In the end of December 2022, the World Customs Organization (WCO) developed a quick guide to help African traders to better understand, with a plain and concise language, how to apply the African Continental Free Trade Area (AfCFTA) Agreement Annex 2 on Rules of Origin of the AfCFTA Protocol on Trade and its relevant appendices. The guide is now available on the WCO website in English , French , Portuguese and Arabic .

It must be remembered that in order to benefit from the AfCFTA preferential treatment (i.e. reduction or elimination of import duties), a product needs to be considered as “originating” from a State that has signed and ratified the AfCFTA Agreement according to the criteria described in the Annex 2 on Rules of Origin of the AfCFTA Protocol on Trade. The acquisition of the origin of one of the AfCFTA State parties is a condition for such products to be traded between African countries on the basis of the AfCFTA preferences.

The originating status must be proved by the importer to his Customs by submitting one of the following two types of proof of origin: 1) an official AfCFTA Certificate of Origin issued by the exporting country’s customs authorities on request of the exporter or; 2) a self-declaration issued on invoice or other commercial document by a trader which has been granted by Customs with the status of “approved exporter”. Exceptionally, the self-declaration of origin can be issued also by an exporter who is not in possession of the status of approved exporter, but only in relation to goods whose value (as declared in invoice) is not superior to 5000 USD. As s everal African Customs have not yet implemented the "approved exporter" status (an example is Cote d'Ivoire), this raises the need to introduce as soon as possible such kind of facilitation in their customs regulations.

A clarification is given by the guide also with regard to the other technical rules applicable to intra-African exchanges under the AfCFTA, such as the principle of territoriality, the direct transport rule, the cumulation of origin and the tolerance (or “*de minimis*”) rule. The latter allows those goods that have not met the criteria defined in the Product-Specific Rule (PSR) referred to that product in order to qualify as originating, to be accepted in the importing country as such, if the value of non-originating materials is less than a stipulated percentage. This means that non-originating materials whose incorporation in the final product to be exported results, in principle, in the loss of the originating status of the exporting country, may nevertheless be used (without resulting in the loss of the originating status of the product), provided they do not exceed 15 percent of the

ex-works price of that product
(the prices of the product when it leaves the factory, excluding
costs of
transport and of loading cargo on means of transportation).
The tolerance rule is a component of many systems of rules of origin used in Free Trade Agreements (FTA), where in most cases does not exceed 10% of the value of the final product. In the AfCFTA, this tolerance reaches the threshold level of 15%.
PSR
(also known as “list rules”) describe the minimal working or processing operations that is necessary to carry out on non-originating materials imported from third countries used in the manufacture of a certain product so that the latter can acquire the originating status of one of the AfCFTA State parties. In the AfCFTA, the criteria used for determining these minimal working or processing operations with regard to processed products are basically four: 1) Change in Tariff Classification; 2) Specific processing; 3) Value Added; 4) Value of Non-Originating Material content. The guide offers a series of examples on the application of each one of these criteria.