





Exporting to Great Britain

A handbook for Sri Lankan women-led businesses in the textiles and apparel, footwear, women's accessories and home décor sectors





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Exporting to Great Britain

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WHO SHOULD USE THIS HANDBOOK?

This handbook explains the key and relevant legal and regulatory requirements that Sri Lankan women-led small and medium-sized enterprises (SMEs) must meet to export certain products to Great Britain. This means that the legal and regulatory requirements explained herein are only applicable for products to be placed on the England, Wales and Scotland markets. This handbook does not apply to products to be placed on Northern Ireland markets.

The handbook addresses the regulatory requirements to export textiles and apparel, women's accessories, footwear and home décor. More specifically, based on actual or potential exports, the handbook covers garments, apparel, footwear and handbags.

Many of the regulatory requirements explained in this handbook are extremely technical and detailed. Such requirements are typically addressed by professional exporters working with importers to Great Britain. To reflect this reality, the handbook assumes that the actual physical exports will use medium-or large-scale Sri Lankan export aggregators. Nevertheless, this handbook can be used by smaller-scale producers looking to export directly without using a professional exporter. To this end, the handbook also contains relevant links to access the most technical requirements applicable to export products. The regulatory requirements explained in each chapter in this handbook must be read in conjunction with the relevant annexes mentioned there, which further explain each regulatory requirement.

The handbook is forward-looking by supplying an overview of new regulatory requirements that may be applicable in the future. In addition, it is highly likely that there will be latent sales opportunities involving related categories of products that have similar regulatory requirements to the products discussed in the handbook.

Finally, it is entirely understandable that apart from technical regulatory export and import requirements, handbook users will have various other export-related trading concerns such as market identification, rapidly changing consumer preferences, competitive product pricing and meeting current consumer demand in Great Britain. This handbook does not address such non-legal trading concerns.

All information contained in this handbook is as of October 2024. Readers of this handbook are strongly encouraged to stay abreast of any new regulatory requirements that might affect their exports.



ACRONYMS AND ABBREVIATIONS

Unless otherwise specified, all references to dollars (\$) are to United States dollars, and all references to tons are to metric tons.

ASYCUDA – Automated Systems for Customs Data

CITES – Convention on International Trade in Endangered Species of Wild Fauna and Flora

DCTS - Developing Countries Trading Scheme

EORI – Economic Operators Registration and Identification

FRC - forest-risk commodity

GOTS - Global Organic Textile Standard

HS-Harmonized System

Incoterms – International Commercial Terms

IPR – intellectual property right

IRD-Inland Revenue Department

ITC - International Trade Centre

POP - persistent organic pollutant

REACH – Registration, Evaluation, Authorization and Restriction of Chemicals

SME-small and medium-sized enterprise

SVHC – substance of very high concern

VAT – value-added tax

VSS-voluntary sustainability standard

UKCC – United Kingdom Commodity Code

Incoterms abbreviations

CIF-Cost Insurance Freight

CIP-Carrier and Insurance Paid To

CFR – Cost and Freight

CPT-Cost Paid To

DAP-Delivered at Place

DDP-Delivered Duty Paid

DPU - Delivered at Place Unloaded

EXW-Ex Works

FCA - Free Carrier

FOB-Free on Board

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PREPARING THE BUSINESS FOR EXPORTS

Business registration in Sri Lanka



Step 1: Business registration

The most prevalent business types in Sri Lanka are: 1) sole proprietorship; 2) partnership; and 3) private limited company. Each business type has its advantages and disadvantages. Select a business model that is most suitable to your business needs.

For a sole proprietorship and partnerships, obtain relevant forms from the Provincial Council or the Divisional Secretariat in the area in which the business is located and will be registered. These authorities will provide two forms; one for registering the business name and the second for obtaining a report from the Grama Niladhari. Submit all the supporting documents listed in the application forms to the Divisional Secretariat and obtain an individual business registration certificate.

Companies must register with the Department of the

Registrar of Companies. Registration can be done in person or using the eROC single window. Submit the required supporting documents using the eROC system or post them to the Department of the Registrar of Companies after reserving the business name. Refer to this link for guidance on user login and name reservation, and for incorporating a company name after receiving approval.

At the same time, open a bank account with an authorized bank in the name of the business. Refer to this <u>guide</u> for information on opening a bank account for the business.



Step 2: Tax registration

A business must obtain a Taxpayer Identification Number from the Inland Revenue Department (IRD) for import and export activities. It can be obtained via IRD e-services of the IRD.

After receiving the Taxpayer Identification Number, register for value-added tax (VAT) using the IRD e-services portal. Refer to this guide for details on tax registration.

For each individual shipment, the business is required to obtain temporary VAT registration. Exports are taxed at a 0% VAT rate.

Businesses with an annual turnover of LKR 60 million or more are required to register for permanent VAT, as this meets the threshold for permanent VAT registration.



Step 3: Registration with the Department of Commerce

Exporters wishing to claim preferential tariff rates under the United Kingdom Developing Countries Trading Scheme (DCTS) should register with the Electronic Certificate of Origin System of the Department of Commerce of Sri Lanka. Exporters are also expected to upload the export summary on the online system on a regular basis. Detailed guidelines on updating the export summary is available here.





Renew registration with the Sri Lanka Customs each time the temporary VAT registration is renewed.



Step 4: Registration with the Sri Lanka Customs

Create an account at the Sri Lanka Customs and register in the Automated System for Customs Data (ASYCUDA). Submit the completed application form along with the required supporting documents. There is no cost involved with this registration.





Step 5: Join chambers of commerce and trade associations

Chambers of commerce provide a set of valuable services to their members, including providing market insights, capacity-building trainings and workshops, networking opportunities and essential business services like certifying documents.

Some of the chambers that provide support services to exporters of textiles and apparel, footwear, women's accessories and home décor are listed below.

- Ceylon Chamber of Commerce
- National Chamber of Exporters of Sri Lanka
- Federation of Chambers of Commerce and Industry of Sri Lanka
- National Chamber of Commerce of Sri Lanka
- Women's Chamber of Industries and Commerce
- Sri Lanka Apparel Exporters Association
- Joint Apparel Association Forum



Step 6: Industry registration

Manufacturers can register their production site with the Registrar of Industries under the Ministry of Industries, to obtain the benefits under the ITEP and INFAC schemes in importing raw materials for exports.



Box 1: Registration with other authorities

Export-oriented SMEs can voluntarily register with the Sri Lanka Export Development

Board under the New Exporter Development programme and to access capacity building, quality enhancement, market exposure, skills development, consultative and export marketing advisory services designed for exporters and potential exporters.



Step 7: Access to finance

Manufacturing businesses can benefit from the Small and Micro Industries' Leader and Entrepreneur Promotion Project Revolving Fund through their commercial bank. This Fund, which provides loans of up to LKR 25 million to SMEs, can be used to purchase machinery and meet working capital requirements. The loan can be repaid within a maximum of 10 years, including two years' additional grace period. Refer here for more details.

Additionally, there are several loan scehmes for SMEs and women entrepreneurs offered by state and registered commercial banks in Sri Lanka. Some of them are listed below.

- <u>SMEs Loans</u> provided by the People's Bank of Sri Lanka (state bank)
- <u>SME Energizer</u> by the Bank of Ceylon (state bank)
- SME scheme by the Sanasa Development Bank
- SME Loans by Commercial Bank PLC of Sri Lanka
- SME re-energizer by Nation Development Bank in collaboration with the Sri Lanka Government

Readers should note that Steps 8, 9 and 10 often take place in parallel.

Exporting to Great Britain Preparing the business for exports



Step 8: Sales contract

Producers must always ensure that the clauses detailed in Table 1 are included in their sales contract. Doing so can help parties settle any disputes that may arise in the future in a clear and friendly manner.

Table 1: Summary of key terms in a sales contract

TERM	EXPLANATION
Pro forma invoice	 Sent by the seller to the buyer to confirm the terms of the order. Multiple invoices can be issued under the same sales contract Includes information such as the product description, quantity, price and delivery terms Also used to request payment from the buyer
Payment terms	 Agreed-upon conditions for payment of an invoice Specifies the payment due date, currency and mode of payment, and any penalties agreed upon for outstanding payment
Lead time	 Amount of time it takes to produce and deliver goods from the time an order is placed, which varies depending on the product, the exporter and the shipping method Agreement on lead time will allow trust between both parties and smoother trading relations
Minimum order quantities	 Minimum number of units that a buyer must order from the exporter Helpful in improving efficiency in production
Design rights	 Outlines the roles of producer and buyer in terms of the design rights of the product (for more on design rights, see Chapter 2). -Example: 'Producer agrees that it shall notify the buyer of any potential infringements in the design as it shall become aware'
Labelling and packaging	 Outlines the roles of producer and buyer in terms of labelling and packaging. Some examples: -'Producer shall be responsible for ensuring compliance with labelling requirements of the regulatory agency' -'Producer shall be responsible for ordering adequate supplies of labels and other packaging materials on behalf of Buyer' -'Buyer shall not be responsible for any unused labels or packaging materials due to product changes'
Customized developments	Specific product and production requests of the buyer that are agreed by the producer and included in the sales contract to show that both parties agree
Delivery terms or International Commercial Terms (Incoterms)	 A set of internationally recognized rules that define the responsibilities of exporters and buyers for the sale of goods in international transactions, point of delivery and costs, as detailed in Table 2 Parties must ensure that the point of delivery or destination is specified to the greatest detail possible. Per the International Chamber of Commerce, a best practice to follow is to use the following phrasing '[selected Incoterm] [named point or place] Incoterms 2020'

Sales contracts must include Incoterms, which are internationally recognized rules defining the responsibilities of producers / exporters and buyers in an international sales transaction. The Incoterms 2020 set out 11 general rules, each of which define the responsibilities of the seller and buyer at different points in the shipping process.

Including Incoterms not only specifies the responsibilities of each party but also lays down the point where the risk is transferred from the seller to the buyer, and the division of costs between the parties. Table 2 shows some of the preferred delivery terms and the possible scenario between a producer / seller (S) and a buyer (B). Given the frequency of exports via the port in Colombo, Table 2 focuses on Incoterms applicable for sea transport. The rest are in provided in Table A1, Annex I.

