hint keçisi veya oğlakları</i>)	CTSH	CC
4106,31 (<i>Yaş halde domuzların derileri</i>)	CTH	CC
4106,32 (<i>Kuru halde domuzların derileri</i>)	CTSH	CC
4106,4 (<i>Sürüngenlerin derileri</i>)		
- A product in the wet state:	CTH	
	CTH; or	
	Production from non-originating materials in the wet state.	CC
- A product in the dry state:		
4106,92 (<i>Kuru halde diğerleri –sürüngenlerin derileri</i>)	CTSH	CC
41.07-41.13 (<i>Sığırların veya atların tabaklama veya ara kurutmadan sonra ileri derecede hazırlanmış derileri-diğer hayvanların tabaklama veya ara kurutmadan sonra ileri derecede hazırlanmış derileri</i>)	CTH; however, non-originating materials of subheadings 4104.41, 4104.49, 4105.30, 4106.22, 4106.32 and 4106.92 may be used, provided that a re-tanning operation of the tanned or crust hides and skins in the dry state takes place.	CC
41.14-41.15 (<i>Güderi, rügan veya rüganla kaplanmış deri köseleler-Esası deri ve kösele veya deri veya kösele lifleri olan terkip yoluyla elde edilen levha, yaprak ve şerit halindeki deri ve köseleler</i>)	CTH	CC



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Chapter 43	TR's proposal	JP's proposal
43.02-43.03 <i>(Tabaklanmış veya aprelenmiş kürkler-kürkten giyim eşyası ve aksesuarı ve kürkten diğer eşya)</i>	CTH	CC
Chapter 64		
64.01-64.06 <i>(Dış tabanı ve yüzü kauçuk veya plastik maddeden olan su geçirmez ayakkabılar-ayakkabı aksamı)</i>	CC; CTH except from headings 64.01 to 64.05 or from assemblies of uppers affixed to inner soles of subheading 6406.90 and MaxNOM 50% (EXW); or CTH except from headings 64.01 to 64.05 and from assemblies of uppers affixed to inner soles of subheading 6406.90 and RVC 55% (FOB).	CC



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Otomotiv ve Yedek Parçaları

AB-JP EOA - Ek 3-B-1 : Bazı otomotiv ve yedek parçalar için kademeli olarak daha katı menşee kuralı

Headings	EU-JP (Appendix 3-B-1)
84.07 and 84.08 (motorlar)	year 1st - year 3rd: MaxNOM60% / RVC45% year 4th - : MaxNOM50% / RVC55%
87.03 (Binek Otomobilleri ve insan taşımaya yönelik diğer motorlu taşıtlar)	year 1st - year 3rd: MaxNOM55% / RVC50% year 4th - year 6th: MaxNOM50% / RVC55% year 7th - : MaxNOM45% / RVC60%
87.06 and 87.07 (Şasiler ve karoseriler)	year 1st - year 5th : MaxNOM55% / RVC50% year 6th- : MaxNOM45% / RVC60%
87.08 (aksam parça ve aksesuarlar)	year 1st - year 3rd : MaxNOM60% / RVC45% year 4th - : MaxNOM50% / RVC55%

MaxNOM: Max. Value of Non-Originating Materials (%)
Menşee olmayan maddelerin maksimum kıymeti

