



Overview

The new United States-Mexico-Canada Agreement (USMCA) allows importers to complete a certification of origin to include nine required data elements as well as a certification statement. These data elements do not need to follow a prescribed format. The USMCA also allows a certification of origin to be completed and signed with an electronic or digital signature.

These new requirements mark a change from the North American Free Trade Agreement (NAFTA), which required a uniform Certificate of Origin (CBP Form 434) that could only be signed by the exporter/producer of the goods. In addition, NAFTA certificates required a wet signature and did not allow electronic signature.

References

- **USMCA**
 - *Final Text*: Chapter 5, Articles 5.3, 5.4, 5.7, and Annex 5-A
- **NAFTA**
 - *Final Text*: Chapter 5, Articles 501, 502, and 504
 - *CFR*: 19 CFR 181.11

Significant Changes in USMCA

Provision	USMCA	NAFTA
Basis of a Certification of Origin	<p>Change from NAFTA</p> <ul style="list-style-type: none"> • The certification of origin may be completed by the importer, producer, or exporter of the good. 	<ul style="list-style-type: none"> • The Certificate of Origin must be completed and signed by the exporter/producer of the good.
Certificate of Origin Template	<ul style="list-style-type: none"> • The USMCA does not require a certificate – CBP Form 434. • Rather, the certification of origin must contain the nine (9) minimum data elements set forth in Annex 5-A and meet other requirements of Chapter 5. 	<ul style="list-style-type: none"> • Under NAFTA, Canada, Mexico and the United States established a uniform Certificate of Origin that is used in all three countries to certify that imported goods qualify for preferential tariff treatment
Minimum Data Elements	<p>No change</p> <ul style="list-style-type: none"> • The 9 minimum data elements include: <ul style="list-style-type: none"> ○ (1-5) information about the certifier, exporter, producer, and importer of the good; ○ (6) description and Harmonized Tariff System (HTS) classification of the good to the 6-digit level; ○ (7) the origin criteria under which the good qualifies; ○ (8) the blanket period (if the certification covers multiple shipments); and ○ (9) Authorized signature and date. 	



Provision	USMCA	NAFTA
Single or Multiple Shipments and Threshold Value	<p>No change</p> <ul style="list-style-type: none"> A certification of origin may apply to a single shipment or to multiple shipments of identical goods within a 12-month period and must be accepted by a Party's customs administration for four years after its completion. The USMCA does not modify the threshold value (USD \$1,000) below which a certification of origin is not required. 	
Electronic Submission and Signature	<ul style="list-style-type: none"> The USMCA allows a certification of origin to be completed and submitted electronically and signed with an electronic or digital signature. 	<ul style="list-style-type: none"> NAFTA did not accept Certificates signed using electronic or digital signature
Additional Obligations	<ul style="list-style-type: none"> The USMCA authorizes a Party to request that importers prove that goods have been shipped in accordance with Article 4.18 of the Agreement (Rules of Origin – Transit and Transshipment). 	<ul style="list-style-type: none"> NAFTA transit and transshipment obligations required Customs control of good in third party country.
Errors and Discrepancies	<ul style="list-style-type: none"> Each Party shall provide that it shall not reject a certification of origin due to minor errors or discrepancies. The importer shall be granted a period of not less than five working days to provide the customs administration with a copy of the corrected certification of origin. 	<ul style="list-style-type: none"> No provision.

Detailed USMCA/NAFTA Side-by-Side

Provision	USMCA	NAFTA
Basis of a Certification of Origin	<ol style="list-style-type: none"> Each Party shall provide that if a producer certifies the origin of a good, the certification of origin is completed on the basis of the producer having information, including documents, that demonstrate that the good is originating. Each Party shall provide that if the exporter is not the producer of the good, the certification of origin may be completed by the exporter of the good on the basis of: <ol style="list-style-type: none"> having information, including documents, that demonstrate that the good is originating; or reasonable reliance on the producer's written representation, such as in a certification of origin, that the good is originating. Each Party shall provide that a certification of origin may be completed 	<ol style="list-style-type: none"> The Parties shall establish by January 1, 1994 a Certificate of Origin for the purpose of certifying that a good being exported from the territory of a Party into the territory of another Party qualifies as an originating good, and may thereafter revise the Certificate by agreement. Each Party may require that a Certificate of Origin for a good imported into its territory be completed in a language required under its law. Each Party shall: <ol style="list-style-type: none"> require an exporter in its territory to complete and sign a Certificate of Origin for any exportation of a good for which an importer may claim preferential tariff treatment on importation of the good into the territory of another Party; and

Provision	USMCA	NAFTA
	<p>by the importer of the good on the basis of the importer having information, including documents, that demonstrate that the good is originating.</p> <p>4. For greater certainty, nothing in paragraph 1 or 2 shall be construed to allow a Party to require an exporter or producer to complete a certification of origin or provide a certification of origin or a written representation to another person.</p> <p>5. Each Party shall provide that a certification of origin may apply to:</p> <p>a) a single shipment of a good into the territory of a Party; or</p> <p>b) multiple shipments of identical goods within any period specified in the certification of origin, but not exceeding 12 months.</p> <p>6. Each Party shall provide that a certification of origin for a good imported into its territory be accepted by its customs administration for four years after the date the certification of origin was completed.</p> <p><i>(Reference: Chapter 5, Article 5.3)</i></p>	<p>b) provide that where an exporter in its territory is not the producer of the good, the exporter may complete and sign a Certificate on the basis of:</p> <p>i. its knowledge of whether the good qualifies as an originating good,</p> <p>ii. its reasonable reliance on the producer's written representation that the good qualifies as an originating good, or</p> <p>iii. a completed and signed Certificate for the good voluntarily provided to the exporter by the producer.</p> <p>4. Nothing in paragraph 3 shall be construed to require a producer to provide a Certificate of Origin to an exporter.</p> <p>5. Each Party shall provide that a Certificate of Origin that has been completed and signed by an exporter or a producer in the territory of another Party that is applicable to:</p> <p>a) a single importation of a good into the Party's territory, or</p> <p>b) multiple importations of identical goods into the Party's territory that occur within a specified period, not exceeding 12 months, set out therein by the exporter or producer, shall be accepted by its customs administration for four years after the date on which the Certificate was signed.</p> <p><i>(Reference: Chapter 5, Article 501)</i></p>