USMCA origin verification: the defense starts before the questionnaire



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With a 10% tariff on Mexican goods that do not qualify as USMCA-originating and with US pressure to tighten the rules of origin, origin verification is no longer a remote risk. Losing preferential treatment now means paying the regular duty and, for entries made since July 24, 2026, the additional Section 301 duty as well, retroactively on the transactions reviewed. The defense begins long before the questionnaire arrives.

How verification works

Article 5.9 of the USMCA allows the customs authority of the importing country to verify whether a good qualifies as originating. It may do so through questionnaires or requests for information addressed to the importer, the exporter or the producer, and through visits to the exporter's or producer's premises, which require their consent. The exporter or producer has thirty days to answer a questionnaire or to consent to a visit. If the information is not provided or does not prove origin, the authority may deny preferential treatment, and if it finds a pattern of conduct of false or unsupported representations, it may suspend preferential treatment for identical goods in future transactions.

Why it matters more today

Until recently, a negative origin determination meant paying the regular duty, which was low for many products. Today, that duty is compounded by the 10% Section 301 duty applicable to non-originating Mexican goods (except those covered by Section 232, which remain under their own tariffs), and for the US importer that changes the economics of the whole commercial relationship. In practice, the pressure shifts to the Mexican producer: customers demand stronger certifications, their own audits and indemnity clauses if origin cannot be sustained.

Where companies usually fail

The problems rarely lie in the rule of origin itself. They lie in the evidence: regional value content calculations nobody updated when suppliers or prices changed, expired or generic supplier declarations, tariff classifications that do not match between the input and the finished good, and records not kept for the five years the agreement requires (Article 5.8). A certification signed without that support is a risk for the exporter and for its customer.

Recommended review

- Build an origin file for each product with the bill of materials, the classification of each input and the applicable calculation.
- Update calculations when suppliers, prices or processes change.
- Obtain and renew suppliers' origin declarations.
- Appoint a person in charge and a procedure to answer questionnaires on time.
- Review origin and indemnity clauses in customer contracts.

This note is for information only and does not constitute legal advice.

Let's talk

We can assess the impact on your company and the options available.

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