

NOTIFICATION OF THE DEPARTMENT OF FOREIGN TRADE

RE: Issuance of Certificate of Origin under ASEAN Trade in Goods Agreement

B.E. 2559 (2016)

Whereas the Notification of the Department of Foreign Trade RE: Issuance of Certificate of Origin Under ASEAN Trade in Goods Agreement B.E. 2557 (2014) dated on 10th June B.E. 2557 (2014) determine for requiring a Certificate of Origin for the purpose of applying the Generalized System of Preference for Association of Southeast Asian Nations (ASEAN) must comply with the regulations for certificate of origin that amended and use Certificate of Origin Form D: Form D under such Agreement.

Whereas, the 26th Meeting of the ASEAN Free Trade Area (AFTA) Council held on 27 August B.E. 2555 (2012), approved exporters shall specify FOB value of exported goods in Box 9 of Certificate of Origin (Form D) that for goods manufactured under Regional Value Content (RVC) and allow the Kingdom of Cambodia and the Republic of the Union of Myanmar specify FOB value of exported goods in every regulations of manufacture for a further period of 2 years, and in the 12th Sub Committee on ASEAN Rules of Origins (SC-AROO) held on 1-2 July B.E.2556 (2013), approved the resolution of such Meeting of the ASEAN Free Trade Area (AFTA) Council by prescribing a flexible duration of enforcement for both countries from 1st April B.E.2557 (2014) to 31st March B.E.2559 (2016)

In order to issue certificate of origin (Form D) in accordance with regulations of Certificate of Origin under ASEAN Trade in such Goods Agreement and corresponding with the Notification of Ministry of Commerce, RE: Issuance of Certificates of Origin under International Trade Agreements or the International Trade Practice B.E. 2548 (2005) dated on 28th February B.E. 2548 (2005) including the Notification of The Department of Foreign Trade, RE: Rules, procedures and conditions for applying Export-Import Certificate by Electronic Procedure B.E. 2554 (2011) dated on 9th February B.E. 2554 (2011), Department of Foreign Trade, hereby issues the notification as follows:

Clause 1 The Notification of The Department of Foreign Trade RE: Issuance of Certificate of Origin Under ASEAN Trade in Goods Agreement B.E. 2557 (2014) dated on 10th June B.E. 2557 (2014) shall be repealed.

Clause 2 Exporter of goods originated in Thailand to Association of Southeast Asian Nations (ASEAN) wishing to apply for a certificate of origin (Form D) for the purpose of applying the Generalized System of Preference under Association of Southeast Asian Nations (ASEAN), shall apply for certificate of origin (Form D) prescribed in Appendix attached herein to the Department of Foreign Trade or other agencies assigned by Department of Foreign Trade together with the following documents:

- (1) An original and a copy of invoice
- (2) A copy of Bill of Landing (B/L) or a copy of Air Waybill or other documents showing detail for shipping overseas.
- (3) Form of examination of the origin of the good (the Harmonized System 01 to 24) prescribed in Appendix of the Notification of the Department of Foreign Trade RE: Form of examination of the origin of the good for the purpose of applying the Generalized System of Preference for Association of Southeast Asian Nations (ASEAN) (No.2) B.E.2549 (2006) dated on 8th June B.E. 2549 (2006)
- (4) The results of the examination of the origin of the goods affirmed by the Department of Foreign Trade for the Harmonized System 25 to 97
- (5) Other relevant documents to comply with the rules of origin and procedures for the certification of Origin including additional regulations under such agreement.

Clause 3 If it is necessary to prove the origin of the good, Department of Foreign Trade has the authority to call for other documents or evidence it deems necessary or appropriate.

Clause 4 In the event that goods are manufactured in accordance with Regional Value Content (RVC), exporter shall specify the FOB value of exported goods in Box 9 of the certificate of origin (Form D)

Clause 5 In case where invoices are issued by a third country (Third Country Invoicing), the application for a certificate of origin (Form D) shall be carried out in accordance with the following rules:

(1) Manufacturer, exporter and importers, must reside in ASEAN member countries.

(2) The third country that issues the invoice whether it is a member state of ASEAN.

(3) Specifying the names of issuer of an invoice and the third country which issues an invoice in Box 7 of the Certificate of Origin (Form D).

