



30 Disember 2013
30 December 2013
P.U. (A) 380

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERINTAH DUTI KASTAM (BARANG-BARANG BERASAL
DARI NEGERI-NEGERI ASEAN) (TATANAMA TARIF
BERHARMONIS ASEAN DAN PERJANJIAN
PERDAGANGAN BARANGAN ASEAN) (PINDAAN) 2013

*CUSTOMS DUTIES (GOODS OF ASEAN COUNTRIES
ORIGIN) (ASEAN HARMONISED TARIFF NOMENCLATURE
AND ASEAN TRADE IN GOODS AGREEMENT)
(AMENDMENT) ORDER 2013*



DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA KASTAM 1967

PERINTAH DUTI KASTAM (BARANG-BARANG BERASAL DARI NEGERI-NEGERI ASEAN)
(TATANAMA TARIF BERHARMONIS ASEAN DAN PERJANJIAN PERDAGANGAN
BARANGAN ASEAN) (PINDAAN) 2013

PADA menjalankan kuasa yang diberikan oleh subseksyen 11(1) Akta Kastam 1967 [Akta 235], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Duti Kastam (Barang-Barang Berasal dari Negeri-Negeri ASEAN) (Tatanama Tarif Berharmonis ASEAN dan Perjanjian Perdagangan Barangan ASEAN) (Pindaan) 2013.**

(2) Perintah ini mula berkuat kuasa pada 1 Januari 2014.

Pindaan Jadual Pertama

2. Perintah Duti Kastam (Barang-Barang Berasal dari Negeri-Negeri ASEAN) (Tatanama Tarif Berharmonis ASEAN dan Perjanjian Perdagangan Barangan ASEAN) 2012 [P.U. (A) 277/2012] dipinda dalam Jadual Pertama—

(a) berhubung dengan ANNEX 7 ORIGINAL (DUPLICATE/TRIPPLICATE), dengan menggantikan ANNEX 7 ORIGINAL (DUPLICATE/TRIPPLICATE) dan butiran yang berhubungan dengannya butiran yang berikut:

“ANNEX 7
ORIGINAL (DUPLICATE/ TRIPLICATE)

1. Goods consigned from (Exporter's business name, address, country)			Reference No. ASEAN TRADE IN GOODS AGREEMENT/ ASEAN INDUSTRIAL COOPERATION SCHEME CERTIFICATE OF ORIGIN (Combined Declaration and Certificate) FORM D Issued in _____ (Country) See Overleaf Notes		
2. Goods consigned to (Consignee's name, address, country)					
3. Means of transport and route (as far as known) Departure date Vessel's name/Aircraft etc. Port of Discharge			4. For Official Use ☐ Preferential Treatment Given Under ASEAN Trade in Goods Agreement _____ ☐ Preferential Treatment Given Under ASEAN Industrial Cooperation Scheme _____ ☐ Preferential Treatment Not Given (Please state reason/s) _____ Signature of Authorised Signatory of the Importing Country		
5. Item number	6. Marks and numbers on packages	7. Number and type of packages, description of goods (including quantity where appropriate and HS number of the importing country)	8. Origin criterion (see Overleaf Notes)	9. Gross weight or other quantity and value (FOB) where RVC is applied	10. Number and date of invoices
11. Declaration by the exporter The undersigned hereby declares that the above details and statement are correct; that all the goods were produced in (Country) and that they comply with the origin requirements specified for these goods in the ASEAN Trade in Goods Agreement for the goods exported to (Importing Country) Place and date, signature of authorised signatory			12. Certification It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct. Place and date, signature and stamp of certifying authority		
13. ☐ Third Country Invoicing ☐ Exhibition ☐ Accumulation ☐ De Minimis ☐ Back-to-Back CO ☐ Issued Retroactively ☐ Partial Cumulation					

OVERLEAF NOTES

1. Member States which accept this form for the purpose of preferential treatment under the ASEAN Trade in Goods Agreement (ATIGA) or the ASEAN Industrial Cooperation (AICO) Scheme:

BRUNEI DARUSSALAM	CAMBODIA	INDONESIA
LAO PDR	MALAYSIA	MYANMAR
PHILIPPINES	SINGAPORE	THAILAND
VIETNAM		
2. CONDITIONS: The main conditions for admission to the preferential treatment under the ATIGA or the AICO Scheme are that goods sent to any Member States listed above must:
 - (i) fall within a description of products eligible for concessions in the country of destination;
 - (ii) comply with the consignment conditions in accordance with Article 32 (Direct Consignment) of Chapter 3 of the ATIGA; and
 - (iii) comply with the origin criteria set out in Chapter 3 of the ATIGA.
3. ORIGIN CRITERIA: For goods that meet the origin criteria, the exporter and/or producer must indicate in Box 8 of this Form, the origin criteria met, in the manner shown in the following table:

Circumstances of production or manufacture in the first country named in Box 11 of this form	Insert in Box 8
(a) Goods wholly obtained or produced in the exporting Member State satisfying Article 27 (Wholly Obtained) of the ATIGA	"WO"
(b) Goods satisfying Article 28 (Non-wholly obtained) of the ATIGA • Regional Value Content • Change in Tariff Classification • Specific Processes • Combination Criteria	Percentage of Regional Value Content, example "40%" The actual CTC rule, example "CC" or "CTH" or "CTSH" "SP" The actual combination criterion, example "CTSH + 35%"
(c) Goods satisfying paragraph 2 of Article 30 (Partial Cumulation) of the ATIGA	"PC x%", where x would be the percentage of Regional Value Content of less than 40%, example "PC 25%"

4. EACH ARTICLE MUST QUALIFY: It should be noted that all the goods in a consignment must qualify separately in their own right. This is of particular relevance when similar articles of different sizes or spare parts are sent.
5. DESCRIPTION OF PRODUCTS: The description of products must be sufficiently detailed to enable the products to be identified by the Customs Officers examining them. Name of manufacturer and any trade mark shall also be specified.
6. HARMONISED SYSTEM NUMBER: The Harmonised System number shall be that of in ASEAN Harmonised Tariff Nomenclature (AHTN) Code of the importing Member State.
7. EXPORTER: The term "Exporter" in Box 11 may include the manufacturer or the producer.
8. FOR OFFICIAL USE: The Customs Authority of the importing Member State must indicate (√) in the relevant boxes in column 4 whether or not preferential treatment is accorded.
9. MULTIPLE ITEMS: For multiple items declared in the same Form D, if preferential treatment is not granted to any of the items, this is also to be indicated accordingly in Box 4 and the item number circled or marked appropriately in Box 5.
10. THIRD COUNTRY INVOICING: In cases where invoices are issued by a third country, "the Third Country Invoicing" box should be ticked (√) and such information as name and country of the company issuing the invoice shall be indicated in Box 7.
11. BACK-TO-BACK CERTIFICATE OF ORIGIN: In cases of Back-to-Back CO, in accordance with Rule 11 (Back-to-back CO) of Annex 8 of the ATIGA, the "Back-to-Back CO" box should be ticked (√).
12. EXHIBITIONS: In cases where goods are sent from the exporting Member State for exhibition in another country and sold during or after the exhibition for importation into a Member State, in accordance with Rule 22 of Annex 8 of the ATIGA, the "Exhibitions" box should be ticked (√) and the name and address of the exhibition indicated in Box 2.
13. ISSUED RETROACTIVELY: In exceptional cases, due to involuntary errors or omissions or other valid causes, the Certificate of Origin (Form D) may be issued retroactively, in accordance with paragraph 2 of Rule 10 of Annex 8 of the ATIGA, the "Issued Retroactively" box should be ticked (√).
14. ACCUMULATION: In cases where goods originating in a Member State are used in another Member State as materials for finished goods, in accordance with paragraph 1 of Article 30 of the ATIGA, the "Accumulation" box should be ticked (√).
15. PARTIAL CUMULATION (PC): If the Regional Value Content of the material is less than forty percent (40%), the Certificate of Origin (Form D) may be issued for cumulation purposes, in accordance with paragraph 2 of Article 30 of the ATIGA, the "Partial Cumulation" box should be ticked (√).
16. DE MINIMIS: If a good that does not undergo the required change in tariff classification does not exceed ten percent (10%) of the FOB value, in accordance with Article 33 of the ATIGA, the "De Minimis" box should be ticked (√)."; dan

- (b) berhubung dengan ANNEX 8 OPERATIONAL CERTIFICATION PROCEDURE FOR THE RULES OF ORIGIN UNDER CHAPTER 3, dengan memasukkan selepas Rule 24 dan butiran yang berhubung dengan butiran yang berikut:

“Rule 25

FOB Price

For the purposes of this Agreement, notwithstanding Rule 11(b), the Certificate of Origin (Form D) and the back-to-back Certificate of Origin shall only reflect the FOB price in cases where the regional value content calculated using the formula set out in Article 29 of this Agreement is applied in determining origin.”.