Table 2: Example of Incoterms 2020

INCOTERM	DESCRIPTION	RESPONSIBILITIES
Multimodal transport		
Ex Works (EXW)	S delivers the goods to B at a named place, which need not be S's premises. B is responsible for loading, delivery and all associated risks and costs.	If the delivery takes place within S's territory, S is not obligated to ensure export clearances are obtained. It is the responsibility of B. S must only assist in obtaining relevant information and documents.
Delivered at Place (DAP)	S delivers the goods to B at a named destination. S is not obligated to purchase insurance cover against B's risk of loss or damage to the goods.	S must pay for and obtain export clearances but is not obligated to obtain import clearances or clearances for transit through third countries. S must assist B, at the cost of B, in obtaining documents and/or information to obtain transit and/or import clearances.
Sea and inland waterway	r transport	
Free on Board (FOB)	S delivers the goods to B on board the vessel nominated by B, at the port of shipment. B is responsible for the goods and all associated costs the moment the goods are on board the vessel.	S must pay for and obtain export clearances but is not obligated to obtain import clearances or clearances for transit through third countries.
Cost and Freight (CFR)	S delivers goods to B on board the vessel. S's obligation is taken to be completed, whether or not the goods actually arrive at their destination. S is not obligated to purchase insurance cover against B's risk of loss or damage to the goods.	S must pay for and obtain export clearances but is not obligated to obtain import clearances or clearances for transit through third countries. S must assist B, at the cost of B, in obtaining documents and/or information to obtain transit and/or import clearances.
Cost Insurance Freight (CIF)	S delivers goods to B on board the vessel. S's obligation is taken to be completed, whether or not the goods actually arrive at their destination. S is obligated to purchase insurance cover against B's risk of loss or damage to the goods.	S must pay for and obtain export clearances but is not obligated to obtain import clearances or clearances for transit through third countries. S must assist B, at the cost of B, in obtaining documents and/or information to obtain transit and/or import clearances.

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Exporting to Great Britain



Step 9: Harmonized System codes and product classification

When describing the product in the proforma invoice and sales contract, sellers must include the correct product classification or Harmonized System (HS) code. For imports into Great Britain, each product has a 10-digit product code, which is provided in the <u>United Kingdom Commodity Code (UKCC)</u>. This builds on the internationally recognized <u>HS Code</u>, which is explained in Table A2. Annex I.

Exporters must identify the correct UKCC product code. For an overview of the HS Code and UKCC classification, refer to the detailed example provided in Table A2, Annex I.

However, as the complexity of the product increases, product classification may become a difficult exercise for exporters. Refer to Box 3 to



Box 2: Importance of identifying the correct United Kingdom Commodity Code

There are two reasons exporters must conduct this important exercise:

- 1. To calculate applicable tariffs and duty rates for products to enter the British market.
- 2. To understand the specific product compliance requirements that must be met before exporting the products.

understand how to describe a cotton blouse and a cotton skirt handprinted by the batik method and determine the potentially applicable product code.

Producers and exporters can also refer to British guidance on classifying <u>leather</u> products and <u>wood</u> products for imports into Great Britain (which is



Box 3: Example of product classification

PRODUCT CLASSIFICATION FOR A BLOUSE AND A SKIRT

A blouse and a skirt are two garment pieces. Each garment is made of cotton, handprinted by the batik method, not knitted or crocheted.

After referring to Great Britain's guidance on <u>classifying textiles and apparel for imports</u> into Great Britain, exporters can describe each garment and determine the possible code in the following manner.

PRODUCT	DESCRIPTION	PROBABLE CODE
Blouse, of cotton, handprinted by the batik method	Loose-fitting garments designed to cover the upper part of the body with or without sleeves and with or without an opening at the neckline	6206.3000.10
Skirt, of cotton, handprinted by the batik method	Garment designed to cover the lower part of the body, having neither braces nor bibs	6204.5200.10

To prepare the product description, refer to the product description matrix with questions that will help producers describe their product, provided in Table A3, Annex I of this handbook.

similar to the classification guide for textiles and apparel), and <u>tariff notices</u> issued by His Majesty's Revenue and Customs. Tariff notices contain specific information on how to classify certain products. For example, <u>Tariff notice 21 of 2022</u> specifies the UKCC for a running vest with the correct explanation. An overview of the potentially applicable UKCCs for products covered by this handbook is provided in <u>Table A4</u>, <u>Annex I</u> of this handbook.



Step 10: Export finance

Cash flow is very important for export transactions, especially because producers / exporters will not receive payment from the buyer right away. Some of the export finance schemes offered by the banks of Sri Lanka are given below.

- Hatton National Bank SME Expo Credit
 for small and medium-scale entrepreneurs,
 introduced by the Hatton National Bank,
 in collaboration with the Sri Lanka Export
 Development Board
- Export Financing by Sampath Bank
- Import and Export Loans by Sanasa Development Bank
- Jayagamu Sri Lanka Financial and Advisory Services for Exporters and Innovators, by National Development Bank
- Pre and Post Shipment Financing by Pan Asia Bank



Exporters can avail an export finance scheme from their commercial bank. Speak to them to understand whether a transaction-based facility or a performance-based facility is best suited for your business. Also speak to your commercial bank to know the applicable rate of interest, amount of collateral or security required to be eligible for the loan, and the terms of repayment.



Exporting to Great Britain Preparing the business for exports

Figure 1: Overview of the United Kingdom Developing Countries Trading Scheme



United Kingdom Developing Countries Trading Scheme

Under the DCTS, Sri Lanka is an 'Enhanced Preference' country, which means that Sri Lankan exporters can benefit from zero or reduced tariff rates on several product lines. The DCTS guide lays down four steps for exporters to claim this benefit.

Applicable tariffs

As explained in step 9 of this chapter, producers / exporters can determine the applicable tariffs, duties, standards and regulatory requirements after identifying the correct HS code. Producers and/or exporters can also conduct a quick search on the United Kingdom Integrated Online Tariff Tool to determine the applicable tariff rates. It is important to note that there are different types of tariffs that may be levied, depending on the product. For an overview of the different types of tariffs, refer to Annex I of this handbook.

Rules of origin

Rules of origin specify the extent to which producers / exporters can buy raw materials from other countries and still claim that the product is 'Sri Lankan' in origin, in order to benefit from the preferential tariff rates. Producers / exporters must retain documentary proof of the value, cost and production processes of any imported raw materials. Refer to Rules of origin, Annex I for more information on the criteria to determine the origin of goods.

Standards and regulatory requirements

Chapters 2 and 3 of this handbook lay out a detailed overview of the applicable standards and regulatory requirements to export the products

QUICK TIP: CHECK YOUR PRODUCT'S EXPORT ELIGIBILITY

Readers must note that products covered by this handbook can be exported from Sri Lanka and imported into Great Britain. However, it is strongly recommended that they speak to their chamber of commerce or Sri Lanka Export Development Board representatives on eligibility for similar and novel products that may fall within similar product codes. Exporters must also familiarize themselves with Sri Lanka's export policy.

covered by this handbook. The <u>DCTS guide on standards and regulatory import requirements</u> provides a useful overview of all requirements.

Claiming preferences under the DCTS

To claim preferences, Sri Lankan exporters must confirm that they are eligible to do so and provide documentary proof of the origin of the goods, in the form of an origin declaration either on the commercial invoice or packing list, or on Form A. Note that in practice, this step is completed before discussing and signing a sales contract. Next, check if the selected products can be imported into Great Britain. Exporters may also be asked to provide supporting documentary proof, including documents relating to the purchase, cost and value, and production processes of the component materials; and the origin status of the goods and component materials. For further information, refer to Annex IV of this handbook.

Exporting to Great Britain

Preparing the business for exports



MEETING PRODUCT AND PRODUCTION REQUIREMENTS

Once the business is registered and eligible to export, the next and most important step is to satisfy all the production requirements and product specifications to export to Great Britain successfully. Two sets of product and production requirements are applicable to producers. The first is compulsory requirements provided under British laws, rules and regulations, which are further explained in this chapter. The second is voluntary certifications that are not required by law but are demanded by buyers and consumers, which are explained in Chapter 3 of the handbook.

There are six categories of compulsory, legal requirements

that producers must satisfy before their products are ready for export. The categories are:

- Product safety:
- Use of endangered plants and animals;
- Intellectual property rights (IPRs);
- Product sustainability;
- Product packaging;
- Product labelling.

Producers should note that the requirements for each category vary depending on the product, design and raw materials used.

These requirements apply at different stages of the production process. Some requirements may apply to raw materials only, while others may apply to different production stages as well. Make sure your suppliers provide supporting documents showing compliance with the relevant legal requirements.

Product safety

General product safety

Great Britain only allows 'safe products' to be placed on its markets. What does this mean? When a customer purchases a product from a store, there should be no possible direct or indirect risks to their health and safety from its use. The General Product Safety Regulations, 2005 extend to all products that are likely to be purchased by customers. Examples of such products include t-shirts, wallets, handbags and home décor items.

Ensure all products contain information on any indirect risks to human health and safety from usage, and the safety measures against any such indirect risks. This information is included in the product label. Refer to Box 5 for some of the recommended product safety compliance practices. To find out more about what happens if a product is found unsafe, refer to Annex II of this handbook.



Box 4: Checking for product safety

WHAT DO AUTHORITIES CONSIDER WHEN CHECKING IF A PRODUCT IS SAFE?

- Properties and make-up of the product
- Packaging and instructions for care and maintenance
- Labelling, warning and instructions for use and disposal
- Effect of the product on other products if they are used together
- Consumers at risk from product use, such as children and elderly persons



Box 5: Recommended practices to ensure product safety

FULFILLING THE PRODUCT SAFETY LAW

- Maintain records: Document all technical information such as product design, raw materials used and related suppliers, product code and batch of production for the exported product; and save a physical or electronic copy of it for five years.
- · Safety instructions: Include an instruction card with the product on how to use it in a safe manner.
- **Use designated standards (where applicable):** Using <u>designated standards</u> also helps producers show a 'presumption of conformity' with the product safety law. Find out more about applicable designated standards <u>here</u>.
- **Product safety alerts:** The <u>British Office for Product Safety and Standards</u> publishes <u>product safety</u> <u>alerts, reports and recalls</u> regularly. Producers must browse through them to identify the type of product safety issues highlighted and ensure they address them preventively in their product design.