RVC: Minimum Regional Value Content (%) – Asgari Yerel Girdi Kıymeti

VNM: Value of Non-originating Materials – Menşee olmayan girdilerin kıymeti

$$\text{MaxNOM (\%)} = \text{VNM} / \text{EXW} \times 100$$

$$\text{RVC (\%)} = (\text{FOB} - \text{VNM}) / \text{FOB} \times 100$$



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Otomotiv ve Yedek Parçaları

AB-TR EOA: AB ile yaptığından daha uzun bir takvimlendirme

Headings	JP proposal	EU-JP (Appendix 3-B-1)
84.07 and 84.08 (motorlar)	year 1st - year 6th : MaxNOM60% / RVC45% year 7th - : MaxNOM50% / RVC55%	year 1st - year 3rd: MaxNOM60% / RVC45% year 4th - : MaxNOM50% / RVC55%
87.03 (Binek Otomobilleri ve insan taşımaya yönelik diğer motorlu taşıtlar)	year 1st - year 12th: MaxNOM55% / RVC50% year 13th - : MaxNOM45% / RVC60%	year 1st - year 3rd: MaxNOM55% / RVC50% year 4th - year 6th: MaxNOM50% / RVC55% year 7th - : MaxNOM45% / RVC60%
87.06 and 87.07 (Şasiler ve karoseriler)	year 1st - year 10th: MaxNOM55% / RVC50% year 11th - : MaxNOM45% / RVC60%	year 1st - year 5th : MaxNOM55% / RVC50% year 6th- : MaxNOM45% / RVC60%
87.08 (aksam parça ve aksesuarlar)	year 1st - year 6th : MaxNOM60% / RVC45% year 7th - : MaxNOM50% / RVC55%	year 1st - year 3rd : MaxNOM60% / RVC45% year 4th - : MaxNOM50% / RVC55%

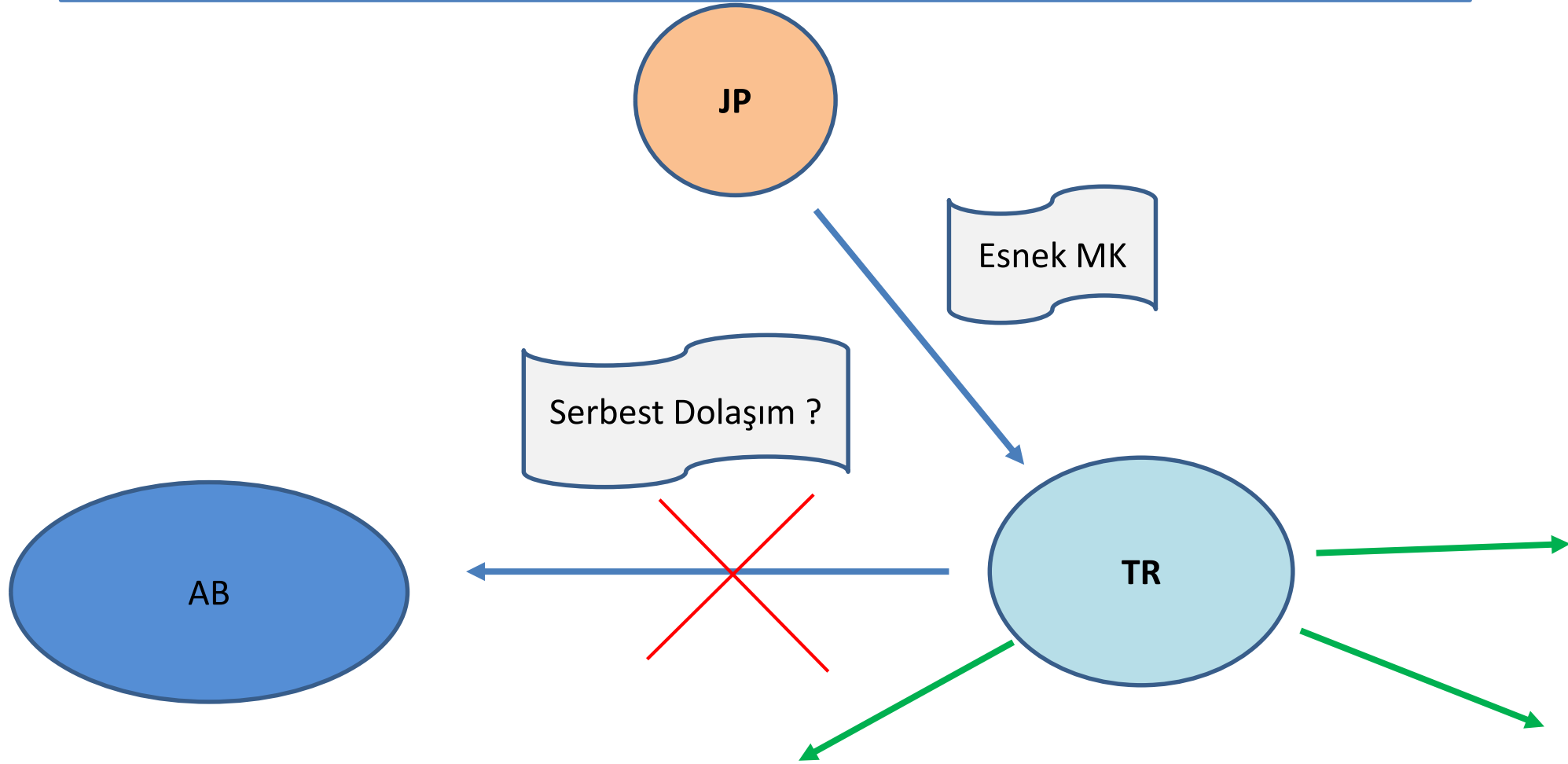
AB'den daha esnek menşé kurallarının uygulanması: Bu ürünler TR-AB GB alanında serbest dolaşımda olmayabilir

