

MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY

ASEAN: Overview of ATIGA and Trade Facilitative Initiatives (ASEAN Single Window e-ATIGA and Self Certification Scheme)

Presentation Outline



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- Implementation of e-Form D ATIGA through ASEAN Single Window (ASW)
- ASEAN Self-Certification System



Implementation of e-Form D ATIGA via ASW

INTRODUCTION TO ASEAN SINGLE WINDOW (ASW)

The ASEAN Single Window (ASW) is a regional initiative that connects and integrates National Single Windows (NSWs) of Member States.

ASW provides the secure IT architecture and legal framework that will allow trade, transport, and commercial data to be exchanged electronically among government agencies or the trading community.

The ASW currently supports the exchange of the intra-ASEAN certificate of origin (**e-Form D ATIGA**) and ASEAN Customs Declaration Document (ACDD) on among 7 Member States and will be expanded to exchange other types of data.

Introduction to e-FORM D ATIGA, ASW



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INTRODUCTION TO e-FORM D ATIGA VIA THE ASEANSINGLE WINDOW (ASW) PLATFORM

Eventually the ASW, because it uses international operability standards, can support the exchange of certificates of origin and advance cargo information with non-ASEAN trading partners.

ASEAN Member States (AMS) have agreed to amend the Annex 8, ATIGA-Operational Certification Procedure (OCP) to enable the acceptance of e-Form D ATIGA.

As of date, the **READY** Participating Member States (PMS): **Indonesia; Malaysia; Singapore; Thailand; Vietnam; Brunei and Cambodia.**

Introduction to e-FORM D ATIGA, ASW



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INTRODUCTION TO e-FORM D ATIGA VIA THE ASEANSINGLE WINDOW (ASW) PLATFORM

All AMS had ratified the legal document for the implementation of ASW.

The implementation of ASW is divided into **4 phases** namely:

Pilot Testing;
Parallel Testing;
Live Implementation;
and **Live Operation**

Currently, PMS is already in the **Live Operations** phase with **Indonesia, Malaysia, Singapore, Thailand, Viet Nam, Brunei and Cambodia** have already exchanging e-Form D ATIGA among themselves using real live data.

Objectives of e-FORM D ATIGA, ASW



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OBJECTIVES OF e-FORM D ATIGA



To expedite the cargo clearance process, reduce cost and time of doing business, and enhance trade efficiency and competitiveness.



Simpler and faster processing time, and a more transparent way of doing business.

