

29 Annex - Customs union

**229. RULES OF ORIGIN OF GOODS FROM THE FEDERAL
REPUBLIC OF YUGOSLAVIA, IMPORTED TO THE
TERRITORY OF RUSSIAN FEDERATION WITHIN THE
SCOPE OF FREE TRADE AGREEMENT BETWEEN THE
RUSSIAN FEDERATION AND THE FEDERAL REPUBLIC OF
YUGOSLAVIA**

229. RULES OF ORIGIN OF GOODS FROM THE FEDERAL REPUBLIC OF YUGOSLAVIA,
IMPORTED TO THE TERRITORY OF RUSSIAN FEDERATION WITHIN THE SCOPE OF FREE
TRADE AGREEMENT BETWEEN THE RUSSIAN FEDERATION AND THE FEDERAL REPUBLIC
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RULES

Of origin of goods from the Federal Republic of Yugoslavia, imported to the territory of Russian Federation within the scope of Free Trade Agreement between the Russian Federation and the Federal Republic of Yugoslavia

1. Goods originating from the Federal Republic of Yugoslavia

The goods shall be considered to be originating from the Federal Republic of Yugoslavia in following cases:

- a) if the goods are wholly obtained from the referred country;
- b) when it is manufactured in referred country using the raw material, semi products and finished products originating from their country, or goods of unknown origin provided that such goods have undergone sufficient working or processing, as stated below in the text.

2. Goods wholly obtained in the Federal Republic of Yugoslavia

The following goods shall be considered as wholly obtained in Federal Republic of Yugoslavia:

- a) ore deposits, obtained in territory of referred Party, or in its territorial water, its coastal area or shoral line, if the Party has exclusive rights for exploitation of such ore deposits;
- b) vegetable products harvested or picked on the territory of referred country;
- c) live animals born and raised there;
- d) products obtained from live animals in referred country;
- e) products of hunting, fishing and sea fishing conducted there;
- f) products of sea fishing and other products taken from the sea outside the territorial waters of a Party by its vessels or leased vessels from referred Party;
- g) products made aboard their factory ships exclusively from products referred to in (f);
- h) waste and scrap resulting from manufacturing and other operations conducted in referred Party;
- i) high technology products, obtained in open space in spaceships, belonging to the referred Party or leased by it;
- j) goods produced there exclusively from the products specified in (a) to (i).

3. Goods undergoing sufficient working or processing in Federal Republic of Yugoslavia, within the framework of the Agreement on free trade between the Russian Federation and Federal Republic of Yugoslavia

The goods are considered undergoing sufficient working or processing, if such goods are worked or processed and if value of goods (raw material, semi products and finished products) used in such process, originating from other country or goods of unknown origin, do not exceed 50% of value of goods exported from referred country.

Value of goods referred to in this Article, that is exported, and not originating from the Federal Republic of Yugoslavia, is determined on the basis of customs value of such goods determined in the country of manufacturer.

In accordance with this article, value of goods of unknown origin, is determined within the price paid for such goods in territory of Federal Republic of Yugoslavia.

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Goods (raw material, semi products and finished products) exported from the Russian Federation to Federal Republic of Yugoslavia for the purpose of manufacture of goods for export into Russian Federation shall be considered as goods originating from the Federal Republic of Yugoslavia.

Value of goods, exported from the Federal Republic of Yugoslavia is determined on the basis of ex-works price of manufacturer of goods.

4. Purchase and direct consignment

Customs preferentials for goods originating from the Federal Republic of Yugoslavia are approved in accordance with the Free trade agreement between Russian Federation and Federal Republic of Yugoslavia only under condition of immediate purchase of such products in referred Party and its direct consignment to the Russian Federation.

The goods are considered immediately purchased if the imported obtained it from the person properly registered as entrepreneur in the Federal Republic of Yugoslavia.

Direct consignment of goods is considered transport of goods, transported from the Federal Republic to Yugoslavia to Russian Federation, without transport through some other country.

Rule of direct consignment is also applicable to the goods that are transported over the territory of one or several countries due to economical or technical reasons, under condition that the goods are under customs supervision in countries of transit, including its temporary storing on territories of these countries.