Ülkemiz açısından değerlendirilmesi



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA





T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Otomotiv ve Yedek Parçaları

Ek 3-B-1'in 3. Bölümü: 8703.21 ila 8703.90 motorlu taşıtların üretiminde kullanılacak bazı parçalar için **alternatif** menşe kuralları

Ek 3-B-1'in 4. Bölümü: 3. Bölümün uygulanmasının **7 yıl** sonra gözden geçirilmesi

7007.11, 7007.21, 8707.10, 8708.10, 8708.29, 8708.50 alt pozisyonlarındaki parçalar için önerilen düzenlemenin de ülkemiz ithalatı ve ihracatına etkileri açısından değerlendirilmesi



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Column (i) HS Classification (HS 2017) including specific description	Column (ii) Related production process
7007.11	Tempering of a non-originating material provided that non-originating materials of heading 70.07 are not used.
7007.21	Tempering or Laminating of a non-originating material provided that non-originating materials of heading 70.07 are not used.



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Column (i) HS Classification (HS 2017) including specific description	Column (ii) Related production process
8707.10 Bodies in white in steel, for the motor vehicles of subheadings 8703.21 to 8703.90	Production from non-originating semi-finished steel products of headings 72.07, 72.18 and 72.24.
8708.10 Bumpers (not including parts thereof)	All non-originating polymer and flat-rolled products used shall be moulded or stamped.



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Column (i) HS Classification (HS 2017) including specific description	Column (ii) Related production process
8708.29 - Body stampings (not including parts thereof) - Door assemblies (not including parts thereof)	All non-originating materials shall be moulded or stamped. - All non-originating materials used to produce door skin or insole panel shall be moulded or stamped; and - all non-originating door parts used shall be assembled; and - non-originating materials of heading 87.08 shall not be used.



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

Column (i) HS Classification (HS 2017) including specific description	Column (ii) Related production process
8708.50 - Drive-axles with differential, whether or not provided with other transmission components	- Drive shaft and differential gears are produced from non-originating flat-rolled metal; and - non-originating materials of heading 87.08 shall not be used.
- Non-driving axles (not including parts thereof)	- Non-driving axles are produced from non-originating flat-rolled metal; and - non-originating materials of heading 87.08 shall not be used.



T.C. TİCARET BAKANLIĞI

Türkiye-Japonya EOA

8703.21 ila 8703.90 Motorlu Taşıtların Üretiminde Kullanılacak Bazı Parçalar için Menşe Kuralının Seçimi

Alternatif (Ek 3-B-1)	(Liste Kuralları)
7007.11 - Tempering of a non-originating material provided that non-originating materials of heading 70.07 are not used.	7007.11 - CTH; MaxNOM 50 % (EXW); or RVC 55 % (FOB).
7007.21 - Tempering or Laminating of a non-originating material provided that non-originating materials of heading 70.07 are not used.	7007.21 - CTH; MaxNOM 50 % (EXW); or RVC 55 % (FOB).
8707.10 - Production from non-originating semi-finished steel products of headings 72.07, 72.18 and 72.24.2.	8707.10 - MaxNOM 45 % (EXW); or RVC 60 % (FOB) (Turkey's proposal). CTH; MaxNOM 65 % (EXW); or RVC 40 % (FOB) (Japan's proposal).
8708.10 - All non-originating polymer and flat-rolled products used shall be moulded or stamped.	8708.10 - CTH; MaxNOM 50 % (EXW); or RVC 55 % (FOB) (Turkey's proposal). CTH; MaxNOM 65 % (EXW); or RVC 40 % (FOB) (Japan's proposal).
8708.29 – - Body stampings (not including parts thereof): All non-originating materials shall be moulded or stamped. - Door assemblies (not including parts thereof): All non-originating materials used to produce door skin or insole panel shall be moulded or stamped; and all non-originating door parts used shall be assembled; and non-originating materials of heading 87.08 shall not be used.	8708.29 - CTH; MaxNOM 50 % (EXW); or RVC 55 % (FOB) (Turkey's proposal). CTH; MaxNOM 65 % (EXW); or RVC 40 % (FOB) (Japan's proposal).
8708.50 – - Drive-axles with differential, whether or not provided with other transmission components: Drive shaft and differential gears are produced from non-originating flat-rolled metal; and non-originating materials of heading 87.08 shall not be used. - Non-driving axles (not including parts thereof): Non-driving axles are produced from non-originating flat-rolled metal; and non-originating materials of heading 87.08 shall not be used.	8708.50 - CTH; MaxNOM 50 % (EXW); or RVC 55 % (FOB) (Turkey's proposal). CTH; MaxNOM 65 % (EXW); or RVC 40 % (FOB) (Japan's proposal).



