

**Memorandum of Understanding between the Federal Customs
Administration of the Swiss Confederation and the General Administration
of Customs of the People’s Republic of China on the Data Exchange System
on Origin Declaration by Approved Exporters under Article 3.16 of the
Switzerland-China Free Trade Agreement**

On the basis of the Free Trade Agreement between The Swiss Confederation and The People’s Republic of China signed in Beijing on 6 July 2013 (hereinafter referred to as the “Switzerland-China FTA”), the Federal Customs Administration (FCA) of the Swiss Confederation and the General Administration of Customs of the People’s Republic of China (GACC) (hereinafter referred to as both sides);

Considering the importance to ensure the effective and efficient implementation of paragraph 4 of Article 3.16 of the Switzerland-China FTA;

Have agreed to establish and implement a real-time data exchange system (hereinafter referred to as the “ODD System”), which requires as follows:

1. Data to be exchanged

A copy of the page(s) containing the Origin Declaration (OD) in PDF format, which includes the registration number of the Approved Exporter and the serial number.

2. Serial number

Each serial number shall be composed of 23 characters (case-sensitive letters or digits) as follows:

- Registration number of the Approved Exporter (5 characters),
 - Issuance date of the commercial document (8 digits YYYYMMDD) and
 - Commercial document No. (10 characters).
- for example: 00345201501010000000001

The registration number of the Approved Exporter shall be preceded by zero(s) up to a total number of 5 characters. The same shall apply for the commercial document number, *mutatis mutandis*.

This serial number shall be used as file name in the context of the ODD system.

3. Other requirements

- Each file name shall be unique. Data with a redundant name, false name or false format will be regarded null and void and rejected by the customs administration of the importing Party.
- The data is required to be exchanged before the importation of the goods. If any discrepancies are discovered because of the data or missing data, the customs administration of the importing Party should inform the other side of such discrepancies for clarification or verification and - as the case may be - make a decision of preferential treatment based on the verification result according to subparagraph (c) and (d) of Article 3.21 of the Switzerland-China FTA.
- The submission of OD shall be in accordance with the procedures applicable in the importing Party.

4. Data exchange solution is based on :

- IPSec Virtual Private Network (VPN)
- Message queue (MQ)
- Xml message

The technical requirements are set out in the Annex.

5. Concerning the data exchange, the customs administrations shall promptly inform each other when any technical problem occurs.

It is understood that with the introduction of the ODD system developed in accordance with paragraph 4 of Article 3.16 of the Switzerland-China FTA, that system will serve as an instrumental tool to fulfil the requirement of the yearly notification as laid down in that paragraph. Both sides agree not to require the yearly notification, provided an effective and efficient implementation of the ODD system be in place.

This Memorandum of Understanding shall enter into force on the same date as the Switzerland-China FTA enters into force.

Place and date: _____

Place and date: _____

For the Federal Customs Administration

For the General Administration of Customs

of the Swiss Confederation:

of the People's Republic of China:

Rudolf Dietrich
Director General

Sun Yibiao
Vice Minister