Rule of direct consignment is also applicable to the goods that were purchased by the importer at exhibitions and fairs, if it meets following requirements:

- a) goods were transported from the territory of Federal Republic of Yugoslavia to the territory where the exhibition of fair is being held and it was under customs supervision throughout the duration of fair or exhibition;
- b) goods were not used for any other purpose apart from exhibition or fair after it was transported;
- v) goods are imported in the Russian Federation in the same conditions as it was delivered for the purpose of exhibition or fair, apart from alteration of condition of goods as consequence of natural war and tear or loss in normal condition of transport and storing.

5. Certificate

In order to prove origin from the Federal Republic of Yugoslavia the person carrying the goods submits declaration/movement certificate *hereinafter referred to as "certificate") in Form A, as laid down in General System of preferentials.

Validity of certificate is 12 months from its date of issuance.

Certificate is submitted to the customs authorities in printed form, without corrections in Russian or English language.

If needed, custom authorities might ask for translation of certificate in national language.

Certificate is submitted together with customs declaration and other documents submitted for the purpose of customs clearance of the goods.

Difference between the actual delivered quantity of goods and quantity specified in the certificate should not exceed 5%.

In case of loss of certificate, its certified copy is acceptable. Time-limit for keeping certificate is 3 years.

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In order to prove origin of smaller shipments (with duty basis of up to 5 000 USD) it is not necessary to submit the certificate. In that case the exporter can provide such statement of country of origin on invoice and other documents accompanying the goods.

In case of justifiable suspicion in authenticity of provided statement of origin of goods, custom authority is entitled to request for submission of certificate of origin.

6. Administrative cooperation

States signatories to this agreement shall receive from each other nominations, addresses, stamp imprints of relevant authorities, authorized to verify certificates.

Customs systems of preferentials shall not be applicable for goods if the referred information is not being provided.

In case of presence of reasonable suspicion in validity of certificate or data contained therein, and also suspicion related to data on origin of goods, customs authorities or other competent authorities of Russian Federation can address the competent national authority of Federal Republic of Yugoslavia that verified the certificate with justified appeal top proved them with additional or detailed information.

The goods shall not be considered to originate from the Federal Republic of Yugoslavia before the certificate of origin or requested additional information is not provided by the competent authority.

Customs preferential for such goods is given only after receipt of satisfying reply from competent national authorities of the Federal Republic of Yugoslavia.

Deadline for submission of replies of competent authorities is within six months of receipt of the request for verification.

RULES

of origin of goods from the Russian Federation, imported to the territory of the Federal Republic of Yugoslavia within the framework of the agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of the Russian Federation on free trade between the
Federal Republic of Yugoslavia and Russian Federation

Definitions

Article 1

For the purpose of these Rules:

- (1) "documentary evidence of origin" means certificate of origin or certified statement of origin,
- (2) "certificate of origin" means Form A of certificate laid down in Global System of Trade Preferential (hereinafter referred to as "GSTP") with entered information on goods, where the competent authority certify that the goods for which the certificate is being issued are originating from the Russian Federation,
- (3) "statement of origin" means appropriate statement of origin provided by the manufacturer, consignor or exporter on invoice or other documents that are accompanying the goods with text: "Country of origin of described goods in this statement is Russian Federation".
- (4) "competent authority" in Russian Federation is the Ministry of Trade of Russian Federation.

Originating products

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Article 2

Products included within the framework of Free trade agreement between the Federal Republic of Yugoslavia and Russian Federation (hereinafter referred to as "Agreement") as subject of trade, which are imported to the territory of Federal Republic of Yugoslavia from Russian Federation and directly consigned, pursuant to the provisions set out in the Article 6 of these Rules and which are free to import without customs duties, if they meet origin requirements under one of following conditions:

- a) As products fully obtained or manufactured in Russian Federation, pursuant to provisions of Article 3, or
- b) As products that are not fully obtained or manufactured in Russian Federation, under condition that they meet condition, pursuant to the Article 4 or 5.

Products wholly obtained or manufactures in Russian Federation

Article 3

Pursuant to the provisions of Article 1, Paragraph a), the following shall be considered as wholly obtained or manufactured in Russian Federation:

- a) raw materials or mineral products extracted from its soil, water or from its seabed;¹
- b) vegetable products harvested or picked there;²
- c) live animals born and raised there;
- d) products obtained from animals, referred to in Paragraph c);
- e) products obtained by hunting or fishing conducted there;
- f) products of sea fishing and other products taken from the sea outside the territorial waters of a Party by its vessels;^{3,4}
- g) products made aboard their G factory ships⁵exclusively from products referred to in f);
- h) used articles collected there fit only for the recovery of raw materials;
- i) waste and scrap resulting from manufacturing operations conducted there;
- j) goods obtained in it exclusively from products specified in a) do i).