Benefits of e-FORM D ATIGA, ASW



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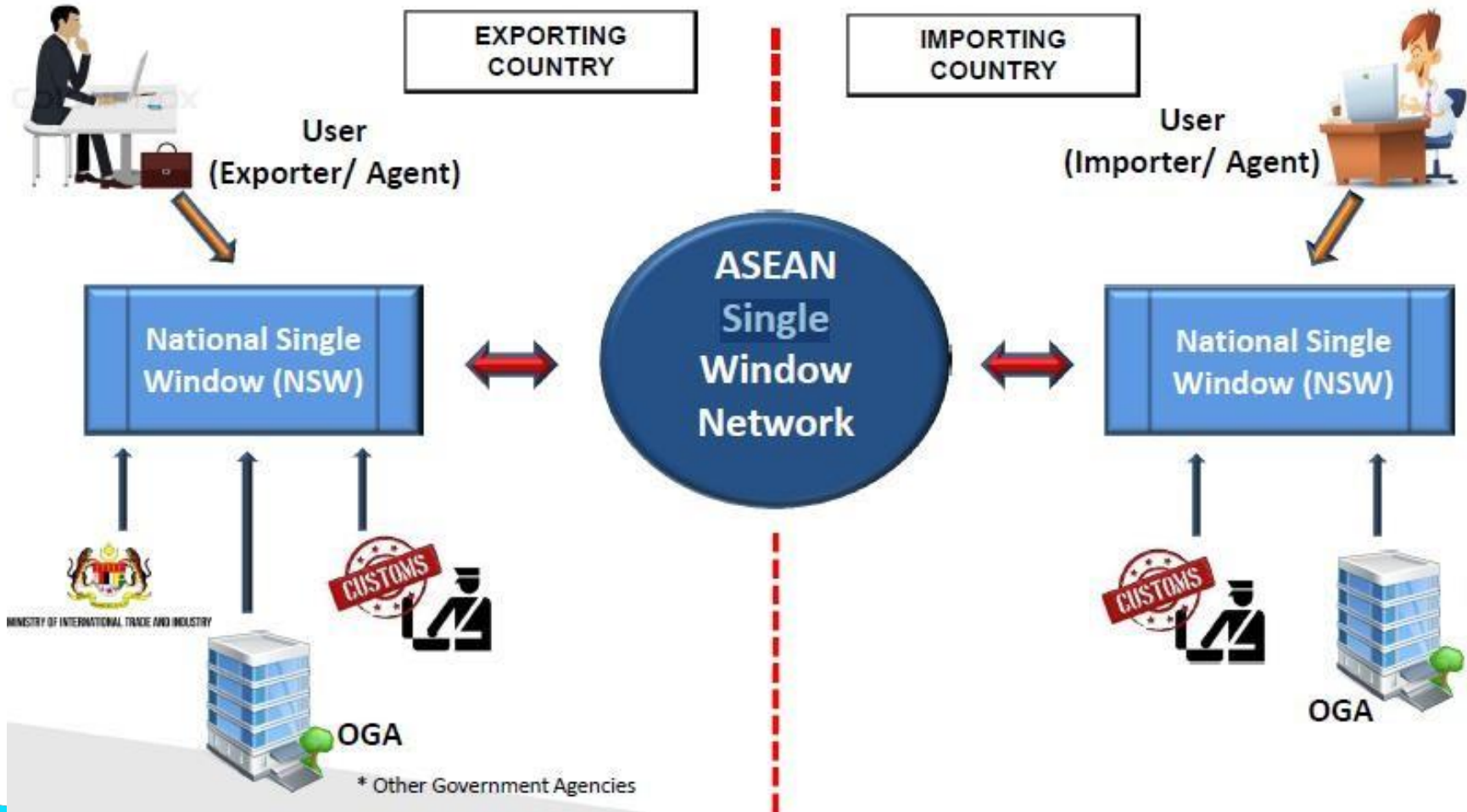
BENEFITS OF e-FORM D ATIGA

- Simpler and faster processing time, and a more transparent way of doing business;
- Mechanism to eradicate forgery of ATIGA Form D; and
- Lessen the verification issue relating to specimen signature and authenticity of the issuance of ATIGA Form D.

