

*Government Notice No. 23 of 2021*

**THE CUSTOMS ACT**

**Regulations made by the Minister under section 163 of  
the Customs Act**

1. These regulations may be cited as the Customs (Export to the African Continental Free Trade Area) Regulations 2021.

2. In these regulations –

“Act” means the Customs Act;

“AfCFTA” means the African Continental Free Trade Area;

“AfCFTA Agreement” means the agreement establishing the African Continental Free Trade Area and its Protocols, Annexes and Appendices and signed on 21 March 2018;

“certificate” means a Certificate of Origin;

“Customs Management System” has the same meaning as in the Customs (Use of Computer) Regulations 1997;

“export” means any product –

(a) of which the H.S. Code is listed in Annex 1 to the Protocol on Trade in Goods;

(b) which is exported under the Agreement; and

(c) which qualifies for a certificate or Origin Declaration;

“Member State” means a Member State of the AfCFTA listed on the website of the Authority under the title “AfCFTA Member States”;

“Origin declaration” means an appropriate statement as to the origin of the goods made, in connection with their exportation

by the manufacturer, producer, supplier, exporter or any other competent person on the commercial invoice or any other document relating to the goods as set out in the Second Schedule;

“State Party” means a Member State that has ratified or acceded to the AfCFTA Agreement and for which the Agreement is in force and listed on the website of the Authority under the title “AfCFTA State Parties”;

“TradeNet” has the same meaning as in the Customs Act;

“TradeNet user” has the same meaning as in the Customs (Use of Computer) Regulations 1997.

3. No person, other than the Director-General, shall print or cause to be printed a certificate.

4. (1) Subject to regulation 8 and unless otherwise authorised by the Director-General, every TradeNet user shall, in respect of every export, make an application to the Director-General for a certificate as soon as the export is effected or ensured.

(2) An application under paragraph (1) shall be –

(a) made, electronically through the TradeNet, in the form set out in the First Schedule;

(b) accompanied by a copy of the export invoice; and

(c) accompanied by such other document, evidence or sample as the Director-General may require.

(3) The Director-General may grant or refuse an application.

(4) (a) Where the Director-General grants an application, he shall, through the Customs Management System, issue, subject to regulation 6, a certificate at the time the exportation is effected or ensured.

(b) A certificate shall be in the form set out in the First Schedule.

(5) Where the Director-General refuses an application, he shall inform the applicant in writing.

(6) The entries and particulars recorded in the TradeNet in respect of the application and in the form of certificate submitted by a TradeNet user and in the Customs Management System in respect of the certificate issued by the Director-General shall be presumed, unless evidence to the contrary is adduced, to be correct.

5. No person, other than the Director-General, shall issue a certificate in respect of any export to any State Party of the AfCFTA.

6. A certificate may exceptionally be issued retrospectively after an export in accordance with Article 23 of Annex 2 to the Agreement.

7. In cases of theft, loss, or accidental destruction of a certificate, the exporter may apply to the Director-General for a duplicate certificate and the Director-General shall issue a duplicate certificate in accordance with Article 25 of Annex 2 to the Agreement.

8. (1) (a) An approved exporter may export originating goods by completing an Origin Declaration on an invoice or any other commercial document.

(b) An Origin Declaration shall be in the form set out in the Second Schedule.

(2) Where a person is authorised by the Director-General to be an approved exporter, the Director-General shall allocate to that approved exporter a Customs authorisation number which shall appear on the Origin Declaration.

- (3) Where the approved exporter –
- (a) no longer offers the guarantees or does not fulfill the conditions required;
  - (b) makes an incorrect use of the authorisation; or
  - (c) otherwise contravenes this regulation,

the Director-General may, without prejudice to any action he may take under the Act or any regulations made thereunder, at any time, withdraw the authorisation under this regulation.

9. Any person who –

- (a) submits a document which is false, not genuine, incorrect or misleading in any material particular;
- (b) provides, in any document, any information which is false or misleading in any material particular;
- (c) tampers with a certificate or Origin Declaration or causes a certificate or Origin Declaration to be tampered with;
- (d) prepares or presents a certificate or Origin Declaration that is not genuine; or
- (e) misuses the authorisation under regulation 8,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years.

10. These regulations shall be deemed to have come into operation on 1 January 2021.

Made by the Minister on 26 January 2021.

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**FIRST SCHEDULE**  
[Regulation 4(2)(a) and (4)(b)]

Form for a AfCFTA Certificate of Origin (Insert National Identifier such as National Flag)

AfCFTA Certificate of Origin		Competent Authority Ref		Country Code		Serial No.		
1. Exporter (Name & Address)			2. Consignee (Name & Address)			3. For Official Use Only		
4. Particulars of Transport								
5. Marks & No.s	6. Invoice No. & Date	7. No. & Kind of Package	8. Description of Goods	9. Gross Weight	10. Suppl. Quantity	11. HS Code	12. Origin Criterion	
13. Declaration By The Exporter / Supplier I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate, and are originating in			14. Certification of Origin			15. For Customs Purposes		
(Country)			Origin Stamp (Designated Authority)			Export Document No.:		
Place and date:						Customs Office & Date		
(Full Names and Designation)			(Full Names)			(Full Names)		
(Signature)			(Signature)			(Signature)		

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**AfCFTA CERTIFICATE OF ORIGIN (PAGE 2 – BACK PART)**

<p><b>A. REQUEST FOR VERIFICATION BY IMPORTING STATE PARTY</b></p> <p>Verification of the authenticity and accuracy of this Certificate is requested for the following reasons:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <p>(Place and Date)</p>	<p><b>B. RESULT OF VERIFICATION BY EXPORTING STATE PARTY</b></p> <p>Verification carried out shows that this Certificate was issued by the Designated Competent Authority indicated and that the information contained therein:</p> <p><input type="checkbox"/> is accurate</p> <p><input type="checkbox"/> Does not meet the requirement as to the authenticity / accuracy in Box _____</p> <p>(insert the appropriate box number)</p> <hr/> <p>(Place and Date)</p>
<p>(Signature and Stamp)</p> <p><b>Creating One African Market</b></p>	<p>(Signature and Stamp)</p> <p><b>Creating One African Market</b></p>

**SECOND SCHEDULE**  
**[Regulation 8(1)(b)]**

**AFRICAN CONTINENTAL FREE TRADE AREA**  
**ORIGIN DECLARATION**

*The text of the Origin Declaration must be made as given below:*

I / We, \_\_\_\_\_ being the exporter of  
the \_\_\_\_\_

(Approved Exporter's Name and Registration Number)

goods covered by this document declare(s) that, the goods are of

\_\_\_\_\_ origin

(indicate the African Continental Free Trade Area States Party)

and the origin criterion applicable to these goods

is \_\_\_\_\_

(insert wholly obtained or substantially transformed, as may be applicable)

Place and Date of Declaration



Authorised Exporter's Signature

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