Products that are not completely produced/obtained in Russian Federation

Article 4

¹ Including mineral fuels, lubricants and similar products, as well as metal ores.

² Including forestry products.

³ "Vessels" shall mean fishing boats engaged in commercial fishing, registered in a country signatory, managed by the natural person or persons, or governments of such countries signatories, or companies, corporation or associations, duly registered in country signatory, where at least 60% of venture capital are owned by the natural person or persons and/or countries signatories. However, the products taken from the ships engaged in commercial fishing are also entitled to preferential concessions, based on bilateral agreements that are providing for lease or hire of such vessels, or share of catch between the countries signatories.

⁴ Referring to the vessels or factory ships that are managed by the governmental agencies, the requirement for flying flag of country signatory is not applied.

⁵ For the purpose of this Agreement, "factory ship" means every vessel used, as previously defined, for processing of making of products on deck. It is the case only of products specified in f)

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1. Pursuant to the provision in Article 2 Paragraph b) products obtained or processed in such manner that the total value of used materials, parts or products originating from third countries or with undetermined origin, doesn't exceed 50% of ex-works price of made or obtained products which final phase of obtaining is performed on the territory of Russian Federation, are entitled to preferential import, depending from the provisions of point 2 of this Article.

2. Value of materials, parts or products that do not originate from the country is as follows::

a) CIF value in the moment of import of materials, parts or products, where it can be proved, or

b) closest price that can be established, paid for materials, parts or products of undetermined origin in the territory of Russian Federation where processing or working takes place.

Cummulation of origin

Article 5

Product shall be considered as originating in Russian Federation, where such products are obtained and processed, when the conditions set out in the list in Article 2 are fulfilled, which are used in Russian Federation as consumables for finished product and which are subjected to the preferential treatment in Federal Republic of Yugoslavia, under condition that total contents with origin from Russian Federation is not smaller than 60% of f.o.b. value of product.

Direct consignment from the Russian Federation

Article 6

It is considered that the Russian Federation has directly consigned the goods to the Federal Republic of Yugoslavia if:

(1) if it transported the products without crossing territories of third countries;

(2) products, whose transport require transit through one or more intermediary countries, with or without transshipment or temporary storage in these countries, under condition that:

a) transit is being justified by geographical reasons or reasons strictly correlated with transport requirements;

b) products in transit countries were not traded, not they were consumed;

c) products that are not subject to any other procedure, except for unloading and again loading or some other procedure needed for its maintenance in good condition.

Treatment of packing

Article 7

While proving origin of goods it shall be had in mind that the packing is considered as a whole with the containing product.

Proof of origin

Article 8

For all products entitled to preferential concessions, certificate of origin is issued, in accordance with the provisions of Article 1 Paragraph (2), issued by the competent authority in Russian Federation in accordance with the provisions in Article 1 Paragraph (5), or other documented evidence of origin is submitted in accordance with the provisions of Article 1 Paragraph (3).

Documented evidence of origin

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Article 9

For goods of value of up to 5 000 US\$ verified statement of origin of goods on accompanying document, invoice etc.

In case of justifiable suspicion in authenticity of verified statement of origin of goods, custom authority in the Federal Republic of Yugoslavia is entitled to request for submission of certificate of origin.

Verified certificate of origin can be submitted in other cases of import of products of greater value from the Russian Federation, if the Parties agree on that matter separately, within the Working Group, referred to in Article 19 of the Agreement.

Article 10

Certificate is submitted to the customs authorities in the Federal Republic of Yugoslavia without changes in Russian or English language.

When needed, customs authority may request for translation of certificate into Serbian language.

The certificate is submitted together with customs declaration and other documents submitted for the purpose of customs clearance of the goods.

Difference between the actual delivered quantity of goods and quantity specified in the certificate should not exceed 5%.

Validity of certificate is 12 months after its date of issuance.

In case of loss of certificate, its certified copy is acceptable.

Administrative cooperation

Article 11

1. Parties are enforcing administrative cooperation in order to verify movement certificates and control of documentary evidence of origin of goods.
2. Parties are exchanging titles, addresses and samples of seal imprints of authorities in charge of verification of movement certificates.
3. Parties are also regularly informed on all amendments and supplements to the information contained in paragraph 2 of this Article.
4. Customs preferential regime shall not be applied to goods if the customs authority of the importing country doesn't have the information contained in paragraphs 2 and 3 of this Article.