Registration, Evaluation, Authorization and Restriction of Chemicals Regulation

Chemicals and other substances used to produce leather, textiles or apparel can contain toxic elements that can cause harm to human health and the environment. These are also known as substances of very high concern (SVHCs). Refer to Box 6 for more information about SVHCs.

The Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) Regulation lays down the rules on SVHCs and their use. It applies to chemicals used to manufacture or produce articles. For example, in jewellery products, the concentration of lead must not be equal to or greater than 0.05% by weight and concentration of cadmium must not exceed 0.01% (100 mg/kg) by weight of metal.

For more information on using SVHCs and SVHCs commonly found in products covered by this handbook, please refer to Annex II.

REACH compliance

All products covered by this handbook must be REACH compliant before they enter the British market. Purchase raw materials that are certified REACH compliant and ensure suppliers provide invoices and testing certificates. These certificates confirm that chemicals and hazardous substances used are within permissible limits. Collecting and storing invoices and testing certificates will prove useful if there is a REACH inspection.



Box 6: What is SVHC?

A material is an SVHC when:

- It can cause cancer or is toxic for reproduction;
- It remains in the environment for a long period of time:
- It accumulates and stays inside the human body. For example: To give a coating layer to textiles, producers use chemicals like UV-320, UV-327, UV-328 and UV-350 that have benzotriazole compounds. These are toxic, lasting and build up in the environment. Continued exposure to these chemicals can harm human health, and hence they are categorized as SVHCs.



Box 7: REACH testing in Sri Lanka

QIMA and SGS are two of the third-party laboratories that offer REACH testing services in Sri Lanka. REACH lab testing can cost between \$300 and \$600, depending on the number of materials and variations that will be tested.

Exporting to Great Britain

Meeting product and production requirements

Use of biocides

Biocides cut off or decrease the effect of a harmful animal or plant such as fungi and insects, and are used to protect animals and humans. Insect repellent and wood preservatives are common examples. Textiles or cloth materials can contain biocidal products like disinfectants and algaecides. Leather products can also use biocides to prevent any microbiological deterioration. All products that contain biocides are known as 'treated articles'. These biocidal materials are not applied directly to humans or animals but are often found in the goods used by humans. The details of types of all such biocidal substances can be found here.

Products covered by this handbook will be regarded as 'treated articles', and producers must thus speak to their suppliers to confirm the use of biocides in raw materials.

Persistent organic pollutants

Persistent organic pollutants (POPs) are chemical substances that do not break down easily. POPs stay in the environment for a long period of time; can be transported to various geographies; can remain accumulated in fish, birds and animals; and can harm human health. Examples include DDT,

Endosulfan, Aldrin and Eldrin. POPs are found in pesticides and industrial chemicals, and their use is generally banned in Great Britain except if the POP is found as an unintentional trace contaminant in substances, preparations or manufactured articles such as textiles. Great Britain has listed the permissible limits of unintentional trace contaminants, which can be accessed here.

Producers must ensure that raw materials used in production processes do not contain any POPs, and if they do, that their levels satisfy the permitted limits of unintentional trace contaminants. It is recommended that producers speak to their suppliers about this and perform random checks of raw materials received to check if they contain any POPs.

Nightwear safety

Children's nightwear designed to be worn by persons under 13 years of age must be produced from fibres that meet flammability performance requirements. Pyjamas, babies' garments and cotton terry towelling bathrobes are exempt from this requirement but must contain the appropriate label. Adult nightwear must also adhere to the appropriate labelling requirement. Refer to Annex II for more information on flammability performance requirements.

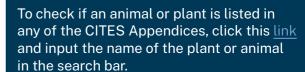


Products from endangered plants and animals

Some products are made with exotic or rare raw materials that come from plants and animals at risk of disappearing from planet Earth. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement that regulates the trade in such raw materials. Under CITES, plants and animals are categorized depending on their risk of disappearing from the planet. Species at risk of complete disappearance are classified in CITES Appendix I. If a plant or animal is classified in CITES Appendix II or III, it is not at very high risk of disappearing but its trade must still be controlled. For businesses, this means that they must apply for permission and obtain an export permit before exporting their products.

Both Sri Lanka and the United Kingdom are signatories to CITES. This means that both the

QUICK TIP: CHECK IF THE EXPORT PRODUCTS CONTAIN CITES SPECIES



countries and businesses within them must comply with it. In Sri Lanka, CITES is enforced by the <u>Department of Wildlife Conservation</u>. If your product is made of materials from an animal or plant classified in CITES Appendix II or III, submit the application form to the Department of Wildlife Conservation to obtain the CITES certificate. Refer here for supporting documents and more details.

Exporting to Great Britain Meeting product and production requirements

Intellectual property rights

Every product covered by this handbook comes from a unique idea. It takes creativity, unique designs, months of research and specific knowledge to convert this idea into something that can be sold on the market. The law, in the form of IPRs, protects these creations. There are many types of IPRs and each serves a different function. These are patents, copyright, designs, trademarks, geographical indications and trade secrets.

Producers of products covered by this handbook must be careful to ensure that they respect the IPR rights of British producers. If they are not respected, such products may not be allowed to enter the market. This means that producers must understand the IPR rules in Great Britain.

At the same time, unique products can also be protected in Sri Lanka. To do so, Sri Lankan producers must apply for and receive the correct IPR registration. After this, the IPR owner can enter licensing arrangements and exercise their right to prevent others from manufacturing, producing, selling and/or importing goods that infringe their IPRs. Products covered by this handbook all have unique brands (protected by trademarks) and designs (protected by designs). This section supplies an overview of trademarks and designs, how to protect your IPR in Sri Lanka, and what happens if the exporting product violates IPR protections in Great Britain.

Trademarks

Trademarks are signs used to differentiate the products and services of one business from another business. <u>Visible signs</u> such as letters, words, numerals, drawings and symbols in combination can receive trademark registration. They are



QUICK TIP

To protect your brand, speak to an IPR lawyer to accelerate the trademark registration process and assess the costs and benefits of registering a trademark in Sri Lanka and other countries.

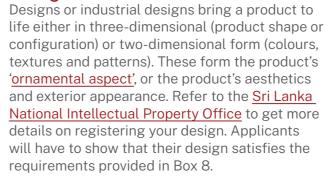
It is important to remember that each application costs money. Make sure you study the costs and benefits of applying for registration in different countries.

also given to the product shape and packaging. Like other forms of IPR, trademarks are granted protection in the country of application. To protect your brand, register your trademark with the National Intellectual Property Office of Sri Lanka. Refer here for applicable registration charges.

Once the trademark is registered, the trademark owner receives a Certificate of Registration that grants exclusive rights over the trademark for 10 years. This can be renewed periodically upon payment of the applicable fees. The owner can use the trademark exclusively, which means no other person can use that trademark without permission from the owner. Alternatively, the owner can also license the trademark to third parties in return for a licence fee.

To seek trademark protection in multiple countries, there are two options available to applicants. Under the national route, an applicant submits separate applications in all countries where she wishes to register and protect her brand name. Under the international route, the applicant can submit a single application using the Madrid System to seek protection in up to 130 countries.

Designs



Once the design is registered, the applicant receives a Certificate of Registration that grants exclusive ownership over the design for 10 years. The registered owner can renew the design registration by submitting a renewal application with the Sri Lanka National Intellectual Property Office

In practice, applicants often hire an IPR agent to help them with the entire application process. Fees paid to the agent also depend on the complexity of the application.

Once the design receives protection, the owner can prevent others from manufacturing, producing, selling and/or importing goods having designs copying or substantially copying the protected design to make money. Most importantly, note that any design protection is **territorial**, i.e. it is only protected in the country where such protection is granted

To seek design protection in multiple countries, there are two options available to applicants. Under the national route, an applicant submits separate applications in all countries where she wishes to register and protect her design. Under the international route, the applicant can submit a single application using the Hague System to seek protection in over 90 countries.



Box 8: Requirements to seek design protection

- It must be new, meaning the same design does not already exist in the public domain
- It must be original, meaning that it is not a copy of an existing design



Box 9: How to make your product stand out

- 1. Once you find the right product market in Great Britain, conduct research on the product profiles of your competitors and see how your products can be differentiated from them.
- 2. Never disclose information on your latest innovation or product design to an export agent, potential trade partner or a distributor without signing a confidentiality agreement. If you share information without a confidentiality agreement, you can risk losing the right to claim design protection over your unique product.

-<u>@</u>

QUICK TIP

Always remember to include the details of your trademark and design registration in the sales contract. Discuss the terms on which the importer or distributor can use your protected trademark and/or design, and if you want to sign a separate licence for such use.

If your importer or distributor wants you to use a specific brand name or design that is registered in Great Britain, ensure that they issue a licence or authorization that covers at least the entire duration of the sales contract.

What happens if there is no authorization? See the subsection below for more information on IPR infringement.

What happens if you infringe intellectual property?

IPR infringement is when an individual or enterprise uses an IPR that is already protected without prior permission. For example, you produce leather handbags and sell them under the brand name 'Hyde & Hare' in Sri Lanka. However, Hyde & Hare is also a well-known handbag company in Great Britain. This means that if you wish to export these items to Great Britain, you should get prior permission to use the brand name Hyde & Hare in the form of a licence or authorization. If you export the handbags without getting such permission, you are 'infringing' on the protected right of the Britishbased handbag company Hyde & Hare to use that brand exclusively in Great Britain.

IPR infringement is a serious offence, and serious action is taken by the Customs authorities at the port of entry to limit the entry of fake and reproduced goods. The Customs authorities have the right to stop, hold or even destroy products if they find or suspect that your products disregard any IPRs (including trademarks and industrial designs) registered in Great Britain. The 'holder of goods', or the importer will be promptly informed. If the IPR holder fails into inform the Customs authorities, in writing, of whether there has been a violation, and agreement to destroy the product, then the Customs authorities will release the product in the market after all other Customs formalities are complete.



Product sustainability

The Environment Act, 2021 provides that 'forestrisk commodities' (FRCs) or products made using such FRCs cannot be used in commercial activities because they contribute to deforestation. Find out more about FRCs in Box 10.

