

GOVERNMENT OF FIJI GAZETTE SUPPLEMENT**No. 56****FRIDAY, 16th DECEMBER****2022**

[LEGAL NOTICE NO. 139]

INDUSTRY EMBLEM ACT 2011

**Industry Emblem (Forms and Fees) (Amendment)
Regulations 2022**

IN exercise of the powers conferred on me by section 12 of the Industry Emblem Act 2011, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Industry Emblem (Forms and Fees) (Amendment) Regulations 2022.

(2) These Regulations come into force on the date of publication in the Gazette.

(3) In these Regulations, the Industry Emblem (Forms and Fees) Regulations 2011 is referred to as the “Principal Regulations”.

Regulation 2 amended

2. Regulation 2 of the Principal Regulations is amended by—

- (a) in subregulation (1), deleting “an application for a licence must be in accordance with Form 1 in Schedule 1” and substituting “the prescribed application form is set out as Form 1 in Schedule 1”;
- (b) in subregulation (2), deleting “5(b)” and substituting “5(a)”; and
- (c) after subregulation (3), inserting the following new subregulation—

“(4) For the purpose of section 5(a) of the Act, an application for a licence must be processed within 14 days upon receipt of the application.”.

Schedule 1 amended

3. The Principal Regulations are amended by deleting Schedule 1 and substituting the following—

“SCHEDULE 1
(Regulation 2(1))

APPLICATION FOR LICENCE TO USE EMBLEM

Checklist for Application

No.	Documents to be submitted	Please tick
1.	Completed application form	
2.	Certificate of Business Registration	
3.	Tax Identification Number (TIN) Letter	
4.	Business profile with a production process flow chart giving a brief description of the production process and the product	
5.	Picture of the products attached to the application form	
6.	A health licence from the Ministry of Health and Medical Services for consumables	
7.	For Fijian Organic emblem: licence or certification from a recognised international standards agency or Pacific Guarantee Scheme (PGS) with Pacific Organic and Ethical Trade Community (POETCOM)	
8.	Annual fee of \$50 (VIP) per application to be paid. Cash or bank cheque addressed to “The Permanent Secretary for Commerce and Trade”. The Ministry will not accept company cheques	

PART A – BUSINESS DETAILS

REGISTERED BUSINESS NAME:

.....

TRADING NAME(S) if different from above:

.....

POSTAL ADDRESS:

.....

BUSINESS ADDRESS:

.....

BUSINESS EMAIL AND WEBSITE:

.....

- CATEGORY: Micro (less than \$50,000 pa)
 Small (Between \$50,001 - \$300,000 pa)
 Medium (\$300,001 - \$1,250,000 pa)
 Large (more than \$1,250,000 pa)

SECTOR:

SPECIFY BUSINESS TYPE OR ACTIVITY:

.....

NUMBER OF EMPLOYEES:

.....

AUTHORISED REPRESENTATIVE DETAIL

NAME OF CONTACT PERSON:

.....

JOB TITLE:

.....

EMAIL:

.....

MOBILE: LANDLINE:

PART B – PRODUCT DETAILS

Only products registered under the Fijian Made - Buy Fijian Brand can use or be associated with the Fijian Made, Fijian Grown, Fijian Crafted, Fijian Product, Fijian Sewn, Fijian Packed, Fijian Assembled, Fijian Designed and Fijian Organic emblems. These products must comply with the Compliance Criteria set out in Schedule 3 of the Industry Emblem (Forms and Fees) Regulations 2011.

Please list below each product (or range of products) you wish to register and tick the emblem to be used for the product. The product(s) must carry at least one emblem. Applicants are encouraged to attach additional pages if needed including any brochures or additional information about the product(s).

NB: A written application must be made if the applicant wishes to add or remove a product after registration.

Qualify under Rules of Origin through Change of Tariff Classification

Name of Product(s): Tick one only	Representation you want to use with this Product Range: Tick one only	Raw Material(s): <i>*Must provide evidence of the invoices</i>	Final Product:	Data:
1. <input type="checkbox"/> New Product or <input type="checkbox"/> Renewal of Product	<input type="checkbox"/> Fijian Made <input type="checkbox"/> Fijian Grown <input type="checkbox"/> Fijian Crafted <input type="checkbox"/> Fijian Sewn <input type="checkbox"/> Fijian Packed <input type="checkbox"/> Fijian Organic <input type="checkbox"/> Fijian Product <input type="checkbox"/> Fijian Assembled <input type="checkbox"/> Fijian Designed	<u>Raw Material(s):</u> (a) (b) (c) <u>Tariff Code:</u> (a) (b) (c) <u>Country of Origin:</u> (a) (b) (c)	<u>Final Product:</u> <u>Final Product Tariff Code:</u>	<u>List of Distributors:</u> <u>List of Export Countries:</u>
2. <input type="checkbox"/> New Product or <input type="checkbox"/> Renewal of Product	<input type="checkbox"/> Fijian Made <input type="checkbox"/> Fijian Grown <input type="checkbox"/> Fijian Crafted <input type="checkbox"/> Fijian Sewn <input type="checkbox"/> Fijian Packed <input type="checkbox"/> Fijian Organic <input type="checkbox"/> Fijian Product <input type="checkbox"/> Fijian Assembled <input type="checkbox"/> Fijian Designed	<u>Raw Material(s):</u> (a) (b) (c) <u>Tariff Code:</u> (a) (b) (c) <u>Country of Origin:</u> (a) (b) (c)	<u>Final Product:</u> <u>Final Product Tariff Code:</u>	<u>List of Distributors:</u> <u>List of Export Countries:</u>

