

Course 4B Investment and Movement of Natural Persons

References

Main textbook

Inama, Stefano. 2022. *Rules of origin in International Trade*, Cambridge University Press.
<https://www.cambridge.org/core/books/rules-of-origin-in-international-trade/999ED0B7C1BA1B612CAB1193615369C9>

Key Chapters/Sections

Chapter 1 – Efforts to Establish Multilateral Rules

1.1 First Attempts to Establish Rules of Origin at the Multilateral Level: The Kyoto Convention of 1973 and 2000

1.3 The Hong Kong Decision on Duty Free and Quota Free and Efforts to Establish Simple and Transparent Rules of Origin for LDCs: The Bali and Nairobi Decisions on Preferential Rules of Origin for LDCs 📌 *see examples on percentage criterion*

Chapter 3 – Preferential rules of origin

3.1 Introduction

3.2 The Current Rules of Origin under the Generalized System of Preferences and Duty-Free Quota-Free Market Access for LDCs

3.2.2 “Wholly Obtained” Products

3.2.3 Products with an Import Content (non-originating materials)

3.2.3.2 Percentage Criterion

3.2.3.2.3 Eurasian Customs Union

3.2.5 Cumulative Origin in the GSP Schemes

3.2.5.1 The Difference between Full and Partial Cumulation

3.4 Contractual Rules of Origin in Free-Trade Areas (recommended)

Chapter 4 – The Economics of Rules of Origin

4.1 The Basic Tenets of Rules of Origin and Economics

4.1.1 Developments in the Analysis of the Economic Effects of Rules of Origin

4.2. The Way Forward in Assessing the Economic Impact of Rules of Origin: Evidence from the Utilization of Trade Preferences

4.2.1 The Concept of Utilization Rates

4.2.2 Linking Utilization Rates to Stringent Rules of Origin: Evidence from *Ex Ante* and *Ex Post* Analysis of the Bangladesh and Cambodia Utilization Rates of Garments (2009–2005)

Chapter 6 – Drafting Rules of origin

6.1 The Main Actors in Negotiating and Drafting Rules of Origin

6.2 Form and Substance of Rules of Origin

6.2.1 Defining the Form of the Rules of Origin: Technical Tools and Lessons Learned

6.2.2 Use of the HS in Drafting Rules of Origin

6.2.3 Use of the Ad Valorem Percentage in Drafting Rules of Origin

6.2.4 Use of Working or Processing in Drafting Rules of Origin

Chapter 7 – The Administration of Rules of Origin

7.1 The Main Elements of the Administration of Rules of Origin INTERNAL. This information is accessible to ADB Management and staff. It may be shared outside ADB with appropriate permission.

Reading list

Fundamental readings

Crivelli, P., and S. Inama. 2022. Disciplining rules of origin at the multilateral level towards open and inclusive global value chains, T20 Indonesia, Task Force 1, Policy Brief.

<https://www.t20indonesia.org/tf1/disciplining-rules-of-origin-at-the-multilateral-level-towards-open-and-inclusive-global-value-chains/>

Crivelli, P., S. Inama, and M. Pearson. 2022. An Analysis of the Product-Specific Rules of Origin of the Regional Comprehensive Economic Partnership. Manila: Asian Development Bank.

<https://dx.doi.org/10.22617/TCS220167-2>

Ghetti, PP. and S. Inama, 2020. The Real Cost of Rules of Origin: A Business Perspective to Discipline Rules of Origin in a Post COVID-19 Scenario, *Global Trade and Customs Journal*, Vol. 15, Issue 10, pp. 479-486, <https://doi.org/10.54648/gtcj2020086>

Inama, S. and P. Crivelli, 2019. “Convergence on the Calculation Methodology for Drafting Rules of Origin in FTAs Using the Ad Valorem Criterion”, (2019), 14, *Global Trade and Customs Journal*, Issue 4, pp. 146-153. <https://doi.org/10.54648/gtcj2019014>

UNCTAD. 2021. Getting to better rules of origin for LDCs using utilization rates - from the WTO Ministerial decision in Hong Kong (2005) to Bali (2013), Nairobi (2015) and beyond. UNCTAD/ALDC/2019/3, eISBN: 978-92-1-005550-5. <https://unctad.org/webflyer/getting-better-rules-origin-ldcs-using-utilization-rates>

WCO (2017). Comparative Study on Preferential Rules of Origin http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/origin/instruments-and-tools/reference-material/170130-b_comparative-study-on-pref_roo_master-file_final-20_06_2017.pdf

Recommended readings

Crivelli, P. and S. Inama. 2021a. “Improving market for LDCs: The impact of the EU Reform of Rules of Origin on Utilization Rates and Trade Flows under the Everything But Arms Initiative (EBA)”, UN LDC5 Conference paper.

https://www.un.org/ldc5/sites/www.un.org.ldc5/files/t6_inama_eu_reform_2021_16_helsinki_final_20210816_clean.pdf

Crivelli, P. and S. Inama. 2021b. Making RCEP Successful Through Business-friendly Rules of Origin. Asian Development Blog. <https://blogs.adb.org/blog/making-rcep-successful-through-business-friendly-rules-of-origin>.

Inama, S., P. Crivelli, and P.M. Ha, 2022. The Low Use by Firms of ASEAN Trade Preferences: Will RCEP Follow the Same Destiny? An Agenda for Rescue to Reform Rules of Origin in the Asian and Pacific Region. *Global Trade and Customs Journal*, 17(6). <https://doi.org/10.54648/gtcj2022033>

Crivelli, P., Inama, S., and J. Kasteng. 2021. “Using utilization rates to identify rules of origin reforms: the case of EU free trade area agreements”, *EUI RSC*, 2021/21, Global Governance Programme-437 <https://cadmus.eui.eu/handle/1814/70396>

Crivelli, P. and S. Inama, and J. Marand. 2022. Does the Cambodia–People’s Republic of China FTA Offer Better Market Access than RCEP? Development Asia, Explainer.

<https://development.asia/explainer/does-cambodia-peoples-republic-china-fta-offer-better-market-access-rcep>.

UNCTAD. 2022. Compendium of technical notes prepared for the LDC WTO group on preferential rules of origin. UNCTAD/ALDC/2020/6 <https://unctad.org/webflyer/compendium-technical-notes-prepared-least-developed-countries-wto-group-preferential-rules>

WCO. 2020. Comparative Study On Certification Of Origin.

<http://www.wcoomd.org/en/media/newsroom/2020/june/wco-publishes-updated-version-of-the-comparative-study-on-certification-of-origin.aspx> INTERNAL. This information is accessible to ADB Management and staff. It may be shared outside ADB with appropriate permission.

Additional Resources

UNCTAD website of utilization rates of trade preferences granted by QUAD countries available at: <https://unctad.org/topic/trade-agreements/trade-preferences-utilization>

UNCTAD-EUI platform of experts, researchers, practitioners, government officials and the private sector to discuss developments in the area of RoO and URs on an annual basis (June 2019, February 2020, October 2021)

- Rules of Origin | Interview Series: <https://globalgovernanceprogramme.eui.eu/rules-of-origin-interview-series/>
- Trade Facilitation and Rules of Origin: <https://globalgovernanceprogramme.eui.eu/trade-facilitation-and-rules-of-origin/>