How e-FORM D ATIGA Works

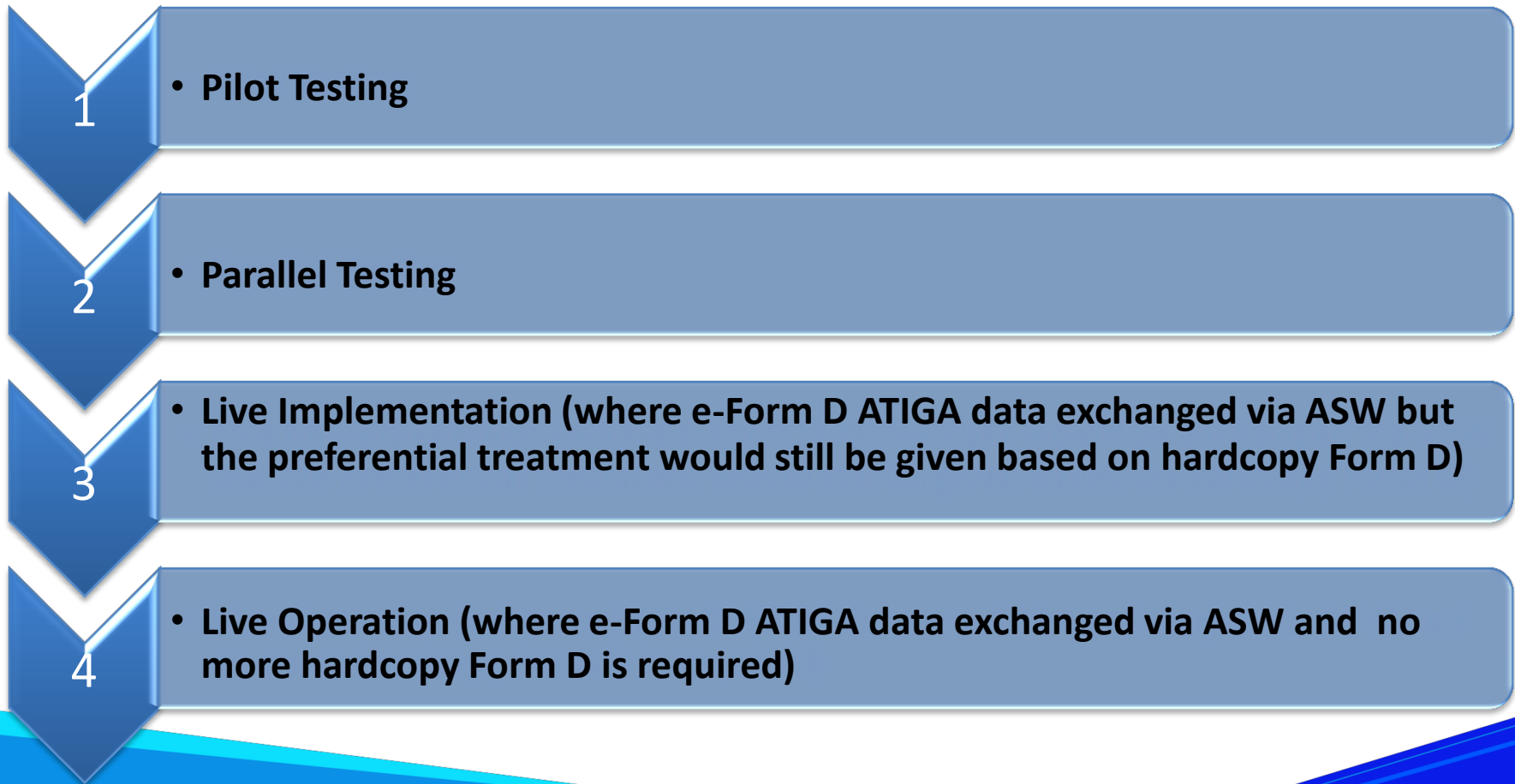


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Phases of e-FORM D ATIGA Implementation

As agreed by all AMS, the implementation of e-Form D ATIGA will be divided into 4 phases namely:



Phases of e-FORM D ATIGA Implementation



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Comparisons	Live Implementation	Live Operation
<p>Implementation</p>	<ol style="list-style-type: none"> 1. Started from November 2016; 2. Electronic Form D data exchanged via ASW from exporting national system to importing customs' system; and 3. Preferential treatment claim during importation; 4. Hardcopy Form D ATIGA is required to claim for the preferential treatment under ATIGA. 	<ol style="list-style-type: none"> 1. Started from 1 January 2018 (replacing the Live Implementation phase); 2. Electronic Form D data exchanged via ASW from exporting national system to importing customs' system; and 3. Preferential treatment claim during importation; 4. Only the e-Form D ATIGA reference number is required to claim for the preferential treatment under ATIGA.
<p>Exchanged Ready ASEAN Member States (AMS)</p>	<ol style="list-style-type: none"> 1. Malaysia; 2. Indonesia; 3. Singapore; and 4. Thailand 	<ol style="list-style-type: none"> 1. Malaysia; 2. Indonesia; 3. Singapore; 4. Thailand; 5. Viet Nam 6. Brunei; and 7. Cambodia



