

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ



ក្រសួងពាណិជ្ជកម្ម

លេខ ១១៦០ ព.ណ.ស.ជ...

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សេចក្តីជូនដំណឹង
ស្តីពី

ការដាក់ឱ្យអនុវត្តវិធានការបញ្ជាក់ដើមកំណើត

Operational Certificate Procedures-OCF និងវិញ្ញាបនបត្របញ្ជាក់ដើមកំណើតទម្រង់ ឌី (CO Form D)

ក្រោមក្របខ័ណ្ឌកិច្ចព្រមព្រៀងពាណិជ្ជកម្មអាស៊ានស្តីពីទំនិញ

យោងតាមរបាយការណ៍កិច្ចប្រជុំអនុគណៈកម្មការវិធានដើមកំណើតទំនិញ នៃកិច្ចព្រមព្រៀងពាណិជ្ជកម្មទំនិញ អាស៊ាន (SC-AROO) លើកទី៣៨ កាលពីថ្ងៃទី២១-២៣ ខែមីនា ឆ្នាំ២០២២ និងរបាយការណ៍កិច្ចប្រជុំអនុគណៈកម្មការអាហ្វតា (AFTA Council) លើកទី៣៥ កាលពីថ្ងៃទី០៨ ខែកញ្ញា ឆ្នាំ២០២១ ស្តីពីការអនុវត្តវិធានប្រតិបត្តិការនៃការបញ្ជាក់ដើមកំណើត (Amended Operational Certificate Procedures-OCF) ក្រសួងពាណិជ្ជកម្ម មានកិត្តិយសសូមជម្រាបជូនដំណឹងដល់អ្នកឧកញ៉ា លោកឧកញ៉ា លោក លោកស្រី អ្នកនាងកញ្ញា ជាផលិតករ ឬអ្នកនាំចេញទាំងអស់មេត្តាជ្រាបថា៖ ក្រសួងពាណិជ្ជកម្មនឹងដាក់ឱ្យអនុវត្តវិធានប្រតិបត្តិការនៃការបញ្ជាក់ដើមកំណើត (Operational Certification Procedure-OCF) ជាមួយវិញ្ញាបនបត្របញ្ជាក់ដើមកំណើតទំនិញទម្រង់ ឌី (CO Form D) ក្រោមក្របខ័ណ្ឌកិច្ចព្រមព្រៀងពាណិជ្ជកម្មសេរីអាស៊ានស្តីពីទំនិញ (ATIGA) និងកំណត់សម្គាល់នៅផ្នែកខាងក្រោយថ្មី (Overleaf Notes) នៃវិញ្ញាបនបត្របញ្ជាក់ដើមកំណើតទំនិញទម្រង់ ឌី (CO Form D) សម្រាប់ការនាំចេញទំនិញទៅកាន់ទីផ្សារអាស៊ាន រួមមានវិធានកែសម្រួលថ្មីដូចខាងក្រោម៖

- ១) អនុវត្តវិធានប្រតិបត្តិការនៃការបញ្ជាក់ដើមកំណើត (Amended Operational Certificate Procedures-OCF) ក្រោមកិច្ចព្រមព្រៀងពាណិជ្ជកម្មទំនិញអាស៊ាន (ATIGA) នៅថ្ងៃទី០១ ខែឧសភា ឆ្នាំ ២០២២ តទៅ។
- ២) អនុវត្តវិញ្ញាបនបត្របញ្ជាក់ដើមកំណើតទំនិញទម្រង់ ឌី (CO Form D) ក្រោមកិច្ចព្រមព្រៀងពាណិជ្ជកម្មទំនិញអាស៊ាន (ATIGA) ជាមួយនឹងការកំណត់សម្គាល់នៅទំព័រខាងខ្នង (Overleaf Notes) ដែលត្រូវបានកែសម្រួលថ្មីចាប់អនុវត្តនៅថ្ងៃទី០១ ខែវិច្ឆិកា ឆ្នាំ២០២២ តទៅ។