Qualify under Rules of Origin through Local Value Content (LVC)

Name of Product(s): Tick one	Representation you want to use with this Product: Tick one	Raw Material(s): <i>*Must provide evidence of the invoices</i>	Final Product:	Data:																								
1. <input type="checkbox"/> New Product or <input type="checkbox"/> Renewal of Product	<input type="checkbox"/> Fijian Made <input type="checkbox"/> Fijian Grown <input type="checkbox"/> Fijian Crafted <input type="checkbox"/> Fijian Sewn <input type="checkbox"/> Fijian Packed <input type="checkbox"/> Fijian Organic <input type="checkbox"/> Fijian Product <input type="checkbox"/> Fijian Assembled <input type="checkbox"/> Fijian Designed	<table border="1"> <thead> <tr> <th>Raw Material(s)</th> <th>Country of Origin</th> <th>Value (\$)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr> <td>FOB (Production Cost Only)</td> <td> </td> <td> </td> </tr> </tbody> </table> <p><i>*Non-originating material(s) are imported raw materials.</i></p> <p><i>*FOB is the Freight on Board. Value of a good's production cost only.</i></p>	Raw Material(s)	Country of Origin	Value (\$)																			FOB (Production Cost Only)			<u>Final Product:</u>	<u>List of Distributor:</u> <u>List of Export Countries:</u>
Raw Material(s)	Country of Origin	Value (\$)																										
FOB (Production Cost Only)																												

4. That the information provided in this application is true and correct to the best of my knowledge.

_____	_____
Full name of person making this Statutory Declaration	Name of witness
_____	_____
Business Represented	Designation of Witness
_____	_____
Designation	Address of Witness
_____	_____
Signature	Signature of Witness
_____	_____
Date	Date

Completed application forms with supporting documents must be sent to the following address:

The Permanent Secretary, Ministry of Commerce and Trade

Postal Address:	Or hand delivered:	Or emailed to:
P O Box 2118 Government Building Suva	Level 3 Civic Tower Victoria Parade Suva	apply@fjjanmade.gov.fj

Schedule 2 amended

4. The Principal Regulations are amended by deleting Schedule 2 and substituting the following—

“SCHEDULE 2
(Regulation 2(2))

LICENCE FEES

- (1) A micro, small or medium enterprises earning \$1,250,000 or less annually is exempt from paying the annual license fee for an application to an emblem set out in the Industry Emblem Act 2011.
- (2) The annual licence fee for use of an emblem is \$50 (VIP).”.

Schedule 3 amended

5. The Principal Regulations are amended by deleting Schedule 3 and substituting the following—

“SCHEDULE 3
(*Regulation 2(3)*)

COMPLIANCE CRITERIA FOR INDUSTRY EMBLEM

Part I – Interpretation

For the purpose of this criteria, unless the context otherwise requires—

“Substantial transformation” means imported inputs of 2 or more items, each defined at a 6-digit level on the Harmonised Commodity Description and Coding System which, upon manufacturing or processing will result in a finished good that is substantially different from the original by virtue of a change to the classification of the goods in its first 6-digits for the Fiji Standard Tariff based on the Harmonised Description and Coding System.

The criteria to express a substantial transformation under the Fijian Made Buy – Fijian Brand to verify the production process is as follows—

- (a) Change of Tariff Classification – The definition states that imported inputs of two or more items, which upon manufacturing or processing, will result in a finished good. The finished product shall be substantially different from the original inputs by virtue of a change to the classification of the goods at 6-digit level of the Fijian Standard Tariff based on its system. This is intended to include producers and manufacturers who rely on imported inputs or raw materials for the manufacture or processing of their goods and products.
- (b) Local Value Content (LVC) – The rule requires that the prescribed minimum levels of value adding must be set in Fiji and requires that at least 40 per cent of value adding has taken place in Fiji.

Part II – Conditions for Use of Industry Emblems

- (a) All businesses applying and using the emblems must adhere to the applicable laws and standards.

The business shall only use the emblem with one or more of the following representations if the conditions set out hereafter are satisfied—

Fijian Made

- (a) The good must be substantially transformed through a change in tariff sub-heading whereby all non-originating materials used in the production of the goods have undergone a change in tariff classification at the 6-digit level with all significant components originating from Fiji; or

- (b) At least 40 per cent of value-adding in the production or manufacture of the goods must be conducted in Fiji. That is, LVC is more than (\geq) 40% of the Freight On Board (FOB) value.