Request for verification

Article 12

1. Authorized authority of the Federal Republic of Yugoslavia, Federal Customs Administration can request for verification of authenticity of certificate of origin of goods and documentary evidence of origin of goods:

- (a) in case of justifiable suspicion in authenticity of the certificate
- (b) in case of justifiable suspicion in accuracy of data given in the certificate;
- (c) random verification.

2. Authorized authority of the Federal Republic of Yugoslavia, Federal Customs Administration, shall submit the request to the competent authority of Russian Federation or it shall submit the request in accordance with provisions of the Agreement between the Federal Government of the

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Federal Republic of Yugoslavia and the Government of the Russian Federation on free trade between the Federal Republic of Yugoslavia and Russian Federation on cooperation and mutual administrative assistance of customs services, signed in Moscow on 6 November 1996.

Article 13

Documents needed for verification of documentary evidence of origin, verified by the competent authorities of the Russian Federation is kept at least for a period of 3 years after it is being issued.

Article 14

Request for verification of certificates issued in Russian Federation shall be submitted within one year from the date when it was approved by the competent authority in the Federal Republic of Yugoslavia, except in exceptional cases.

Deadline for submission of replies of competent authorities is within six months of receipt of the request for verification.

METHOD OF FILLING IN

Certificate of origin of goods Form "A", issued for the goods originating from the Parties to the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of the Russian Federation on free trade between the Federal Republic of Yugoslavia and Russian Federation (hereinafter referred to as Agreement) and provided in accordance with this agreement

General conditions

In order to obtain preferential regime, as specified in this Agreement, the goods cannot be on the list of goods that are exempt from free trade regime and it must meet the rules on origin of goods, arranged in this Agreement.

Blank declaration – certificate of origin Form "A" (hereinafter referred to as certificate), used to certify origin of goods in accordance with mentioned rules, is made typographically on paper with protective grid or protective field in color (forms of certificates are enclosed).

Certificate must be filled-in in Russian or English language using computer or typewriter machine (apart from some specific items mentioned below in the text).

Text on the backside of the certificate can be printed in an language, and can be partially or totally missing..

There must be any wiping or crossing out.

Alterations made in the certificate can be done by crossing out of wrong data and writing correct data over it. Every such alteration must be verified by stamp of authority competent for its issuance.

Certificate must contain register number, and boxes 1, 5 (if certificate covers various goods), 7, 8, 9, 11, 12 must be filled-in as well.

Non-used spaces in boxes 5, 6, 7, 8, 9, 10 must be crossed-out in order to prevent from entering any other additional data.

Boxes located at top right corner of the certificate

It is filled out with the registration number of certificate of the organization where the certificate is issued.

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Registered number can be entered also by hand.

It is filled out with the title of the country where the certificate is issued.

Box 1

Title and address of the person that is exporting goods is entered there.

Box 2

Name and address of the recipient of the goods is stated here.

When the consignee is not nominated during issuance of certificate, the box can be endorsed with the text "to order" or name of the country "Russian Federation" ("Federal Republic of Yugoslavia"). If this box doesn't contain name of the country, then the unloading of goods in Russian Federation is certified in box 12.

It is allowed that box 2 can be endorsed only with name of the country, Russian Federation, or the box can be left blank, but with mandatory note Russian Federation in box 12.

It is also allowed to add name of consignee of goods after "to order" or "Russian Federation".

Box 3

It states the means of transport and route data (as far as known).

Box 4

It is used for special notes.

In case of loss of certificate its duplicate is being issued, but in box 4 must be stated "DUPLICATE". Validity of duplicate shall be counted from the date of issuing of original.

If the certificate is issued after the goods were delivered the box should be endorsed with "ISSUED RETROSPECTIVELY".

Box 5

Ordinary number of goods is certificate is stated here.

One certificate can contain information on several types of goods. In that case listing of goods must be done without intervals and before every type of goods must be stated ordinary number.

Box 6

Data on number of loading places and marking. It is allowed to not fill this box or it can be stated „no marks".

Box 7

It states the description and heading of goods in accordance with the Harmonized Commodity Description and Coding System, information on goods, stated in the contract based on which the

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goods are indentified, as well as bulk goods, type of packing (boxes, bottles, etc.) number of spaces for goods.

If there is not enough space in the box for description o goods, it is allowed to use additional sheets of papers, which must be verified by stamp of national competent authority, that issued the certificate (stamp imprint in box 11 must match the stamp imprint on additional sheets), noting the register number of the certificate.