Form D (hardcopy) vs. e-Form D ATIGA

Comparisons	Form D (Hardcopy)	e-Form D ATIGA
Data Elements	<ol style="list-style-type: none">1. Exporter2. Importer3. Shipment4. Packaging5. Goods descriptions6. Importing HS Code7. Origin Criteria / Percentage8. Gross Weight	<ol style="list-style-type: none">1. Exporter2. Importer3. Shipment4. Packaging5. Goods descriptions6. Importing HS Code7. OriginCriteria/Percentage8. Gross Weight
Application Processes	<ol style="list-style-type: none">1. Online through the PCO system:2. Once approved, Exporters:<ul style="list-style-type: none">• Print on pre-printed Form D;• Get endorsement at MITI service counters; and• Send hardcopy Form D to importer.	<ol style="list-style-type: none">1. Online through the PCO system.2. Once approved:<ul style="list-style-type: none">• Form D electronic data will be sent directly to Importing Customs' system; and• Exporter provide importer with the e-Form D ATIGA reference number.

Implementation of e-Form D ATIGA in Malaysia



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The ePCO system (ATIGA module) has been enhanced to enable the system to exchange the e-Form D ATIGA data to the importing country Authority.

Malaysia has declared her commitment to be on board with the Live Operation phase which has begun on 1 JANUARY 2018.

Implementation of e-Form D ATIGA in Malaysia

All exporters exporting to INDONESIA, SINGAPORE, THAILAND and VIETNAM (Live Operation exchanged ready PMS) is encouraged to participate in the ASW Live Operation phase.

Note: INDONESIA Customs has expressed their preference to receive only e-Form D

Note: other than the option to use ASW, exporters may still opt for another 2 available options under ATIGA for their products' declaration of origin to claim preferential treatment i.e.:

- Hardcopy FORM D ATIGA; or
- Invoice Declaration under Self-Certification System.

E-Form D ATIGA Consent via ASW



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Print Option

- | | |
|---|---|
| <input checked="" type="checkbox"/> Print Importing Country HS Code | <input checked="" type="checkbox"/> Print Exporting Country HS Code |
| <input type="checkbox"/> Print/Preview FOB Value | <input checked="" type="checkbox"/> Print Consignee Country |
| <input type="checkbox"/> Print Other FOB Value per Finished Product | <input type="checkbox"/> Print Other FOB Value per Package |
| <input type="checkbox"/> Print Total Other FOB With 2 Decimal Point | <input type="checkbox"/> Print Total Other FOB With 4 Decimal Point |
| <input checked="" type="radio"/> Print With PDF Format | <input type="radio"/> Print With DOCX Format |

! 20/02/14 : Due to needs of 2 decimal or 4 decimal for Other FOB Value, system has been enhanced to cater both formats. Kindly choose your preference
03/01/13 : System has been changed to print the Consignee Country by default. Any customization is available during Printing Option Selection

Draft: "I hereby agree for the data relating to my application as reflected in the ATIGA Form D, to be uploaded onto the ASEAN Single Window and thereafter be exchanged electronically. And I hereby confirm that the information given in this application is true, complete and accurate".

ASEAN SINGLE WINDOW (ASW) CONSENT FOR ATIGA

I hereby agree for the data relating to my application as reflected in the Form D, to be uploaded onto the ASEAN Single Window System and thereafter be exchanged electronically. Notwithstanding, I hereby acknowledge that the manual Form D is still required to be presented to the Importing Authority to qualify for preferential treatment under ATIGA during the ASEAN Single Window Live Implementation Phase.

Note: Applicant is given with the option whether to accept/ do not accept the consent

Please find that ATIGA Form D will only be accepted to Thailand for only 55 tariff lines. For more info, [click here](#)



ASEAN Self-Certification System

Self Certification System under ATIGA

What is Self Certification System?

- A system which enables the certified exporter to make an Invoice Declaration for the export of goods on their own.

Self Certification System vs. Conventional ATIGA Form D

- The information in the invoice declaration is less than what appears in ATIGA Form D.
- It will gradually replace the conventional ATIGA Form D which is currently being issued by the Issuing Authority i.e. MITI

Implementation of Self Certification System?