Producers supplying to British buyers whose global turnover is over £50 million must comply with the FRC Scheme. Producers whose use of FRCs specified in Box 10 does not exceed the annual volume threshold of 500 tons may apply for an exemption.

If a product is an FRC or made using an FRC, and meets the abovementioned criteria, what happens?

The importer must implement a due diligence system to identify and get information about the commodity, and measure both the risk from not satisfying all commodity-related local laws and how to mitigate that risk. Examples of commodity-related local laws are laws on land use and ownership. For producers, this means that they must prove that the product meets local law requirements and that there is very low risk of deforestation from their products. The forthcoming FRC Scheme may also require producers to keep records for a long period of time.



Box 10: What is a forest-risk commodity?

AN FRC IS:

- A commodity produced from a plant, animal or living being; and
- A forest is cut down and changed to agricultural land to produce that commodity.

Great Britain will introduce an FRC Scheme under which the following products will be classified as FRCs:

- Non-dairy cattle products (beef and leather);
- · Cocoa;
- · Soy;
- · Palm oil.

Please note that this is an indicative list. The final list of FRC commodities will be revealed only once the FRC regulations are implemented.



Box 11: How can producers prepare for a sustainable future?

- Speak to your suppliers about their sources of raw materials and how to make them more forest-friendly.
- Maintain records about key information such as purchases made from each supplier, and information about each supplier such as business name, name of proprietor, postal address, trademark, email and web address.
- Regularly update yourself on all news relating to the FRC Scheme that is set to be introduced late 2024 or in 2025.
- Engage in product innovation, such as using waste material or completely eco-friendly material.

 This can become a unique selling point for your product, allowing you to capture a niche market.

Product packaging

Packaging is using certain materials to wrap your goods, protect them and ensure they maintain the highest quality. Per the Packaging (Essential Requirements) Regulations, 2015, this includes sales packaging, grouped packaging and transport packaging. Box 12 contains an example of how producers can understand the different layers of packaging covered by the law.

Ensure that the product packaging, including packaging for components within a single unit, meets the essential requirements detailed in Annex II. Packaging should not be excessive. Limit it to the minimum amount necessary to ensure that consumers accept the product and to maintain hygiene and safety.

Producers and exporters must maintain records of the technical information proving that the packaging used meets the essential requirements for a period of four years from the date such packaging is placed on the British market. Consequences of failing to comply with the essential requirements or to maintain records are detailed in Annex II. Refer to this guide for useful tips on ensuring compliance.



Box 12: Examples of product packaging

UNDERSTANDING THE DIFFERENT LAYERS OF PACKAGING

A Sri Lankan producer has received an order to supply 500 skirts to a Manchester-based buyer. Once the skirts are stitched and ready to be packed, the producer will use three layers of packaging:

- Primary packaging: Packaging used to contain and protect a single skirt unit, which will be sold to the end consumer.
- Secondary packaging: Packaging used to bundle together several skirt units, say 10 or 20 per bundle. The bundle can be sold directly to the end consumer or used only to replenish stocks.
- Tertiary packaging: Packaging used to protect all 500 skirts during handling and transportation. Depending on the arrangement, exporters may also provide the tertiary packaging. Examples of tertiary packaging include sacks and boxes. However, note that it does not include road, ship or air containers.

Product labelling

Product labels inform consumers about the product composition, price, quantity, size, use and origin. Detailed and accurate labels help consumers make a quick purchase decision and help increase brand value. Labelling conditions are product-specific. Refer to Annex II for a detailed overview of textile and footwear labelling requirements.





Proper packaging can help boost sales in the import market. Proper packaging considers usability, functionality, alignment with brand values, quality, aesthetic appeal and current packaging trends in the import market. For instance, British consumers prefer sustainable, eco-friendly, innovative, flexible and personalized packaging. Producers must familiarize themselves with British packaging market trends and forecasts. One such report can be accessed here.





SUSTAINABILITY STANDARDS

In addition to the legal requirements discussed in Chapter 2, buyers and consumers may require producer-exporters to meet certain additional requirements. These could include showing that the products are environmentally friendly and follow good labour practices throughout their supply chain. This can be reflected in the final product by securing voluntary sustainability standard (VSS) certifications and/or by meeting specific requirements laid down in the buyer's company codes.

Voluntary sustainability standards

Producers can comply with VSSs by voluntarily getting certified and affixing the relevant label or seal on their product. Doing so allows producers to retain their competitive advantage and capture a wider consumer base.



Box 13: What are sustainability standards?

Sustainability standards address different indicators of sustainability, such as environmental performance, ethical performance, and managerial and operational performance. Find out more about the different indicators on the ITC Standards Map.

Producers must ensure that every stage of the supply chain meets all requirements such as the International Labour Organization's principles and rules of work, and applicable <u>rules</u>, <u>regulations</u> and <u>environmental quality standards</u> laid down by the <u>Central Environmental Authority of Sri Lanka</u>. Specific information about the VSS certification process and examples of internationally recognized VSS certifications for products covered in this handbook are provided in <u>Annex III</u>.

Company codes

Some buyers may introduce their own company code in the form of guidelines or codes of conduct to highlight the invisible features of the product and production process. In practice, buyers usually highlight the need for producer-exporters to comply with their company codes of conduct or guidelines, if any, at the time of negotiating the sales contract.



Box 14: Supplier sustainability resources

Use the <u>ITC Sustainability Gateway</u> to check which supplier in your country hold sustainability certifications for the relevant raw materials (such as cotton, wood and leather).

To learn more about sustainability standards and certifications, check various courses available on the ITC SME Trade Academy.

QUICK TIP: UNDERSTAND BUYERS' EXPECTATIONS



Remember to discuss the buyer's expectations in terms of obtaining VSS certifications and complying with company codes of conduct at the time of negotiating the sales contract. Include a provision in the sales contract that clearly lays down what was discussed and agreed upon.

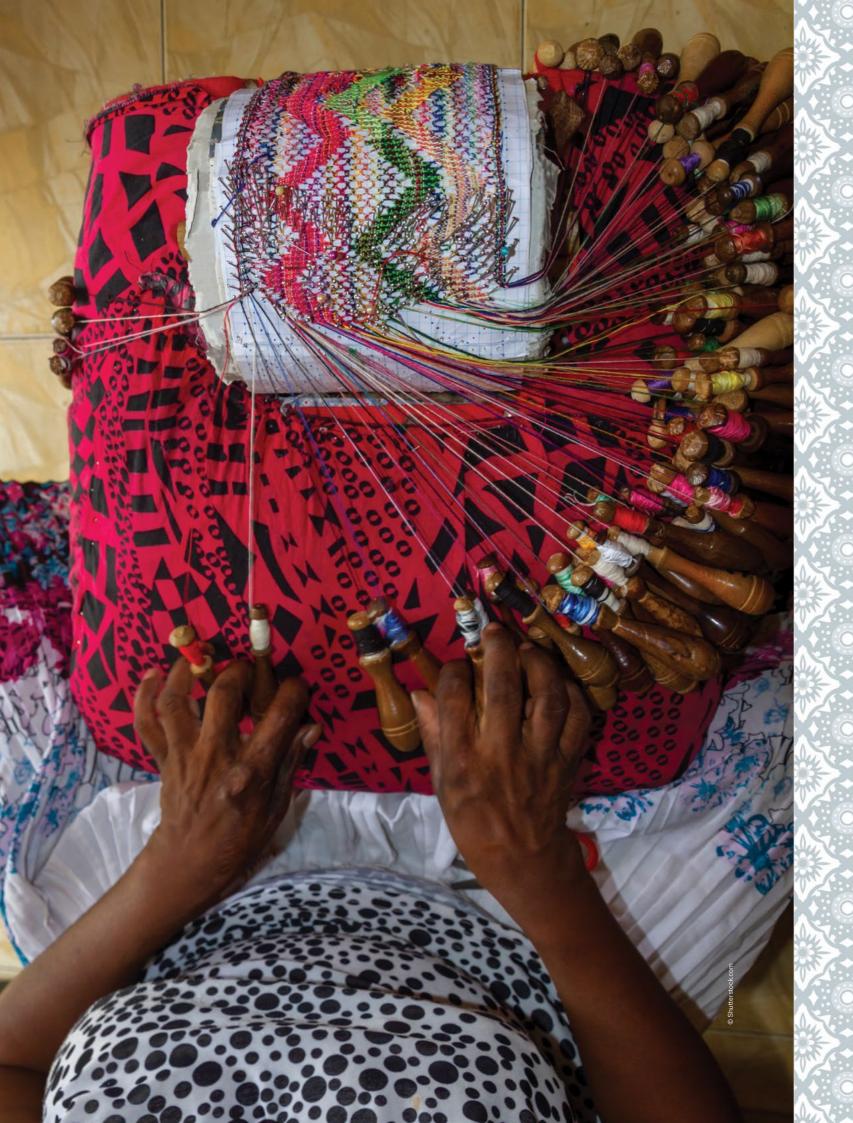
QUICK TIP



If you are not yet ready to apply for a sustainability certification, connect with Sri Lankan suppliers that are already certified as sustainable and purchase raw materials from such suppliers. For example, purchase cotton from Ocean Lanka, Hayleys Fabric PLC, South Asia Textiles or Organic-certified cotton producers.

Some certifying bodies permit group certification, which is a cost-effective option that can be considered. If you are a trader or retailer, remember that product certification is only under your brand name.

Sustainability standards



CUSTOMS AND RELATED PROCEDURES

Exporters must familiarize themselves with the Customs procedures and required supporting documents to ensure products successfully enter Great Britain. As a rule of thumb, all exporters must ensure that they have identified the correct product code and correctly valued their products, keeping in mind the DCTS. Refer to Chapter 1 for information on product codes, the DCTS and tariff rates.

Customs registration

The first step is to register with Sri Lankan Customs using the ASYCUDA portal. Once registered, users can proceed to register as 'traders' with the Customs authorities.

Export consignments should be declared to Customs and a Customs Declaration submitted online once the exporter is ready to export. Refer to Annex IV for the information / details that need to be submitted.