Fijian Product

- (a) All significant components must originate from Fiji; and
- (b) All, or significantly all, processes involved in the production or manufacture of the goods must be conducted in Fiji.

Fijian Sewn

- (a) The good must be substantially transformed through a change in tariff sub-heading whereby all non-originating materials used in the production of the goods have undergone a change in tariff classification at the 6-digit level with all significant components originating from Fiji; or
- (b) At least 40 per cent of value-adding in the production or manufacture of the goods must be conducted in Fiji. That is, LVC is more than (\geq) 40% of the FOB value.

*The Fijian Sewn emblem primarily promotes the textile clothing and footwear sector purely from a marketing perspective and is specifically intended for use by garment manufacturers and tailors.

Fijian Assembled or Fijian Packed

- (a) Working processes that do not meet the criteria of substantial transformation such as preservations, simple operations such as cutting, packaging, labelling, simple mixing operation, simple assembly and slaughter of animals.

Fijian Designed

- (a) Working processes that do not meet the criteria of substantial transformation such as preservations, simple operations such as cutting, packaging, labeling, simple mixing operation and simple assembly; or
- (b) At least 40 per cent of value-adding in the production or manufacture of goods must be conducted in Fiji.

Fijian Grown

- (a) All products that are wholly obtained in an unprocessed state, that is, it occurs naturally under the primary industry—
 - (i) fruits and vegetables grown and harvested in Fiji;
 - (ii) animals grown, raised and slaughtered in Fiji and their products; and
 - (iii) sea or marine products as determined by the flag of the vessel and local catch certificate.

*The definition used is taken from the definition of ‘wholly obtained’ used in trade agreements. In the context of the Brand, the definition is targeted for use by local farmers and fishermen to raise the profile of local produce. In addition, the principle of substantial transformation applies to Fijian Grown, Fijian Sewn and Fijian Made products.

Fijian Organic

- (a) All produce or products must be grown or processed in Fiji and certified with the Pacific Organic Guarantee Scheme standards or any international standard.

*The assessment of applications is undertaken by the Ministry of Agriculture and the South Pacific Community.

Fijian Crafted

- (a) All handicraft where major components are locally sourced materials that are weaved, crafted and stringed to depict authentic Fijian craft. Significantly all processes involved in the production or manufacture of the goods must be conducted in Fiji.

Part III – The Formula for Calculating Local Value Content

$$LVC = \frac{V - VNM}{V} \times 100$$

Where:

FOB is the Freight on Board. Value of a good’s production cost only;

LVC is the Local Value Content of a good, expressed as a percentage;

V is the value of the good (for exported goods, it will be the FOB value of a good’s production cost only);

VNM is the value of the non-originating material including material of undetermined origin; and

Non-originating material is the value of non-originating material including material of undetermined origin.

Example

Product: Lamb sausage (HS 1905.31) is manufactured in Fiji.

Rules of Origin (RoO): LVC of more than (\geq) 40% of the FOB value.

Raw Material	Origin	Value
Lamb Trims (Non-originating)	NZ	\$3.00
Flour (Originating)	Fiji	\$0.90
Semolina (Originating)	Fiji	\$0.65
Salt (Originating)	Fiji	\$0.15
Starch Binder (Non-originating)	NZ	\$0.50
FOB (Production Cost Only)		\$6.00

$$\text{LVC} = \frac{6 - (3 + 0.50)}{6} \times 100 = 41.67\%$$

Assessment: The LVC of the Lamb Sausage is 41.67% (greater than 40%), meet the RoO requirement and therefore is an originating good of Fiji.

Part IV – Granting Industry Emblems

The Minister may grant a licence on such term and conditions as the Minister deems fit and proper.

Further information on the brand can be obtained from:

The Ministry of Commerce and Trade
Level 3, Civic Tower, Victoria Parade, Suva
Ph: (679) 3305411 / Fax: (679) 3302617

www.mcttt.gov.fj

Or check the brand website: www.fijianmade.gov.fj or

Follow us on: [Facebook](#)

Part V – Specifications for Use of Emblem

- (1) The emblems should always have a bounding box or “clearspace” around it to separate it from surrounding elements. This is the clear space rule that should be followed for all applications.
- (2) Top, bottom, left and right area surrounding the emblem must have a clear space of 0.5cm.

Part VI – Approved Representations for use with Emblem

Applications may be made to use any one or more of these brands on labels.





The emblems must appear in the colours as approved by the Minister. Any deviation in the colours must be approved by the Minister. The emblems may also be used in black and white.

Part VII – Change to production process of good(s) included on the product list

Where a change to a production process of a good(s) included on a licensee’s product list results in the good(s) no longer meeting the conditions set out above, the licensee must advise the Minister immediately and cease using the emblem in relation to that good(s).”.

Made this 13th day of December 2022.

F. S. KOYA
Minister for Commerce and Trade