(4) Specifying the number and date of third country invoicing or exporter in Box 10 of the Certificate of Origin (Form D)

(5) Marking (✓) in the textbox of Third Country Invoicing in Box 13 of the Certificate of Origin (Form D)

Clause 6 In case of applying for a Certificate of Origin (Form D) for goods to be displayed at the exhibition in other ASEAN member countries, and sell it to the buyer in ASEAN member countries during or after the exhibition, exporter shall mark (✓) in the textbox of "Exhibition" in Box 13 and specify the name of the Exhibition place in Box 2 of the Certificate of Origin (Form D)

Clause 7 In case of applying for a Certificate of Origin (Form D) for exporting goods by an intermediate exporting Party to other ASEAN member countries (Back-to-Back), exporter shall mark (✓) in the text box of "Back-to-Back CO" in Box 13 of the Certificate of Origin (Form D) together with the following documents:

(1) An original and a copy of invoice used in import and export

(2) A copy of Bill of Landing (B/L) or a copy of Air Waybill or other documents showing detail for shipping overseas used in import and export

(3) An original or copy of import entry

(4) An original or copy of Certificate of Origin (Form D) which has not expired.

From country of origin

In this case, the total quantity of goods specified in the certificate of origin must not exceed the total volume of the goods specified in the Certificate of Origin (Form D) issued by the first exporting ASEAN Member Country.

Certificate of Origin issued under this rule shall have validity period as same as the Certificate of Origin (Form D) issued by the first exporting ASEAN Member Country.

Clause 8 In case of applying for the Certificate of Origin (Form D) for exporters who import goods originated in ASEAN member countries as raw materials for manufacturing finished goods in Thailand in order to export to ASEAN member countries, such exporter shall mark (✓) in the text box of Accumulation in Box 13 of the Certificate of Origin (Form D) together with the following documents:

- (1) An original and a copy of invoice used in import and export
- (2) A copy of Bill of Landing (B/L) or a copy of Air Waybill or other documents showing detail for shipping overseas used in import and export
- (3) An original or copy of import entry
- (4) An original or copy of the Certificate of Origin (Form D) of the goods used as raw material for manufacturing finished good issued by the first exporting ASEAN Member Country.
- (5) Form of examination of the origin of the good (the Harmonized System 01 to 24) prescribed in Appendix of the Notification of the Department of Foreign Trade RE: Form of examination of the origin of the goods for the purpose of applying the Generalized System of Preference (No.2) B.E.2549 (2006) dated on 8th June B.E. 2549 (2006)
- (6) The results of the examination of the origin of the goods affirmed by Department of Foreign Trade for the Harmonized System 25 to 97

Clause 9 In case of applying for the Certificate of Origin (Form D) for exporter who exports goods originated in the Kingdom of Thailand to ASEAN member countries in order to use as raw materials for manufacturing finished goods shall mark (✓) in the text box of Partial Accumulation in Box 13 of the Certificate of Origin (Form D). In this case, exported good shall have Regional Value Content (RVC) less than 40% but not less than 20% of the FOB value of all exported goods from the Kingdom of Thailand.

Clause 10 Exporter who use raw materials that do not meet the criteria of Change in Tariff Classification to ASEAN Member Countries, if such goods have the value of raw materials that do not meet the criteria of the certification of Origin in the proportion not exceeding 10% of the FOB value of exported goods and such goods are manufactured under criteria of the certification of origin, exporter shall mark (✓) in the text box of De Minimis in Box 13 of the certificate of origin (Form D).

Clause 11 In case exporter does not apply for the certificate of origin (Form D) during export processing or within 3 days commencing from the date of loading which was not caused from intention or reasonable cause so it is incapable of applying for the certificate of origin (Form D) in such period of time, exporter shall retrospect submitting the application (Issued Retroactively) for the certificate of origin (Form D) to Department of Foreign Trade within 1 year commencing from the date of loading.

Clause 12 The Certificate of Origin (Form D) shall be valid for a period of 12 months from the date of issuance.

Clause 13 In the case that the Certificate of Origin (Form D) is lost or damaged, exporter shall submit an application for the new Certificate of origin (Form D). In this case, Department of Foreign Trade shall state the message "Certified True Copy "in box 12 of the new Certificate of origin (Form D) referring to number and the date of the submitting the original certificate of origin (Form D). Nevertheless, this process shall be done within 1 year commencing the date of issuance of the original certificate of origin (Form D).

This Notification shall come into force as of 1st April B.E. 2559 (2016) onwards

Notified on the 24th day of March B.E. 2559 (2016)

(Duangporn Rodphaya)

Director-general of the Department of Foreign Trade

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