Producers risk losing Customs clearance if all the required details / documentation are not

submitted. Either a Customs house agent or the exporter can be the declarant. A fee of LKR 550 (Computer Fee – LKR 250 and Examination Fee – LKR 300) should be paid for each declaration. The export Customs Declarations can then be processed at one of the following three offices.

- Export Office at Customs Headquarters Especially Less-than-Container Load cargo and air freight cargo
- Export Facilitation Centre Full Container Load cargo (and when necessary, Less-than-Container Load cargo)
- Air Cargo Export Office All air freight cargo shipments, including perishables

It is important to note that the export should be done within 30 days from the Customs Declaration registration date.

Financial instruments

Once registered on the ASYCUDA system, proceed to link your bank profile by submitting your bank account number, registered email address and mobile number. The ASYCUDA system is linked with key commercial banks for financial intruments like telex trasfer, letter of credit, documents against payments and documents against acceptance.



Customs clearance

Depending on the commodity and other risk management criteria, goods will be selected under one of three categories: 'Exempted', 'Panel Examination' or 'Cargo to be Examined'. Selected consignments under 'Panel Examination' and 'Cargo to be Examined' categories are subjected to examination, whereas consignments under the 'Exempted' category are released for export without examination. Once the ASYCUDA Declaration is verified and found to be complete, exporters must pay the terminal charges and receive Customs clearance. Refer here for more details on the Customs clearance process in Sri Lanka.

Following this, the shipment will be released and loaded onto the ship or other vessel. An Economic Operators Registration and Identification (EORI) number may be needed in case of direct exports. Small producers must discuss with their importing partner to determine if registration is needed. Find out more about the EORI number in Annex IV.

Customs bonded warehouses

For logistical purposes, goods can reach the British border either directly or through different shipping routes, such as through the European Union. Once goods reach the British border, they are usually stored in Customs bonded warehouses. Importers can control the flow of consigned goods, rearrange them and delay payment of applicable Customs duties and other taxes. Refer here for more information about Customs bonded warehouses in Great Britain.

If goods are being shipped to Great Britain via the European Union, they will be stored in Customs bonded warehouses, so economic operators need not pay any import duties on the goods. Note that goods liable to excise duties (unless such duties have been paid) and goods subject to restrictions or sanitary requirements cannot be stored unless the supporting documents are presented.

QUICK TIP: CUSTOMS BONDED WAREHOUSES

- Customs bonded warehouses are used only to store goods with minor handling requirements such as reconstruction of goods after transport, treatment against parasites, and removal of damaged or contaminated components. They cannot be used to process or transform the goods.
- There are no time limits for goods to be stored in Customs bonded warehouses, unless they pose a threat to human health or the environment. This could impact when your goods enter the British market and thus when you receive payment. Speak to your buyer about this.
- There are many instances of goods being fraudulently shipped via the European Union to avoid anti-dumping, countervailing or safeguard measures. One way to ensure the genuineness of the chosen shipment route is to avoid any processing or transformation when the goods are stored in such Customs bonded warehouses.

Exporting to Great Britain Customs and related procedures



TRANSPORT AND LOGISTICS

Selecting the right transportation and logistics is an integral part of the export process. Incoterms provided in the sales contract will specify which party will be responsible for identifying the right transportation, arranging for carriage, freight insurance, pre-shipment inspections and delivery to the final destination. Proper and transparent transport documentation is crucial in case of consignment-related disputes.

The key document differentiating air or sea transport is the bill of lading for sea transport and the airway bill for air transport. Given the frequency of sea shipment from Sri Lanka, this handbook only addresses the bill of lading. To support either of these, producers must also ensure that the commercial invoice, packing list, origin declaration or Form A (as detailed in Annex IV) are attached. Ensure that requisite insurance coverage is obtained, and that proof of such insurance is attached.

Bill of lading

A bill of lading is in essence a contract issued by the carrier (typically by the master of the ship) to the shipper / consignor / exporter, containing details about the goods, consignee or entity that will receive the shipment, and destination. It serves three important functions:

- It is a document of title to the goods described
- It is a receipt for the goods shipped; It contains the terms of shipment.
- Small exporters with small volumes of exports can benefit from the services of freight forwarders and local transportation companies.

Insurance

As explained in **Chapter 1**, Incoterms determine the party responsible for managing risks arising from transport of the goods and related costs, such as insurance. Cargo insurance provides financial protection against potential losses caused to the goods in transit. For instance, in a CIF contract, the seller is responsible for obtaining cargo insurance at their own expense. Details of the freight insurance must be included in the commercial invoice.

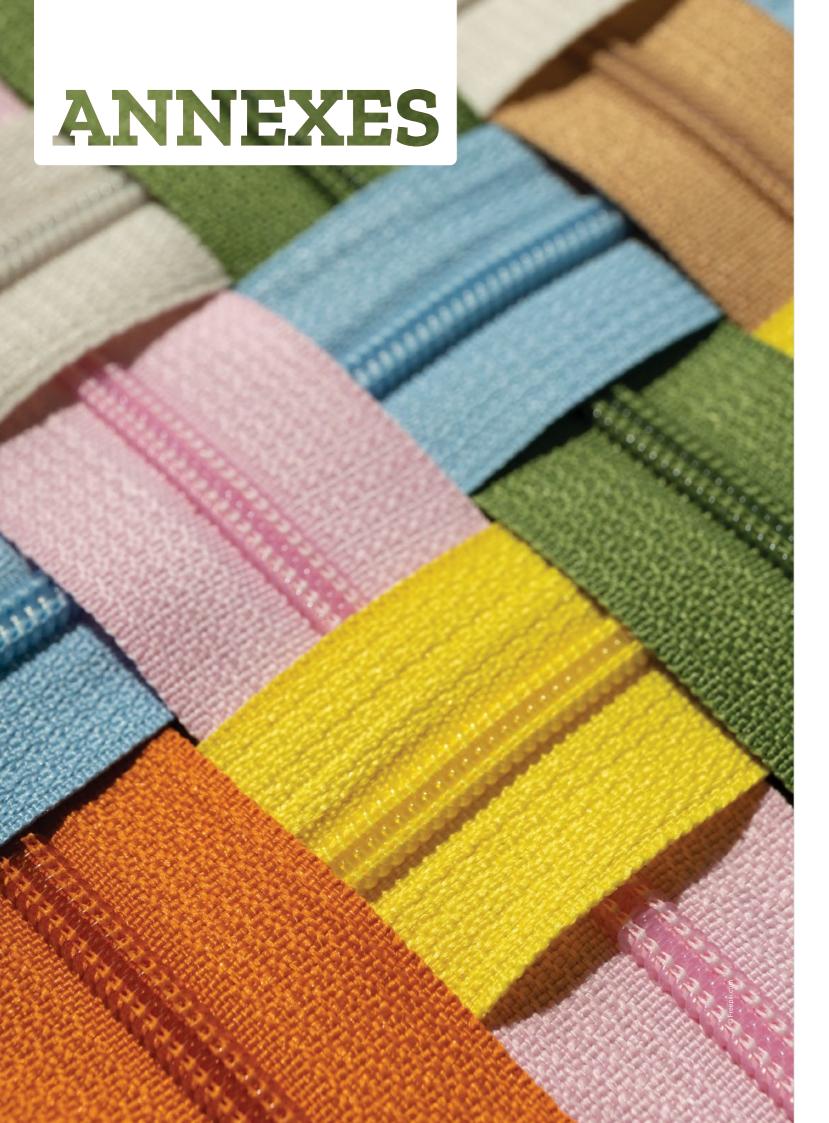
QUICK TIP

Ensure that you read carefully and understand all the Incoterms and the effect of each Incoterm. This will decide the amount of responsibility, risk and costs you will have to bear in the entire export transaction.









ANNEX I: PREPARING TO BE A SRI LANKAN EXPORTER

Summary of Incoterms

Table Al: Summary of Incoterms

INCOTERM	ROLE OF THE BUYER	ROLE OF THE SELLER
ExWorks (EXW)	Responsible for everything from the exporter's premises to the destination	They only need to make the goods available at their premises
Free Carrier (FCA)	Responsible for everything from the exporter's premises to the point of carriage	Needs to deliver the goods to the carrier nominated by the buyer
Free Alongside Ship	Responsible for everything from the port of loading to the destination	Needs to deliver the goods alongside the ship at the port of loading
Free On Board (FOB)	Responsible for everything from the port of loading to the destination	Needs to load the goods on board the ship at the port of loading
Cost and Freight (CFR)	Responsible for everything from the port of shipment to the destination	Needs to arrange for the carriage of the goods to the port of destination and pay the freight
Cost Insurance Freight (CIF)	Responsible for everything from the port of shipment to the destination	Needs to arrange for the carriage of the goods to the port of destination, pay the freight and arrange for insurance
Cost Paid To (CPT)	Responsible for everything from the point of carriage to the destination	Needs to arrange for the carriage of the goods to the named destination and pay the freight
Carrier and Insurance Paid To (CIP)	Responsible for everything from the point of carriage to the destination	Needs to arrange for the carriage of the goods to the named destination, pay the freight and arrange for insurance
Delivered at Place (DAP)	Responsible for everything from the exporter's premises to the destination, except for unloading	Needs to deliver the goods to the buyer's premises or another nominated place
Delivered at Place Unloaded (DPU)	Responsible for everything from the seller's premises to the destination, including unloading	Needs to deliver the goods to the buyer's premises or another nominated place and unload them
Delivered Duty Paid (DDP)	Only needs to accept the goods	Responsible for everything from the exporter's premises to the destination, including unloading and Customs clearance

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Product classification: HS codes

Overview of HS codes and UKCCs

The HS Code is contained in the International Convention on the Harmonized Commodity Description and Coding System. Based on the product description laid down in the relevant chapter, heading and subheading of the HS Code, each product has a **product code or HS code**, which has six digits.

Countries can, however, take a step beyond the HS Code, and introduce further product classification lines. In Great Britain, the goods classification table classifies products at the 10-digit level. The various levels of product classification can be visualized using the example of product classification for leather handbags as per the HS Code and the UKCC shown in Table A2.