ចំពោះវិញ្ញាបនបត្របញ្ជាក់ដើមកំណើតទំនិញទម្រង់ ឌី (CO Form D) ដែលត្រូវបានកែសម្រួល ប្រទេសសមាជិកអាស៊ានទាំងអស់បានឯកភាពក្នុងការអនុវត្តចាប់ពីថ្ងៃទី០១ ខែឧសភា ឆ្នាំ២០២២ តទៅ។ ក្រៅពីនេះ រដ្ឋមន្ត្រីក្រុមប្រឹក្សាអាហ្វតា ក៏បានឯកភាពឱ្យមានរយៈពេលអន្តរកាល (transition Period) ៦ខែ ក្នុងការទទួលយកវិញ្ញាបនបត្របញ្ជាក់ដើមកំណើតទំនិញទម្រង់ ឌី (CO Form D) ទាំងទម្រង់ចាស់ និងទម្រង់ថ្មី រហូតដល់ថ្ងៃទី៣១ ខែតុលា ឆ្នាំ២០២២ ផងដែរ។

អាស្រ័យដូចបានជម្រាបជូនខាងលើ សូម អ្នកឧកញ៉ា លោកឧកញ៉ា លោក លោកស្រី អ្នកនាងកញ្ញា ជាផលិតករ ឬអ្នកនាំចេញទាំងអស់ មេត្តាជ្រាបជាព័ត៌មាន។



4.1 Amendment of the ATIGA OCP

1. The Meeting deliberated and agreed to amend the ATIGA OCP to address the following issues:

(i) Back-to-back Proof Origin for consolidated shipments

2. The Meeting agreed to amend Rule 1(b) and Rule 11 to accommodate the back-to-back proof of origin for consolidated shipments arrangement. The Meeting further confirmed the understanding that one or more original Proof(s) of Origin for this arrangement should only be issued by one exporting AMS, which is also the first exporting AMS.

3. With regards to the validity of back-to-back proof of origin for consolidated shipments, the Meeting agreed to add paragraphs 1(e) and 2(e) in Rule 11 to stipulate for its validity as previously agreed by SC-AROO. The Meeting further agreed to add paragraphs 1(c) and 2(c) in Rule 11 to reflect the validity of back-to-back proof of origin in normal arrangement as agreed at the 32nd Meeting of ROOTF on 14-17 November 2009.

4. With regards to paragraph 1(d) of Rule 11, Indonesia sought clarification on the understanding of “value” and “quantity”. The Meeting agreed with the understanding that “value” refers to the monetary value (e.g. in USD), while “quantity” refers to the unit of measurement, (e.g. kilogram, bulk and others).

(ii) Deletion of “carbon” in Rule 7(2) of the ATIGA OCP

5. The Meeting accepted the deletion of the word “carbon” in Rule 7(2) as previously agreed during the 35th SC-AROO Meeting.

(iii) Simplification of the definition of “three (3) days” from the declared shipment date to mark “Issued Retroactively”

6. Recalling the different practices of AMSs in counting three (3) days from the declared shipment for retroactive issuance of Form D, the Meeting agreed to amend Rule 10. The amendment reflects the understanding that in the case a Form D is issued after the declared shipment date, it should be considered as issued retroactively, therefore, “Issued Retroactively” in Box 13 of the Form D should be ticked.