T.C. TİCARET BAKANLIĞI

ULUSLARARASI ANLAŞMALAR VE AB GENEL MÜDÜRLÜĞÜ



TEŞEKKÜRLER

TÜRKİYE-JAPONYA EOA MENŞE KURALLARI

ÖZEL SEKTÖRLE İSTİŞARE TOPLANTISI

28 Ocak 2020, Ankara

28 Ocak 2020 tarihinde Ticaret Bakanlığı Söğütözü Yerleşkesi 15. Kat Toplantı Salonu'nda, İhracat Genel Müdürlüğü koordinasyonunda ve Uluslararası Anlaşmalar ve AB Genel Müdürlüğü başkanlığında Türkiye-Japonya Ekonomik Ortaklık Anlaşması (EOA) menşe kuralları çerçevesinde Özel Sektörle İstişare Toplantısı düzenlenmiş olup, toplantıya katılım sağlayan temsilcilerin listesi Ek-1'de yer almaktadır.

Uluslararası Anlaşmalar ve AB Genel Müdür V. Sayın Hüsnü DİLEMRE tarafından yapılan açılış konuşmasında, Türkiye-Japonya EOA müzakereleri özetlenerek, bu kapsamdaki menşe kuralları görüşmeleri temelinde, deri ve otomotiv sektörü ile ilgili kuralların sahadaki veriler ışığında sektör açısından değerlendirilmesinin önemi vurgulanmıştır. Toplantının amacının, menşe kuralları ve önerileri açıklanarak, gerek Japonya ile yürütülen müzakerelerde gerekse bundan sonraki serbest ticaret anlaşmaları (STA) müzakerelerinde ülkemiz görüşlerine destek olması açısından, menşe kurallarına ilişkin sektör değerlendirmelerinin alınabilmesi olduğu belirtilmiştir.

Toplantıda, Türkiye-Japonya EOA müzakereleri kapsamında hâlihazırda masada bulunan sanayi ürünleri menşe kurallarına ilişkin yapılan sunumun örneği Ek-2'de yer almaktadır.

Sunumda, öncelikle 1/95 sayılı Ortaklık Konseyi Kararı (OKK) 16. Maddesi gereğince Türkiye'nin Avrupa Birliği (AB) ticaret politikalarına uyum sağlamakla ve bu kapsamda yapılan STA'larda, AB ile aynı menşe kurallarının esas alınması ile yükümlü olduğu açıklanmıştır. Bugüne kadar Türkiye'nin yaptığı anlaşmalarda AB ile gümrük birliği yükümlülüğü çerçevesinde AB'nin uyguladığı menşe kurallarından sapma bulunmadığı hatırlatılmış ve Japonya ile de aynı çerçevede görüşmelerin devam ettiği ancak Japon tarafının, belli bir takvim çerçevesinde bazı ürünlerde AB-Japonya anlaşmasından farklı kurallar talebinde bulunduğu ifade edilmiştir.

Akabinde, 41. Fasil (deri grubu), 43. Fasil (kürk grubu), 64. Fasil (ayakkabı grubu), 84. Fasil (motor grubu) ve 87. Fasil (taşıt grubu) için hem Türk tarafının hem de Japon tarafının önerileri, bu önerilerin ve menşe kurallarının nasıl yorumlanması gerektiği katılımcılara örneklerle üzerinden açıklanmış olup, yukarıda maruz yükümlülük gereğince Japonya'ya AB-Japonya EOA metninde yer alan önerilerinin ayrılarının teklif edildiği de belirtilmiştir.