Dibuat 26 Disember 2013

[SULIT KE.HT(96)669/13-54-3Klt.5 Sk.15; Perb. (C)0.723(SJ.5) Vol.21(SK.4);
PN(PU2)338A/XLIII]

DATO' SERI HAJI AHMAD HUSNI BIN MOHAMAD HANADZLAH
Menteri Kewangan Kedua

[*Akan dibentangkan di Dewan Rakyat menurut subseksyen 11(2) Akta Kastam 1967*]

CUSTOMS ACT 1967

CUSTOMS DUTIES (GOODS OF ASEAN COUNTRIES ORIGIN) (ASEAN HARMONISED
TARIFF NOMENCLATURE AND ASEAN TRADE IN GOODS AGREEMENT)
(AMENDMENT) ORDER 2013

IN exercise of the powers conferred by subsection 11(1) of the Customs Act 1967 [Act 235], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Customs Duties (Goods of ASEAN Countries Origin) (ASEAN Harmonised Tariff Nomenclature and ASEAN Trade in Goods Agreement) (Amendment) Order 2013**.

(2) This Order comes into operation on 1 January 2014.

Amendment of First Schedule

2. The Customs Duties (Goods of ASEAN Countries Origin) (ASEAN Harmonised Tariff Nomenclature and ASEAN Trade in Goods Agreement) Order 2012 [P.U. (A) 277/2012] is amended in the First Schedule—

(a) in relation to ANNEX 7 ORIGINAL (DUPLICATE/TRIPLICATE), by substituting for ANNEX 7 ORIGINAL (DUPLICATE/TRIPLICATE) and the particulars relating to it the following particulars:

**“ANNEX 7
ORIGINAL (DUPLICATE/ TRIPLICATE)**

1. Goods consigned from (Exporter's business name, address, country)		Reference No. ASEAN TRADE IN GOODS AGREEMENT/ ASEAN INDUSTRIAL COOPERATION SCHEME CERTIFICATE OF ORIGIN (Combined Declaration and Certificate) FORM D Issued in _____ (Country) See Overleaf Notes			
2. Goods consigned to (Consignee's name, address, country)					
3. Means of transport and route (as far as known) Departure date Vessel's name/Aircraft etc. Port of Discharge		4. For Official Use ☐ Preferential Treatment Given Under ASEAN Trade in Goods Agreement _____ ☐ Preferential Treatment Given Under ASEAN Industrial Cooperation Scheme _____ ☐ Preferential Treatment Not Given (Please state reason/s) _____ Signature of Authorised Signatory of the Importing Country			
5. Item number	6. Marks and numbers on packages	7. Number and type of packages, description of goods (including quantity where appropriate and HS number of the importing country)	8. Origin criterion (see Overleaf Notes)	9. Gross weight or other quantity and value (FOB) where RVC is applied	10. Number and date of invoices
11. Declaration by the exporter The undersigned hereby declares that the above details and statement are correct; that all the goods were produced in (Country) and that they comply with the origin requirements specified for these goods in the ASEAN Trade in Goods Agreement for the goods exported to (Importing Country) Place and date, signature of authorised signatory			12. Certification It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct. Place and date, signature and stamp of certifying authority		
13. ☐ Third Country Invoicing ☐ Exhibition ☐ Accumulation ☐ De Minimis ☐ Back-to-Back CO ☐ Issued Retroactively ☐ Partial Cumulation					

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2. **CONDITIONS:** The main conditions for admission to the preferential treatment under the ATIGA or the AICO Scheme are that goods sent to any Member States listed above must:
 - (i) fall within a description of products eligible for concessions in the country of destination;
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(c) Goods satisfying paragraph 2 of Article 30 (Partial Cumulation) of the ATIGA	"PC x%", where x would be the percentage of Regional Value Content of less than 40%, example "PC 25%"

4. **EACH ARTICLE MUST QUALIFY:** It should be noted that all the goods in a consignment must qualify separately in their own right. This is of particular relevance when similar articles of different sizes or spare parts are sent.

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- (b) in relation to ANNEX 8 OPERATIONAL CERTIFICATION PROCEDURE FOR THE RULES OF ORIGIN UNDER CHAPTER 3, by inserting after Rule 24 and the particulars relating to it the following particulars:

“Rule 25

FOB Price

For the purposes of this Agreement, notwithstanding Rule 11(b), the Certificate of Origin (Form D) and the back-to-back Certificate of Origin shall only reflect the FOB price in cases where the regional value content calculated using the formula set out in Article 29 of this Agreement is applied in determining origin.”.

Made 26 December 2013

[SULIT KE.HT(96)669/13-54-3Klt.5 Sk.15; Perb. (C)0.723(SJ.5) Vol.21(SK.4);
PN(PU2)338A/XLIII]

DATO' SERI HAJI AHMAD HUSNI BIN MOHAMAD HANADZLAH
Second Minister of Finance

[To be laid before the Dewan Rakyat pursuant to subsection 11(2) of the Customs Act 1967]