(iv) Other amendments

7. Noting that even though some of the items have not been agreed in previous SC-AROO meetings, in providing better clarity to the issuing and receiving authorities on the implementation of the OCP, the Meeting also agreed to amend:

- i) Rule 25 (FOB Price), to make reference to the provisions related to FOB Price in Rule 11(1)(b), Rule 11(2)(b) and Rule 12B for a correct reference of Rule 25 since Rule 11(b) which was referred to in Rule 25 no longer exist; and

- ii) Attachment 1 (List of Data Requirements), to replace “first exporting Country” with “first exporting Member State” for consistency with Rule 1(b).
8. The Meeting agreed that the amendment to Rule 25 (FOB Price) is to clearly reflect the common understanding among all AMSs on the implementation of Rule 25 and does not change any current commitments.
9. Due to AMSs’ divergent views on the proposed amendments regarding i) other FOB price related implementation issues; ii) Back-to-Back Form D involving only two Parties, and iii) Concurrent use of TCI and back-to-back arrangement, the Meeting agreed to defer the discussion on these issues at the General Review of the ATIGA.
10. The pre-scrubbed draft amendment of the ATIGA OCP finalised at this Meeting appears as **ANNEX 4**.

4.2 Amendment of the ATIGA Form D and its Overleaf Notes

11. The Meeting discussed and agreed to amend the ATIGA Form D and its Overleaf Notes on the issues that have been agreed during previous SC-AROO meetings, as follows:
- i) Removal of reference of the ASEAN Industrial Cooperation (AICO) Scheme from the front page of the ATIGA Form D and paragraphs 1 and 2 of the Overleaf Notes;
 - ii) Paragraph 9 (Multiple Items): to reflect the agreed standardised practice on how to indicate in boxes 4 and 5 in case some items are granted the preferential tariff treatment while some other items are not granted;
 - iii) Paragraph 12 (Back-to-back CO): correction of the reference of “original Proof(s) of Origin” instead of “CO (Form D)”; and
 - iv) Paragraph 14 (Issued Retroactively): to adopt the agreed language in Rule 10 of the OCP.

ANNEX 7
Original (Duplicate/Triplicate)

1. Goods consigned from (Exporter's business name, address, country)			Reference No. ASEAN TRADE IN GOODS AGREEMENT CERTIFICATE OF ORIGIN (Combined Declaration and Certificate) FORM D		
2. Goods consigned to (Consignee's name, address, country)			Issued in _____ (Country) See Overleaf Notes		
3. Means of transport and route (as far as known) Departure date Vessel's name/Aircraft etc. Port of Discharge			4. For Official Use <input type="checkbox"/> Preferential Treatment Given Under ASEAN Trade in Goods Agreement <input type="checkbox"/> Preferential Treatment Not Given (Please state reason/s) Signature of Authorised Signatory of the Customs Authority 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 FOB price 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 <input type="checkbox"/> Third Country Invoicing <input type="checkbox"/> Exhibition <input type="checkbox"/> Accumulation <input type="checkbox"/> De Minimis <input type="checkbox"/> Back-to-Back CO <input type="checkbox"/> Issued Retroactively <input type="checkbox"/> 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):

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 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 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 or Produced Goods) of the ATIGA	"WO"
(b) Goods satisfying Article 28 (Not-Wholly Obtained or Produced Goods) of the ATIGA <ul style="list-style-type: none"> 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 (Accumulation) 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, the "Preferential Treatment Not Given" in Box 4 should be ticked (✓) and the item number should also be circled or marked appropriately in Box 5.
10. FOB PRICE: This is applicable for goods exported from and imported by Kingdom of Cambodia, Republic of Indonesia, and Lao People's Democratic Republic and where the Regional Value Content (RVC) criteria is applied, by providing the FOB price of the goods in Box 9.
11. 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.
12. BACK-TO-BACK CERTIFICATE OF ORIGIN: In cases of Back-to-Back CO, in accordance with Rule 11 of Annex 8 of the ATIGA, the "Back-to-Back CO" box should be ticked (✓) and the reference number and the date of issuance of the original Proof(s) of Origin shall be indicated in Box 7.
13. 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.
14. ISSUED RETROACTIVELY: 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, and the "Issued Retroactively" box should be ticked (✓).
15. 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 (✓).

16. 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 (✓).
17. DE MINIMIS: If a good that does not undergo the required change in tariff classification does not exceed ten percent (10%) of the FOB price, in accordance with Article 33 of the ATIGA, the "De Minimis" box should be ticked (✓).