If this box contains reference to specification annexed to a contract, copy of specification must also be verified by stamp of national competent authority.

Box 8

It states the criteria for origin of goods:

"R" goods fully obtained in country of import;

"Y" goods sufficiently worked/processed.

It states the value of raw material, semi products or finished products, originating from other country, or of unknown origin, used for purpose of manufacturing of goods, expressed in percents based on e ex-works price of manufacturer of exported goods (e.g. "Y15%");

Criteria of origin must be indicated for every goods, referred to in box 7.

If certificate contain various types of goods, which one part if classified in one heading (4-digit code) of foreign trade commodity nomenclature (TN VID), it is allowed to endorse box 8 with one letter mark of criteria of origin of goods for all goods of given heading of commodity nomenclature.

Box 9

It states the gross weight ort quantity of goods, which must be in accordance with the amounts specified in the invoice or proforma invoice.

If the certificate is stating several types of goods, then the data on gross weight or other data on quantity of goods are given for every separately specified goods.

Box 10

Number and date of invoice or proforma invoice is stated here.

Box can contain one general invoice or proforma invoice for every goods mentioned in certificate, or, if necessary, several invoices or proforma invoices can be noted for some of specifically noted goods.

If the person, to whom the certificate is being issued, as noted in box 1, doesn't have information on invoice or proforma invoice at the moment of its issuing, box 10 is not filled out.

Box 11

Date and place of issuing of certificate is stated here.

Stamp of competent organ authorized for issuing certificate on origin of goods form "A" is affixed here.

The stamp must have a clear imprint, which can be used for identification purpose, if necessary.

Stamp is verified with signature of authorized person of competent authority.

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Box 12

Country of origin of goods is states in the upper row.

Middle row contains title of the country where the goods are consigned: Russian Federation or Federal Republic of Yugoslavia.

Date and place of filling-in of certificate is entered in row below.

Authority (organization), referred to in Box 1, is endorsing Certificate with its signature. Stamp of the referred person can be affixed, but it is not mandatory.

**CERTIFICATE OF ORIGIN
FORM "A"**

1. Good consigned from (exporter's business name, address, country)	<p>Reference No</p> <p align="center">A</p> <p align="center">No 000000</p> <p align="center">GENERALIZED SYSTEM OF REFERENCES CERTIFICATE OF ORIGIN (Combined declaration and certificate)</p> <p align="center">FORM A</p> <p>Issued in (country)</p> <p align="right">See notes overleaf</p>
2. Good consigned to (consignee's name, address, country)	
3. Means of transport and route (as far as known)	4. For official use

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5. Item number	6. Marks and numbers of packages	7. Number and kind of packages; description of goods <p align="center">S P E C I M E N</p>	8. Origin criterion (See notes overleaf)	9. Gross weight or other quantity	10. Number and date of invoices
<p>11. Certification</p> <p>It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.</p> <p>..... ...</p> <p>Place and date, signature and stamp of certifying authority</p>			<p>12. Declaration by the exporter</p> <p>The undersigned hereby declaration that the above details and statements are correct; that all the goods were</p> <p>produced in..... <p align="center">(country)</p> <p>And that they comply with the origin requirements specified for those goods in the generalized system of preferences for good exported to</p> <p>..... ... <p align="center">(importing country)</p> <p>..... ...</p> <p>Place and date, signature of authorized signatory</p> </p></p>		

NOTES (1996)

I. General conditions

To qualify for preference, products must:

- (a) fall within a description of products eligible for preference in the country of destination. The description entered on the form must be sufficiently detailed to enable the products to be identified by the customs officer examining them;
- (b) comply with the rules of origin of the country of destination. Each article in a consignment must qualify separately in its own right; and,
- (c) comply with the consignment conditions specified by the country of destination. In general, products must be consigned direct from the country of exportation to the country of

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destination, passage through intermediate countries is acceptable subject to certain conditions.

II. Entries to be made in Box 8

Preference products must either be wholly obtained in accordance with the rules, of the country of destination or sufficiently worked or processed to fulfill the requirements of that country's origin rules.

- (a) Products wholly obtained in the exporting country, enter the letter "P" in Box 8;
- (b) Products sufficiently worked or processed in the exporting country, enter the letter "Y" in Box 8 followed by the value of imported materials and components expressed as a percentage of the f.o.b. price of the exported products (example "Y" 45%)