Bununla birlikte, Japonya tarafının, sunumda yer verilen fasıllarda AB-Japonya EOA metninde yer alan öneriler yerine farklı öneriler getirdiği belirtilmiş ve bu önerilerin de nasıl yorumlanması gerektiği her fasıl üzerinden katılımcılara açıklanmıştır.

Örneğin, 4104.11- 4104.19 alt pozisyonlarında sınıflandırılan deriler için; AB-Japonya anlaşmasında yer alan CTH (Change of Tariff Heading- tarife pozisyonu değişikliği) menşe

kuralının anlamının: 4104 pozisyonu haricinde sınıflandırılan üçüncü ülke menşeli (ithal) girdiler kullanılarak imal edilecek olan 4104.11- 4104.19'de sınıflandırılan (derilerin), anlaşma kapsamında menşeli kabul edileceği; ancak 4104'de sınıflandırılan menşeli olmayan (ithal) bir girdinin kullanılması sonucunda elde edilecek derinin menşeli kabul edilmeyeceği olduğu, yani nihai ürünün tarife pozisyonu için belirlenen kuralın esas alınması gerektiği açıklanmıştır. Japonya'nın ise bu ürünlerde CC (Change of Chapter- Fasıllar değişikliği) kuralını önerdiği, yani 4104.11- 4104.19'de sınıflandırılan derilerin menşeli kabul edilmesi için, üretimlerinde 41. Fasılda sınıflandırılan hiçbir üçüncü ülke menşeli girdisinin kullanılmayacağı eklenmiştir.

CTSH kuralının ise (6.lı bazda) alt pozisyon değişikliği anlamına geldiği, nihai üründen farklı alt pozisyonlarda sınıflandırılan menşeli olmayan girdilerin kullanılmasının mümkün olduğu izah edilmiştir. (Bu kuralların açıklaması AB-Japonya EOA Ek 3-A'da da ayrıntılı olarak yer almaktadır.)

41, 43 ve 64. Fasıllar için Japonya tarafının AB-Japonya EOA metnine kıyasla çok daha katı olan fasıl değişikliği (CC) kuralını teklif ettiği belirtilmiş ve toplantıda yapılan görüşmelerde ilk izlenim, mevcut üretim yapısında bu kuralların karşılanmasının mümkün olmadığı yönünde olmuştur. Ancak yapılan açıklamalar ışığında, konuya daha yakından bakılacağı ve sunumda ele alınmayan diğer eşya için de AB-Japonya Ek 3-B'de yer alan liste kurallarının esas alınarak değerlendirmede bulunulabileceği, ilgili görüşlerin yazılı olarak Bakanlığımıza iletileceği hususunda mutabık kalınmıştır.

Akabinde 84. ve 87. Fasıllar da ele alınmış olup, AB-Japonya EOA metninde yer alan Ek-3-B-1 içeriği ve nasıl yorumlanması gerektiği katılımcılara aktarılmıştır.

Kuralda yer alan:

$$MaxNOM (\%) = VNM / EXW \times 100$$

$$RVC (\%) = (FOB - VNM) / FOB \times 100$$

MaxNOM: Maximum Value of Non-Originating Materials - Menşeli olmayan maddelerin maksimum kıymeti

RVC: Minimum Regional Value Content - Asgari Yerel Girdi Kıymeti

VNM: Value of Non-originating Materials - Menşeli olmayan girdilerin kıymeti

anlamına gelmekte olup, AB-Japonya EOA Ek 3-A'da ayrıntılı olarak yer almaktadır.

Bu kapsamda, örneğin 84.07 ve 84.08 tarife pozisyonlarında sınıflandırılan motorlar için MaxNOM %60 / RVC %45 : bu motorların üretiminde kullanılabilecek menşeli olmayan girdilerin kıymeti, motorların fabrika çıkış fiyatının (EXW) %60'ını geçmemeli veya FOB fiyata göre hesaplandığında, bu motorların üretiminde kullanılabilecek yerel yani (Türkiye ve Japonya) menşeli girdilerin kıymeti en az %45 olmalıdır ki (başka bir deyişle üçüncü ülke menşeli girdilerin kıymeti FOB değerinin %55'ini geçmemelidir), motorlar Türkiye-Japonya EOA kapsamında tercihli menşe statüsüne sahip olsun ve tercihli vergiden faydalansın.