Table A2: Examples of HS Code and UKCC classification

HS CODE			
HS chapter	2 digits	42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
HS heading	4 digits	42 02	Handbags, shopping-bags, wallets, purses, tool bags, sports bags, bottle-cases, jewellery boxes, powder-boxes, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fibre or of paperboard, or wholly or mainly covered with such materials or with paper
HS subheading	6 digits	4202 21	Handbags, whether with shoulder strap, including those without handle: with outer surface of leather or of composition leather
иксс			
UKCC subheading	10 digits	4202.2100.10	Handbags, whether with shoulder strap, including those without handle, with outer surface of leather or of composition leather: Handmade
UKCC subheading	10 digits	4202.2100.90	Handbags, whether with shoulder strap, including those without handle, with outer surface of leather or of composition leather: Other

Product description matrix

To describe your product and easily identify the correct UKCC, you can make use of the matrix presented in Table A3.

Table A3: Product description matrix for HS code classification

CRITERIA	DESCRIPTION
Single or multi-piece product	For a multi-piece product or set, the commodity code must be determined for each piece of the product. List out all the individual pieces in the product. • E.g. a skirt and a blouse are two garments while a skirt is only one garment.
Category	Does the product(s) fall in one or more category(s)? List all the categories in which the product may be categorized. • E.g. garment, ornament, food item, footwear, etc.
Raw materials used	Is the product manufactured with one or more raw materials? List all the raw materials that are used in making the final product. • E.g. cotton, wood, jute, silk, rubber, etc.
Source of raw materials	Do you purchase all raw materials from Sri Lankan suppliers or do you import certain raw materials? List all the materials sourced locally and those imported.
Production method	How is the product manufactured? • E.g. handmade, produced on a handloom, industrial manufacturing, etc.
Product use	What is the intended use or purpose of the product? Is it meant for retail sale, or does it have other purposes? Hint: the purpose of exports usually determines the intended use of the product. • E.g. cotton yarn can be sold for retail purposes to be used in knitting or crocheting activities or can be sold to an importer who will in turn use it for their production purposes.
Intended user	For whom is the product designed? Is it designed to be used by people of a certain age or profession? • E.g. Shoes for sporting activities are designed for a specific sporting activity such as tennis or basketball, and not just for walking.
Packaging material	Will the product be packaged in wooden crates, jute sacks, cardboard boxes or any other manner? • E.g. a blouse set is packed in a cotton sack which is then placed in a cardboard box.

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Indicative list of commodity codes for products covered in this handbook

Table A4 provides an indicative list of the UKCCs that may be applicable to the products covered in this handbook.

Table A4: Indicative list of UKCCs for products covered by this handbook

UKCC DESCRIPTION	
Textiles and appar	rel
6212.1010.00	A set consisting of a brassière and a pair of briefs, knitted or crocheted
6109.9090.00	T-shirts, singlets and other vests, knitted or crocheted
6104.6300.00	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted of synthetic fibres
6107.1100.00	Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns, knitted or crocheted of cotton
6108.2200.00	Women's and girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, negligées, bathrobes and dressing gowns, knitted or crocheted
6112.4100.00	Tracksuits, ski suits, swimwear, knitted or crocheted
6110.3010.00	Jerseys, pullovers, cardigans, waistcoats, knitted or crocheted
6209.2000.20	Babies' garments and clothing accessories of cotton
Home décor	
6304.9900.92	Furnishing articles including tablecloths, not knitted or crocheted
Footwear	
6404.2010.00	Footwear with outer soles of leather or composition of leather

It is important to note that each chapter within the UKCC contains chapter notes, which must be read by the exporter before determining the correct product classification. An example of the chapter notes for Chapter 71–'Natural or cultured pearls,

precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin'— is provided in Figure A1.

Figure Al: Example of chapter notes for Chapter 71 of the UKCCs

There are important chapter notes for this part of the tariff:

- 1. Subject to note 1(A) to Section VI and except as provided below, all articles consisting wholly or partly:
- a. of natural or cultured pearls or of precious or semi-precious stones (natural, synthetic or reconstructed),

or

- b. of precious metal or of metal clad with precious metal, are to be classified in this chapter.
- 2. (A) Headings <u>7113</u>, <u>7114</u> and <u>7115</u> do not cover articles in which precious metal or metal clad with precious metal is present as minor constituents only, such as minor fittings or minor ornamentation (for example, monograms, ferrules and rims), and paragraph (b) of the foregoing note does not apply to such articles.
- (B) Heading <u>7116</u> does not cover articles containing precious metal or metal clad with precious metal (other than as minor constituents).
- 3. This chapter does not cover:
- a. amalgams of precious metal, or colloidal precious metal (heading 2843);
- b. sterile surgical suture materials, dental fillings or other goods of Chapter 30;
- c. goods of Chapter 32 (for example, lustres);
- d. supported catalysts (heading 3815);
- e. articles of heading 4202 or 4203 referred to in note 3(B) to Chapter 42;
- f. articles of heading 4303 or 4304;
- g. goods of Section XI (textiles and textile articles);
- h. footwear, headgear or other articles of Chapter 64 or 65;
- ij. umbrellas, walking sticks or other articles of Chapter 66;

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United Kingdom Developing Countries Trading Scheme

In June 2023, the United Kingdom replaced the erstwhile Generalized Scheme of Preferences with the DCTS. The DCTS aims to enable easier market access for 65 countries, including Sri Lanka. Through this scheme, exporters gain the following benefits:

- Zero or reduced tariffs on exports to Great Britain;
- Liberalized rules of origin.

Countries are classified into one of three preference categories, as shown in Figure A2, which determines the number of products at zero or reduced tariff rates for exporters from such countries. Per the DCTS scheme, Sri Lanka is an Enhanced Preference country. Exporters can thus enjoy zero tariffs on 92% of their UKCC lines. All products outside the DCTS UKCC lines will be charged a tariff as per the British general tariff regime.

Figure A2: DCTS country classification

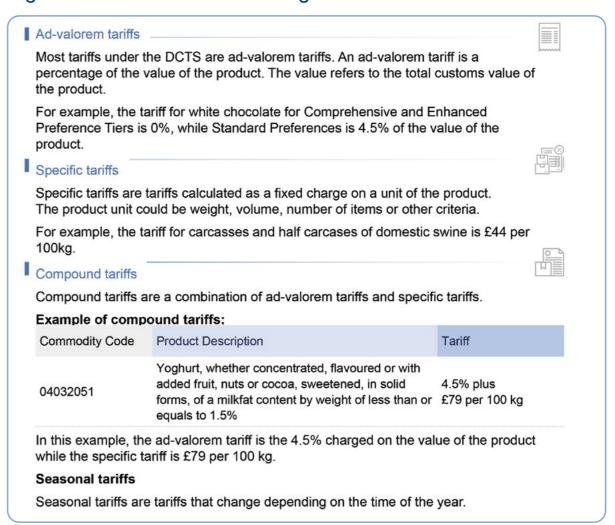
Product tariff	Comprehensive Preferences	Enhanced Preferences	Standard Preferences
Tariff free products (0%)	99.8%	92%	65%
Products with 0% to 5% tariffs	0.2%	0.4%	10%
Products with 5% to 10% tariffs	0%	0.4%	12%
Products with more than 10% tariffs (including Specific Tariffs*	0%	7.2%	13%

*Specific tariffs are tariffs calculated as a fixed charge on a unit of the product. The product unit could be weight, volume, number of items or other criteria.

Tariff rates under the DCTS

Exporters may be required to pay different types of tariffs, depending on the product. For example, exporters of fresh fruits and vegetables may also need to pay seasonal tariffs in addition to ad-valorem or specific tariffs. How can an exporter identify all such applicable tariffs under the DCTS? The DCTS Guidance Document on Identifying Tariffs provides a useful overview of the different, yet applicable types of tariffs. For more information, refer to the infographic in Figure A2.

Figure A3: Different tariffs chargeable under the DCTS



Rules of Origin

Rules of origin are used by countries to determine the economic nationality of goods. Under the DCTS, producers can show that their goods originate from Sri Lanka using either the Wholly Obtained Rule or the Sufficiently Working or Processing Rule. Products produced entirely in Sri Lanka, without including any imported raw materials, can be classified as 'Originating in Sri Lanka' under the Wholly Obtained Rule. If products contain raw materials imported into Sri Lanka, they can still be classified as

'Originating in Sri Lanka' if they meet the productspecific rules. Refer to the <u>DCTS guidance</u> <u>document</u> on understanding the rules of origin to learn more.

To understand the applicable product-specific rules, producers / exporters can refer to the interactive DCTS Visualization Tool. Select the Rules of Origin tab and browse by sector, chapter and HS heading to determine the applicable rules of origin. Producers must ensure that they read all the product-specific rules and the notes for each chapter.

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ANNEX II: PRODUCT AND PRODUCTION REQUIREMENTS

General product safety

As a producer / exporter, one of the biggest concerns is to ensure that products cross the British border without any delays or difficulties. Consignments can face delays in reaching the market if they are dangerous or pose a risk to

consumers. The authorities can enforce product safety laws using a variety of measures, as detailed in Table A5. The chosen measure will reflect the risk presented by the product.

Table A5: Measures taken by British authorities for product safety violations

MEASURE	ACTIONS
Suspension notice	If the authorities suspect that the product has not satisfied provisions of the product safety laws, then a 'suspension notice' can be issued. This will cover the period required for the authorities to organize safety evaluations, checks and controls. During this period, the product cannot be placed on the market or supplied to any individual without the consent of the authorities.
Requirement to mark / warn	The authorities will require the producer, importer or distributor to mark the product with a warning about the risks that the product could present in certain conditions, in the manner specified by the authorities.
Withdrawal notice	If the authorities have grounds to believe that a product is dangerous, then they may issue a withdrawal notice, which prohibits placing the product on the market or supplying it to any individual without the consent of the authority. The authorities may also require the producer, importer or distributor to alert customers of the risks presented by the product.
Recall notice	If the product is already available in the market, the authorities can issue a recall notice if the product is dangerous. In the recall notice, the authorities may require producers, importers or distributors to meet the requirements laid down in the applicable code of practice.
	Important: A recall notice can only be issued by the authorities if other corrective actions, including actions taken by the producer or distributor, are insufficient to prevent the risk to consumers.

