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# 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) (NO. 4) 2016**

***CUSTOMS DUTIES (GOODS OF ASEAN COUNTRIES ORIGIN)  
(ASEAN HARMONISED TARIFF NOMENCLATURE AND  
ASEAN TRADE IN GOODS AGREEMENT)  
(AMENDMENT) (NO. 4) ORDER 2016***



DISIARKAN OLEH/  
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AKTA KASTAM 1967

PERINTAH DUTI KASTAM (BARANG-BARANG BERASAL DARI NEGERI-NEGERI ASEAN)  
(TATANAMA TARIF BERHARMONIS ASEAN DAN PERJANJIAN PERDAGANGAN  
BARANGAN ASEAN) (PINDAAN) (NO. 4) 2016

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) (No. 4) 2016**.

(2) Perintah ini mula berkuat kuasa pada 2 Disember 2016.

**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 dengan menggantikan Annex 8 dengan Annex yang berikut:

CUSTOMS ACT 1967

CUSTOMS DUTIES (GOODS OF ASEAN COUNTRIES ORIGIN) (ASEAN HARMONISED  
TARIFF NOMENCLATURE AND ASEAN TRADE IN GOODS AGREEMENT) (AMENDMENT)  
(NO. 4) ORDER 2016

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) (No. 4) Order 2016**.

(2) This Order comes into operation on 2 December 2016.

**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 by substituting for Annex 8 the following Annex:

**“ANNEX 8**

**OPERATIONAL CERTIFICATION PROCEDURE FOR THE  
RULES OF ORIGIN UNDER CHAPTER 3**

For the purposes of implementing the Rules of Origin set out in Chapter 3 (hereinafter referred to as “ASEAN ROO”), the following operational procedures on the issuance and verification of the Certificate of Origin (Form D) and other related administrative matters shall be observed.

## **Rule 1**

### **Definitions**

For the purposes of this Annex:

- (a) **ASW** means ASEAN Single Window as defined in Article 5(a) of the PLF;
- (b) **back-to-back Certificate of Origin** means a Certificate of Origin issued by an intermediate exporting Member State based on the Certificate of Origin issued by the first exporting Member State;
- (c) **exporter** means a natural or juridical person located in the territory of a Member State where a good is exported from by such a person;
- (d) **importer** means a natural or juridical person located in the territory of a Member State where a good is imported into by such a person;
- (e) **issuing authority** means the Government authority of the exporting Member State designated to issue a Certificate of Origin (Form D) and notified to all the other Member States in accordance with this Annex;
- (f) **NSW** means National Single Window as defined in Article 5(c) of the PLF;
- (g) **PLF** means the *Protocol on the Legal Framework to Implement the ASEAN Single Window* done at Ha Noi, Viet Nam on 4 September 2015;
- (h) **producer** means a natural or juridical person who carries out production as set out in Article 25 of this Agreement in the territory of a Member State; and
- (i) **Electronic Certificate of Origin (e-Form D)** means a Certificate of Origin (Form D) that is structured in accordance with the *e- ATIGA Form D Process Specification and Message Implementation Guideline*, and is transmitted electronically between Member States via the ASW in accordance with the security provisions specified in Article 9 of the PLF.

## **Rule 2**

### **Specimen Signatures and Official Seals of the Issuing Authorities**

1. Each Member State shall provide a list of the names, addresses, specimen signatures and specimen of official seals of its issuing authorities, in hard copy and soft copy format, through the ASEAN Secretariat for dissemination to other

Member States in soft copy format. Any change in the said list shall be promptly provided in the same manner.

2. The specimen signatures and official seals of the issuing authorities, compiled by the ASEAN Secretariat, shall be updated annually. Any Certificate of Origin (Form D) issued by an official not included in the list referred to in paragraph 1 shall not be honoured by the receiving Member State.
3. Notwithstanding paragraphs 1 and 2, where a Member State only issues Electronic Certificates of Origin (e-Form D), that Member State need not provide a list of specimen signatures and specimen of official seals of its issuing authority.

### **Rule 3 Supporting Documents**

1. For the purposes of determining originating status, the issuing authorities shall have the right to request for supporting documentary evidence or to carry out check(s) considered appropriate in accordance with the respective laws and regulations of a Member State.
2. Member States are encouraged to allow the submission of electronic supporting documents, if available, to carry out check(s) related to Electronic Certificates of Origin (e-Form D) considered appropriate in accordance with the respective laws and regulations of a Member State.

### **Rule 4 Pre-exportation Verification**

1. The producer and/or exporter of the good, or its authorised representative, shall apply to the issuing authority, in accordance with the Member State's laws and regulations, requesting pre-exportation examination of the origin of the good. The result of the examination, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in determining the origin of the said good to be exported thereafter. The pre-exportation examination may not apply to the good of which, by its nature, origin can be easily determined.
2. For locally-procured materials, self-declaration by the final manufacturer exporting under this Agreement shall be used as a basis when applying for the issuance of the Certificate of Origin (Form D).