Bu kural AB-Japonya anlaşmasında 3 yıl için öngörölmüş olup, 4. yıl itibariyle oranların MaxNOM50% / RVC55% olması öngörölmektedir. Yani bu motorların menşee kazanması için fabrika çıkış fiyatının en fazla %50'si kadar üçüncü ülke menşeli girdi kullanılabilir veya en az FOB fiyatın %55'ini kadar menşeli (yerel) girdi kullanılabilir. Japonya, AB ile 3 yıl için öngördüğü esnek menşee kuralının Türkiye ile anlaşmasında 6 yıl için uygulanmasını talep etmektedir.

Türkiye olarak, bu Ekin kabul edilmesi halinde, AB-Japonya metninde yer alan takvimlendirmeye paralel ve aynı kuralların aynı zamanda uygulanacağı bir takvimlendirme talep ettiğimiz, Japonya tarafının daha esnek kuralları daha uzun bir takvimlendirmede teklif ettiği belirtilmiştir. Takvimin de AB ile paralel olması gerekliliği vurgulanmış ve esnek kuralların daha uzun süre uygulanması ihtimalinde, bu kapsamdaki (yani esnek kurallara göre menşee statüsü kazanmış) eşyanın AB-Türkiye Gümrük Birliği açısından serbest dolaşımda değerlendirilmeyeceğinin AB tarafından da dile getirildiği açıklanmıştır.

Söz konusu Ek-3-B-1'in 2. Bölümünde yer alan, 84.07, 84.08, 87.03, 87.06, 87.07 ve 87.08 pozisyonlarında sınıflandırılan motorlar, binek otomobilleri ve insan taşımaya yönelik diğer motorlu taşıtlar, şasiler ve karoseriler ile aksam parça ve aksesuarlar için esnek kurallara ilişkin takvimlendirmenin yanı sıra, 3. Bölümünde de 8703.21 ila 8703.90 alt pozisyonlarında sınıflandırılan motorlu taşıtların üretiminde kullanılacak bazı parçalar için alternatif menşee kurallarının yer aldığına dikkat çekilmiştir. Bu taşıtların üretiminde kullanılacak 7007.11, 7007.21, 8707.10, 8708.10, 8708.29, 8708.50 alt pozisyonlarındaki parçalar için Ek 3-B'de öngörölen katma değeer kuralına alternatif olarak üretim süreçleri temelli menşee kuralları öngörölmüştür. Alternatif kural öngörölmesinin olumsuzluk yaratmayacağı düşünölmekle birlikte, söz konusu Ek-3-B-1 3. Bölümün de ilgili sektör tarafından değerlendirilmesinin faydalı olacağı düşünölmektedir.

Toplantıya katılım sağlayan temsilciler görüşlerini netleştirebilmek için sunumdaki bilgiler doğrultusunda çalışmalarını gerektiğini, ancak bununla birlikte ilk izlenimin, AB-Japonya kurallarını esas alan ölkemiz önerilerinin kendileri açısından daha iyi olduğunu belirtmişlerdir.

Bu çerçevede, toplantıya katılım sağlayan özel sektör temsilcilerinden; toplantıda gerçekleştirilen sunumda yer alan fasıllara ilişkin Türk tarafının ve Japon tarafının tekliflerini, sektör verilerini de (ihracat, pazar oranları, üretim süreçleri) göz önünde bulundurarak, menşee kuralları açısından değerlendirerek, görüşlerini **en geç 10 Şubat 2020 tarihine kadar** Bakanlığımıza yazılı olarak iletmeleri beklenmektedir.

AB-Japonya EOA metnine 27 Aralık 2018 tarihli ve L 330 sayılı AB Resmi Gazetesi bağlantısı üzerinden ulaşılabilir:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A2018%3A330%3ATOC>

Bununla birlikte, erişim kolaylığı açısından otomotiv sektörünün özel düzenlemelerini içeren mezkûr Anlaşmanın Ek-3-B-1 simgeli belgesinin bir örneği de Ek-3'de yer almaktadır.