REACH Regulation

Under the REACH Regulation, once a material is identified as an SVHC, it is automatically included in the REACH Candidate List. This list will specify the date on which it was included and the reason for its inclusion. From the Candidate List, the REACH authority will periodically include materials in the Authorization List. When materials are included in the Authorization List, the authority will also specify the 'sunset date' or the last date until which the authorities will permit use of such SVHCs. For example, the sunset date or last date

for UV-320, UV-327, UV-328 and UV-350, which are SVHCs referred to in Box 6 in Chapter 2 of this handbook, is 27 November 2023. This means that after the sunset date, products containing any of these SVHCs will not be compliant with the REACH regulation. Nickel, dioctyltin compounds, tributyltin compounds, Chromium VI and phthalates are some of the commonly used chemicals and hazardous substances found in products covered by this handbook.

Nightwear safety

Children's nightwear

Per the Nightwear (Safety) Regulations, 1985 and British Standard (BS) 5722, children's nightwear excluding pyjamas, babies' garments and cotton terry towelling bathrobes must meet performance flammability requirements. Children's nightwear must meet the following measurements.

- (I) Nightdresses: Chest measurement does not exceed 91cm and length measurement does not exceed 122cm.
- (II) Dressing gowns, bathrobes and other similar garments: Chest measurement does not exceed 97cm and sleeve measurement does not exceed 69cm.

BS 5722 lays down the washing and testing method to prove that children's nightwear meets the flammability performance requirements.



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Adult nightwear, pyjamas, babies' garments and cotton terry towelling bathrobes

All products under this heading that are made with fabrics that meet the flammability performance requirements per BS 5722 must carry the label 'KEEP AWAY FROM FIRE'. All other products under this heading must carry a label 'LOW FLAMMABILITY TO BS 5722' or a label stating, 'KEEP AWAY FROM FIRE, LOW FLAMMABILITY TO BS 5722'. Such wording shall appear on any label attached inside the neck of the garment or on any label immediately adjacent to any label containing information about the garment or on a label indicating the size of the garment, in which case the wording shall appear right below the size. The wording must be in medium letters of 10 point in upper case, and in legible and durable form, on a background of sufficiently different colour so it can be readily seen.

Nightwear made of fabric treated with flame retardant chemicals

Products under this heading must include the following wording on a label: 'DO NOT WASH AT MORE THAN 50°C. CHECK SUITABILITY OF WASHING AGENT'. This wording shall appear on any label attached inside the neck of the garment or on any label immediately adjacent to any label containing information about the garment or on a label indicating the size of the garment or any label bearing the wording required under Section 3(b) of Annex 3 to the Nightwear (Safety) Regulations 1985, in which case the wording shall appear right after the wording required under Section 3(b). The wording must be in medium letters of six point in upper case, and in a legible and durable form, on a background of sufficiently different colour so it can be readily seen. Refer to this guide (Link 72) for more information about product safety requirements for nightwear products.



Product packaging

Essential requirements

Producers and exporters must ensure that the packaging materials used satisfy these essential manufacturing and composition requirements.

- (I) Concentration of regulated heavy metals i.e. cadmium, mercury, lead and hexavalent chromium – must not exceed 100 parts per million, subject to the following exceptions:
 - **a.** This does not apply to packaging consisting entirely of lead crystal glass.
 - **b.** This does not apply to plastic pellets and crates provided it fulfils the requirements specified in Schedule 2 and is in a controlled distribution and reuse system.
 - **c.** This does not apply to glass packaging provided it fulfils the requirements specified in Schedule 3.
- (II) Minimized presence of noxious and other hazardous materials in the ash, emissions or leachates of the packaging when it is incinerated or landfilled.
- (III) Designed, produced and commercialized in a manner that permits reuse or recovery, and minimizes its impact on the environment

when such packaging waste or residue from packaging waste management operations is disposed of.

If you are using reusable packaging, ensure that it meets all the following requirements.

- **a.** Characteristics and physical properties of the packaging must allow for a number of trips or rotations in normally predictable conditions of use
- **b.** It must be possible to process the used packaging to meet safety and health requirements
- **c.** When the packaging cannot be reused and becomes waste, it must meet the requirements specific to recoverable packaging.

Consequences of non-compliance

Using packaging that does not meet the essential requirements and/or failing to maintain records is a punishable offence. Those found to be non-compliant will be required to pay a fine.

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Labelling requirements

Textille Labelling Requirements

For the purposes of the Textile Products (Labelling and Fibre Composition) Regulations, 2012, textile products include semi-manufactured and manufactured products made of textile fibres, carpets, mattresses, camping goods, furniture, shade coverings and textiles forming an integral part of other products. However, not all textile products must carry a label. Refer to Box A2 for an indicative list of products that do not require a label. Some of the requirements that labels for textile products must adhere to include the following.

- (I) Label must be in English.
- (II) Label must be accessible, durable, legible and visible.
- (III) Products with two or more fibres should include the breakdown of fibre usage by percentage in the following manner 'Cotton 70%, Silk 20%, Jute 10%'.
- (IV) If a product has two or more components, such as linings in salwar suits, the content of each such component must be labelled.
- **(V)** A label can contain the word 'pure' only if the garment is made of one fibre only.
- (VI) 'Silk' cannot be used to describe any other fibre, including fibres mixed with silk, such as silk-cotton or silk acetate.
- (VII) Multipacks of textile products can contain inclusive pack-wise labelling as opposed to individual unit-wise labelling.

Refer to this <u>guide</u> to understand the full list of textile labelling requirements.



Box Al: Textile products that do not require labels

- Artificial flowers, buttons and buckles, labels and badges, make-up cases
- Oven gloves and cloth, painted canvas, pincushions, protective requisites of sports (except gloves), saddlery
- Sleeve protectors, sleeve-supporting arm bands, table mats having several components and surface area not more than 500 cm²
- Tapestries, including materials for their production; tea and coffee cosies, textile parts of footwear, textile products for base and underlying fabrics and stiffening
- Tobacco pouches, toilet cases, toys, travel goods and watch straps

Refer to this <u>guide</u> for the full list of products that do not need textile labels.

Footwear labelling requirements

The Footwear (Indication of Composition)

<u>Labelling Regulations 1995</u> apply to footwear of all descriptions, ranging from simple sandals to thigh-length boots, with the exception of:

- Second-hand or worn footwear;
- Protective footwear;
- Footwear containing asbestos;
- Footwear intended for use in play (for example, fancy dress) by children under 14.

Footwear must be labelled with an indication of the main material from which the upper, lining and sock, and outer sole are made in the form of either pictograms (symbols) or words.

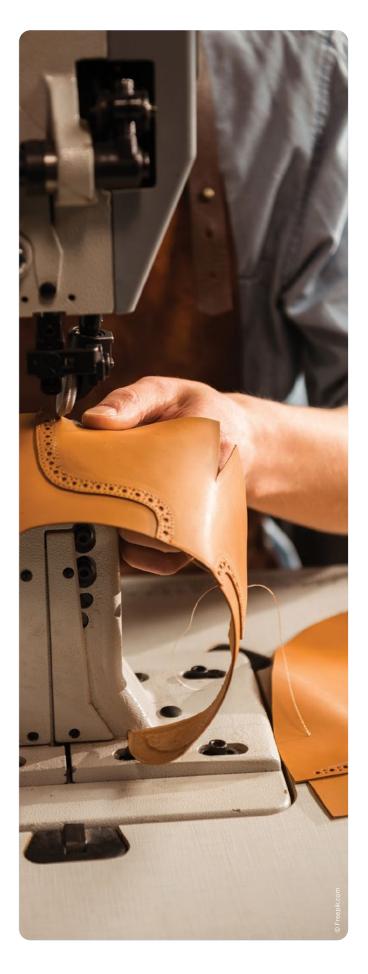
The label must be attached to at least one item of footwear per pair and it may also appear on the packaging.

The label must state, in English or in a clear pictogram form, what material makes up 80% of:

- The surface area of the upper;
- The surface area of the lining and sock (this means the lining of the upper and the insole, which constitutes the inside of the footwear article):
- The outer sole.

Where multiple materials are used, the two main materials in the composition of the footwear must be stated.

The label must be attached to at least one item of footwear in each pair and may be affixed by way of printing, sticking, embossing or use of an attached label; it must be visible, securely attached and accessible. The label may also appear on the packaging but it must be on the footwear itself.



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Figure A4: Example of footwear labelling pictograms and language

1. Pictograms or written indications concerning the parts of the footwear to be identified.

PICTOGRAMS WRITTEN INDICATIONS (a) Upper. Upper. (b) Lining and sock. Lining and sock. (c) Outer sole. Outer sole. 2. Pictograms or written indications concerning materials used in the composition of footwear. **PICTOGRAMS** WRITTEN INDICATIONS (a) (i) Leather. Leather. (ii) Coated leather. Coated leather. (b) Natural textile Textile. materials and synthetic or non-woven textile materials. All other materials. Other materials.

If pictograms are used in a retail shop, a notice must be displayed that explains to consumers what the symbols mean. The notice must be large enough so that the information can be seen and understood by consumers.

If pictogram labels are used where footwear is sold from a place consumers do not have access to (for example, mail order or internet sales),

the consumer must be clearly informed of the meaning of the pictograms used.

Refer to this <u>guide</u> to understand the full list of footwear labelling requirements. The label with the information requirements can be provided either in the form of a pictogram or a written indication, as shown in Figure A4.

ANNEX III: SUSTAINABILITY STANDARDS

As mentioned in Chapter 3, sustainability standards and certifications enable businesses to retain a competitive edge and even capture a niche market. To do so, producers must be familiar with two key requirements:

a. The general process to get certified; andb. Some of the different certifications that may be applicable.

Given that most products covered by this handbook are made of; (i) cotton; (ii) silk; (iii) cashmere wool; (iv) polyester; (v) plastic; (vi) wood; or (vii) leather, this annex includes examples of some of the internationally recognized sustainability certifications that may be required.



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Steps to obtain certifications

Many certifications have similar processes and can be broken down into the following steps.



Step 1: Identify the right standard

Different VSS certifications cover different stages of production and raw materials, and may be used only in certain countries. Sometimes, the importer may specify that producers must obtain certain certifications. In other situations, familiarize yourself with the different types of VSS certifications before negotiating the sales contract with the buyer. Use the 'Identify standards' and 'Compare' tools of the ITC Standards Map to do so.



