

**Item 7 - United States: Revised Origin Marking Requirement  
for Goods Produced in Hong Kong**

**Hong Kong, China's Statement  
at the Committee on Rules of Origin Meeting  
(13 November 2020)**

Thank you, Chair, for giving me the floor.

2. On 11 August this year, the US Customs and Border Protection (USCBP) announced a revised origin marking requirement that goods produced in Hong Kong and to be imported to the US may no longer be marked to indicate “Hong Kong” as their origin, but must be marked to indicate “China” instead for the purposes of the origin marking requirement set forth in Section 304 of the Tariff Act of 1930, 19 U.S.C. § 1304. The revised origin marking requirement has already come into effect since 10 November 2020.

3. Hong Kong, China strongly objects to this revised origin marking requirement and requests that it be withdrawn immediately. By unilaterally and arbitrarily dictating the name of the place of production or the identification that can be shown on Hong Kong products, the US disregards the obvious facts that Hong Kong is a separate customs territory with its own trade policies and origin rules and a full member of the WTO. The US' requirement also brings difficulties and additional burden to the business communities of both sides as well as confusion to consumers in the US.

4. Hong Kong, China is concerned that the US' measure is inconsistent with the US' obligations under multiple provisions of the WTO agreements, including the rules set forth in the Agreement on Rules of Origin (ARO) which aim to ensure that WTO Members' rules of origin do not create unnecessary obstacles to trade. In particular, with respect to the ARO, the US' measure is inconsistent with, *inter alia*, the following provisions:

- (a) Article 2(c) of the ARO, because the US requires the fulfilment of a certain condition not related to manufacturing or processing, as a prerequisite for the determination of the origin of goods produced in Hong Kong;
- (b) Article 2(d) of the ARO, because the US discriminates between Hong Kong, China and other WTO Members in respect of the rules of origin that it applies to imports; and
- (c) Article 2(e) of the ARO, because the US does not administer its rules of origin in a consistent, uniform, impartial and reasonable manner.

5. Over the past months, Hong Kong, China has been trying to resolve the matter with the US through bilateral engagement, but to no avail. Our clear and strong objection raised at the October meetings of the General Council, the Committee on Trade Facilitation, and the Committee on Technical Barriers to Trade was also not met with any concrete response. As a result, on 30 October, we requested consultations with the US in accordance with the rules and procedures of the WTO dispute settlement mechanism and the relevant provisions of the WTO agreements with a view to resolving the matter through bilateral efforts.

6. Hong Kong, China is a staunch supporter of the rules-based multilateral trading system. We take the rights and obligations of the WTO seriously and expect all WTO Members to also respect WTO rules and honour their commitments. We would urge again the US to withdraw immediately its revised origin marking requirement on Hong Kong products.

7. Thank you, Chair.

**Hong Kong Economic and Trade Office in Geneva**

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