- A separate Operational Certification Procedure (OCP) has been formulated for the purpose of the ASEAN Self Certification System Pilot Project.
- The list of Certified Exporters will be forwarded to ASEAN Secretariat and shared among PMS.
- Currently, Malaysia has appointed 192 Certified Exporter (CE).

Self Certification System under ATIGA

Participating Member States (PMS):

- **Pilot Project 1 Group**: Brunei, Cambodia, Malaysia, Singapore, Thailand and Myanmar.
- **Pilot Project 2 Group**: Laos, Indonesia, Philippines, Thailand, Vietnam.
- Invoice declaration can only be used with Members in the same pilot project group.

Objectives of Self-Certification

- Transparency
- Simplification, practicability and efficiency
- Non discrimination
- Consistency and predictability
- Standardization and recognition
- Modernization
- Time / Cost Saving

Certified Exporter Criteria



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1. Exporter is registered with MITI through ePCO system;
2. Exporter is manufacturer;
3. Exporter is trader with the following criteria:
 - (i) trader is registered with MITI through ePCO system;
 - (ii) able to present:
 - (a) a “*manufacturer’s declaration*” indicating the origin of the product to be subject to self-certification and readiness to be cooperate in retroactive check/verification mechanism should the need arise; or

Certified Exporter Criteria



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- (b) a *“trader’s declaration”* proving that he/she has a staff competent on ROO, a sound bookkeeping and record-keeping system, and readiness to be cooperate in retroactive check/verification mechanism should the need arise.
3. Cost Analysis approval is valid for at least 12 months from the date of appointment;
 4. Exporter has good track record of exporting (the product for which authorization to self-certify is being secured) to ASEAN Member States for the last 24-month; and
 5. No record of any ROO violation/fraudulence.

- **The idea of ASEAN Self-Certification Pilot Project is:**
 - i. **to facilitate trade in term of time constrain; and**
 - ii. **to develop accountability in business environmental.**

- **Hence, applicants for CE should fulfill, amongst others, these criteria:**
 - i. **CE fully aware of Rules of Origin (RoO); and**
 - ii. **CE responsible on product Origin Criterion declared.**

Appointment of Certified Exporter

- ✓ Applicant will be informed by MITI in writing on the authorization to act as Certified Exporter within the framework of the ATIGA.

- ✓ The appointment letter will list all the conditions under the OCP that need to be observed by CE:
 - Rule 12A – Definition of the Certified Exporter
 - Rule 12B – Invoice Declaration
 - Rule 12C – Monitoring and Verification
 - Rule 12D – Withdrawal of Certified Exporter
 - Rule 24 – Action against fraudulent Acts

cont...

Responsibility of Certified Exporter

- ✓ Apply for the necessary Cost Analysis approval from MITI
- ✓ Keep and maintain up-to-date accurate books and records for at least 3 years.
- ✓ Report to MITI on numbers of Commercial Invoice Declaration on quarterly basis before 5th of March, June, September and December.
- ✓ Extend full co-operation to MITI and Royal Malaysian Customs when required (inspection/audit of operations).

Failure to comply with the above conditions may result in termination of registration as a Certified Exporter

- **Information required on the invoice declaration :**
 - 1. Certified exporter's authorized code number;**
 - 2. Country of origin;**
 - 3. Origin criteria of the goods;**
 - 4. AHTN Code of the product; and**
 - 5. Authorized signature over printed/stamped name of the signatory.**

- **AMS will exchange information on certified exporters of each Member State covering:**
 - 1. Legal name and address of the company;**
 - 2. Certified exporter authorized code number;**
 - 3. Issuance date and expiry date of certified exporter authorization; and**
 - 4. List of products authorized, including product description and AHTN Codes.**

Invoice Declaration



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- The CE shall stamp the “Invoice Declaration” on the commercial invoice only.

