

## ANNEX 3-C

### EXCEPTIONS TO ARTICLE 3.11 (*De Minimis*)

Each Party shall provide that Article 3.11 (*De Minimis*) shall not apply to:

- (a) non-originating materials of heading 04.01 through 04.06, or non-originating dairy preparations containing over 10 per cent by dry weight of milk solids of subheading 1901.90 or 2106.90, used in the production of a good of heading 04.01 through 04.06 other than a good of subheading 0402.10 through 0402.29 or 0406.30<sup>7</sup>;
- (b) non-originating materials of heading 04.01 through 04.06, or non-originating dairy preparations containing over 10 per cent by dry weight of milk solids of subheading 1901.90, used in the production of the following goods:
  - (i) infant preparations containing over 10 per cent by dry weight of milk solids of subheading 1901.10;
  - (ii) mixes and doughs, containing over 25 per cent by dry weight of butterfat, not put up for retail sale of subheading 1901.20;
  - (iii) dairy preparations containing over 10 per cent by dry weight of milk solids of subheading 1901.90 or 2106.90;
  - (iv) goods of heading 21.05;
  - (v) beverages containing milk of subheading 2202.90; or
  - (vi) animal feeds containing over 10 per cent by dry weight of milk solids of subheading 2309.90;
- (c) non-originating materials of heading 08.05 or subheading 2009.11 through 2009.39, used in the production of a good of subheading 2009.11 through 2009.39 or a fruit or vegetable juice of any single

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<sup>7</sup> For greater certainty, milk powder of subheading 0402.10 through 0402.29, and processed cheese of subheading 0406.30, that is originating as a result of the application of the 10 per cent *de minimis* allowance in Article 3.11 (*De Minimis*), shall be an originating material when used in the production of any good of heading 04.01 through 04.06 as referred to in subparagraph (a) or the goods listed in subparagraph (b).

fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, of subheading 2106.90 or 2202.90;

- (d) non-originating materials of Chapter 15 of the Harmonized System, used in the production of a good of headings 15.07, 15.08, 15.12, or 15.14; or
- (e) non-originating peaches, pears or apricots of Chapter 8 or 20 of the Harmonized System, used in the production of a good of heading 20.08.