Step 2: Conduct a gap analysis

Producers must conduct a gap analysis to identify any gaps between existing business practices and the requirements laid down in the identified VSS. If gaps are identified in the analysis, producers must determine an appropriate course of action, including the next steps, costs and time to implement such next steps. Once they are implemented, proceed to step 3. If there are no gaps identified from the gap analysis, producers can proceed directly to step 3.



Step 3: Apply for certification

Before applying, it is important to ensure that a producer breaks down the cost of certification. Costs include membership fees, audit fees (which can vary depending on the number of visits required), and the cost of ensuring there is no gap between the production standard and standards laid down in the VSS certification.

Once the producer has determined and budgeted the applicable cost, producers can apply to the VSS body for certification. Following application, the producer-applicant will invite an auditor / inspector to conduct an on-site assessment.

Different VSS certifications have different authorized or approved auditors in each country of operation. For example, some of the approved Global Organic Textile Standard (GOTS) auditors in Sri Lanka are Bureau Veritas Consumer Products Services, CCPB SRL, Clean Globe International, Control Union Certifications, GCL International and GSCS International. Producers wishing to obtain the GOTS certification must contact one such approved auditor.





Step 4: Inspection and corrective action requests

Producers must then prepare for an audit, where the inspector will conduct an on-site assessment of the unit and then issue an audit or inspection report. The inspector may also issue corrective action requests, which detail the actions that the producer must take to correct the gaps between existing business practices and the standard required under the VSS certification.

Once the corrective action requests are implemented, a new audit will be conducted to ensure that the gaps have been addressed correctly. If the audit report contains unclear paragraphs, ensure to ask the auditor for clarification. If an unclear decision is issued, seek clarifications and appeal the decision, if needed.



Step 5: Certification, monitoring and renewal

Certification is issued once the audit is completed and there are no pending corrective action requests. On-site or desk-based verification audits may also be performed, depending on requirements laid down under the VSS certification, to ensure that the certified producer continues to comply with the applicable requirements.

Each certification has a different validity period and will need to be renewed accordingly. Producers must check the website of the certification obtained to determine the next date of renewal and plan accordingly.

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Examples of relevant certifications



This certification applies to leather goods and textiles

It is highly recommended to obtain the <u>GOTS certification</u>. This certification is globally recognized and serves as a standard for fibres made from organic materials. The GOTS certification covers every stage of the supply chain, from material sourcing to production and export. It certifies processors, manufacturers and traders of leather goods and textiles, with a primary focus on ethical business behaviour and environmental protection. Refer <u>here</u> for a step-by-step guide on how to get the GOTS certification.

Global Organic Textile Standard (GOTS) If you are a producer looking for textile and leather suppliers with GOTS certification, you can search for them in the GOTS database. This database includes Sri Lankan suppliers who have obtained the GOTS certification, which could be a step towards getting the GOTS certification seal for your products.

QUICK TIP



Learn more about each standard by exploring the <u>ITC Standards Map</u>. Each standard on the ITC Map contains detailed information on the compliance requirements, governance and resources. Producers must refer to the <u>'Resources'</u> tab to learn more about the technical assistance available to meet the standards requirements and financial assistance for applicants.



This certification applies to leather goods and textiles.

If you are in the business of manufacturing leather goods and textiles, there are six OEKO-TEX certifications that may be relevant to you.

- Made in Green
- Standard 100
- Leather Standard
- STeP
- Responsible Business
- Eco Passport

The differences between these certifications are either having criteria that are product-based or having greater focus on the product, while some are process-based or have greater focus on the process of producing the product. One certification is focused on chemical use in the textiles, another is focused on sustainability in the whole manufacturing process, and one is focused on the overall safety of all the parts of the product. It is recommended that producers choose a certification according to the compliance standards that are attainable by the business.

OEKO-TEX

ANNEX IV: CUSTOMS PROCEDURES AND RELATED DOCUMENTS

As mentioned in <u>Chapter 4</u>, to ensure products pass through Customs, exporters must be familiar with Customs procedures and the required supporting documents. To export

to Great Britain, Sri Lankan exporters must have the following documents ready with them at the time of filing the Declaration on the ASYCUDA portal.

Commercial invoice



- All information pertaining to the transaction;
- Reasons for export;
- Mode of payment;
- HS code:
- Weight and number of goods;
- The selected mode of transportation and transport route;
- Incoterms;
- Value of the consignment.

While different parties use different formats of commercial invoices, speak to your chamber of commerce to identify the most commonly used commercial invoice format. A commercial invoice is also used by Customs authorities to determine if any duties and charges must be levied on the consignment.

Once the purchase price is fixed, the currency exchange rate becomes very important. The exchange rate can appreciate or depreciate, which means that there may be a difference in the final sum of money received from the buyer. To protect yourself from losses due to exchange rate fluctuations, refer to the tips provided below.



Box A2: Contents of a commercial invoice

- Full name, address and contact details of the seller, buyer and final recipient (if this is different from the buyer)
- Commercial invoice number and date of issuance
- Purchase order or proforma invoice number and date of issuance (especially if there are multiple orders under the same contract)
- HS code, product description, Incoterms, country of origin of the goods
- Transport route and actual value of goods For more information, refer here and here.

QUICK TIP: CONSIDER EXCHANGE RATE FLUCTUATIONS



To protect yourself from exchange rate fluctuations, keep in mind the following tips.

- Use the exchange rate applicable on the day of payment or receive payments in the foreign currency in a foreign exchange account
- Account for pricing fluctuations and cover potential losses by including an added charge
- Speak to your bank manager or a professional with previous experience

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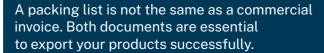
Packing list

Prepared by the exporter, a packing list contains detailed information about the consignment, such as:

- Product description;
- Number of units and total weight;
- Packaging instructions;
- Type of packaging used, such as whether it is pelleted or packed in cartons, its dimensions and markings on the packaging;
- Reference to the seller and buyer.

Like all other documents, it must contain reference to the buyer, seller and transporter. Freight

QUICK TIP: AVOID CONFUSION



forwarders or shippers use the packing list to prepare the bill of lading. In Sri Lanka, Customs officials may use it to review and inspect the contents of the shipment, and banks may require a copy of the packing list for exporters to receive payment under a letter of credit.

Proof of origin

As explained in <u>Chapter 1</u>, Sri Lankan exporters must prove that their goods originate in Sri Lanka to claim the preferential tariff rates under the DCTS. Exporters are required to register with the Department of Commerce of Sri Lanka and update their export summary regularly. Refer to <u>Chapter 1</u> for more details.

Per the DCTS Guide on Claiming Preferences, Sri Lankan exporters must prepare and submit an origin declaration when undertaking exports, either on the commercial invoice or packing list, or on Form A. The proof of origin applies to a single shipment of originating goods. It can also apply to multiple shipments of identical goods that are:

- Imported under the same sales contract;
- Have the same UKCC;
- Exclusively sold by the same exporter to the same importer;
- Subject to entry formalities at the same Customs office in Great Britain;
- Imported within the framework of frequent and continuous trade flows of a significant commercial value not exceeding 12 months.

Origin declaration

Sri Lankan exporters must provide an origin declaration, which must be made out on a commercial document such as a commercial invoice, packing list or delivery note. It must necessarily contain the information listed in Section 2 of this guide and include the 'origin declaration wording' provided in Box A4. The origin declaration should be written in English and include the exporter's signature, and may be sent electronically from the exporter to the importer. An origin declaration is valid for two years after the exporter has submitted it.



Box A3: Conditions to prepare the origin declaration

- Maintain appropriate commercial accounting records for the production and supply of goods that qualify for preferential tariff treatment
- Be prepared to provide Sri Lankan Customs or any other authority with supporting documents or written statements from producers and suppliers demonstrating the origin of the goods



Box A4: Origin declaration wording

TO BE INCLUDED IN THE COMMERCIAL INVOICE OR PACKING LIST

The exporter of the products covered by this document (insert EORI number) declares that, except where otherwise clearly indicated, these products are of (insert the origin of goods) preferential origin in accordance with the Rules of Origin of the DCTS of the United Kingdom and that the origin criterion met is (Products Wholly Obtained: enter the letter 'P'; Products Sufficiently Processed: enter the letter 'W' followed by an HS heading (example 'W' 9618)).

Place and date (omit	this if it is includ	 cument itself))
Name and signature o	of the exporter)	 ······································

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Form A

As an alternative, Sri Lankan exporters may complete and submit Form A to show proof of origin. Form A must contain a serial number or reference to the commercial invoice and, most importantly, does not need to be signed and stamped by a Sri Lankan authority. Refer to the guidance provided by the British Government on completing Form A.

Goods declaration

As mentioned in Chapter 4, once the financial instrument and bank profile are linked to the trader, the next step is to file the Goods Declaration online. Traders must provide information about the consignor and consignee, invoice number, port of shipment, gross weight, packaging information and destination country. Traders must link the bank profile and financial instrument to the Goods Declaration and upload supporting documents.

Single declaration

On the ASYCUDA portal, traders must create an export Single Declaration. Submit relevant information such as the following.

- Exporter details
- Consignee details
- Vessel and voyage information
- Voyage date
- Country of origin
- Country of destination
- Exchange rate
- HS code
- Net weight of the goods
- Gross weight of the goods
- Item price (FOB/CIF)
- Previous document / reference (bill of lading number / air waybill number)
- Currency type
- Terms of payment
- Bank name
- Bank branch reference number
- Licence number (if any)
- Signature of importer / exporter / agent



Economic Operators Registration and Identification number

An EORI number is required to import goods into Great Britain and to make a Customs declaration when goods are at the British border. Great Britainbased importers usually apply for and obtain an EORI number. In case of direct exports and sales, traders can hire Customs agents or brokers that are established in Great Britain to obtain the EORI number and engage with the Customs authorities.

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#SheTrades

Her success. Our future.

The International Trade Centre's SheTrades Initiative is a global movement to unlock women's full economic potential through trade.

By working with governments, business support organizations, the private sector, and women producers and entrepreneurs, we create the right capacities and conditions for sustainable impact at scale.