- In cases where the commercial invoice could not be produced to the importer on the exportation date, the CE is permitted to put the declaration on trade documents as follows :
 - (i) *Billing Statements; or*
 - (ii) *Delivery Order; or*
 - (iii) *Packing Lists.*

Invoice Declaration



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- The Certified Exporter shall, in the case of export of products satisfying the origin criteria of the Agreement, put the following declaration on the invoice:

*“The exporter of the product(s) covered by this document (**Certified Exporter No.....**) declares that, except where otherwise clearly indicated, the products satisfy the Rules of Origin to be considered as ASEAN Originating Products under ATIGA (**ASEAN country of origin:**), with **Origin criteria:.....**”*

Categories of Text for Invoice Declaration



- 1. Single goods & ASEAN origin.**
- 2. Multiple goods with Malaysia origin & single origin criteria.**
- 3. Multiple goods with Malaysia origin & multiple origin criteria.**
- 4. Multiple goods with multiple origin.**
- 5. Multiple goods with multiple origin. (where some of the items do not qualify)**

Categories of Text for Invoice Declaration



1) Single good with Malaysia origin

“The exporter of the product(s) covered by this document (Certified Exporter No.....) declares that, except where otherwise clearly indicated, the products satisfy the Rules of Origin to be considered as ASEAN Originating Products under ATIGA (ASEAN country of origin: **Malaysia**), with Origin criteria: **WO/RVC/CTC.**”

2) Multiple goods with Malaysia origin & single origin criteria

“The exporter of the product(s) covered by this document (Certified Exporter No.....) declares that, except where otherwise clearly indicated, the products satisfy the Rules of Origin to be considered as ASEAN Originating Products under ATIGA (ASEAN country of origin: **Malaysia**), with Origin criteria: **WO/RVC/CTC.**”

Categories of Text for Invoice Declaration



3) Multiple goods with Malaysia origin & multiple origin criteria

“The exporter of the product(s) covered by this document (Certified Exporter No.....) declares that, except where otherwise clearly indicated, the products satisfy the Rules of Origin to be considered as ASEAN Originating Products under ATIGA (ASEAN country of origin: Malaysia), with Origin criteria: item (1): Regional Value Content 50%; items (2) and (3) : CTH.”

4) Multiple goods with multiple origin

“The exporter of the product(s) covered by this document (Certified Exporter No.....) declares that, except where otherwise clearly indicated, the products satisfy the Rules of Origin to be considered as ASEAN Originating Products under ATIGA (ASEAN country of origin: item 1: Brunei; items 2 and 3: Malaysia), with Origin criteria: item (1): Regional Value Content 50%; items 2 and 3 : CTH.”

Categories of Text for Invoice Declaration



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5) Multiple goods with multiple origin (where 2 out of 10 items do not qualify)

[Extracted description that may be in the invoice pertaining to origin criteria and country of origin]

Product A	Bangladesh	-
Product B	Thailand	RVC 96.35% + CTSH
Product C	Singapore	PC 28.46%
Product D	Malaysia	WO
Product E	Malaysia	SP
Product F	Malaysia	CC
Product G	Malaysia	CTH
Product H	Malaysia	CTSH
Product I	Brunei	Regional Value Content 41.07%
Product J	Kazakhstan	-



Withdrawal of Authorization

No longer fulfill the conditions referred to in Rule 12 A (2) of the OCP;

No longer offers the guarantees referred to in Rule 12A(1) of the OCP; or

The Issuing Authority MAY WITHDRAW the Authorization at any time when:

Abuse the authorization.

Penalty will be imposed for false declarations as stipulated in the Customs Act 1967

Customs Act 1967

- The OCP is gazetted under the Customs Act 1967.
- Section 133 of the Customs Act 1967 provides for penalty on making incorrect declaration and falsifying documents;
 - Punishment:
 - Fine not exceeding RM500,000; or
 - Imprisonment not more than 5 years; or
 - Both.
 - Any receipt of false declaration from a foreign Certified Exporter will have to be communicated to the country of export.



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Thank You

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