

DIREKTORAT JENDERAL PERDAGANGAN LUAR NEGERI

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Nomor : 13/DAGLU/SD/1/2014
Sifat : Segera
Lampiran : 1 (satu) berkas
Hal : Edaran Perubahan *Operational Certification Procedures (OCP)* dalam Skema ASEAN-Korea Free Trade Area (AKFTA) dan ASEAN Trade in Good Agreement (ATIGA)

Jakarta, 21 Januari 2014

Yth.

1. Seluruh Instansi Penerbit Surat Keterangan Asal (IPSKA)
2. Para Eksportir Pengguna Surat Keterangan Asal (SKA)
di

Tempat

Sehubungan dengan terdapat perubahan *Operational Certification Procedures (OCP)* dalam skema AKFTA dan ATIGA, dengan ini disampaikan kepada seluruh Instansi Penerbit Surat Keterangan Asal (IPSKA) dan para eksportir pengguna Surat Keterangan Asal (SKA) hal-hal sebagai berikut untuk menjadi perhatian:

I. ASEAN-KOREA Free Trade Area (AKFTA)

1. Berdasarkan surat dari Direktur Jenderal Kerja Sama Perdagangan Internasional nomor 559/KPI/SD/07/2013 tanggal 15 Juli 2013 tentang Hasil Kesepakatan 8th ASEAN-Korea FTA Implementing Committee terkait *Amendment of the OCP, Certificate of Origin (CO) Form and Overleaf Notes ASEAN-Korea FTA*.
2. Perubahan OCP dalam skema AKFTA yang dituangkan dalam *The Decision to Endorse The Amendment of Appendix 1 (Operational Certification Procedures for The Rules of Origin) of Annex 3 (Rules Of Origin) of The Agreement on Trade In Goods* pada pertemuan ke-8 the ASEAN-Korea FTA Implementing Committee tanggal 25-27 Juni 2013, di Seoul, Korea yang ditandatangani dan disahkan sesuai *The Second Protocol to Amend The Trade In Goods Agreement Under The Framework Agreement On Comprehensive Economic Cooperation Among The Governments of Korea and The ASEAN Member States*.
3. Berkenaan dengan hal tersebut diatas, maka:

i. Penerbitan Surat Keterangan Asal (SKA) Form AK:

SKA Form AK yang diterbitkan sebelum tanggal pengapalan dapat diterima untuk memperoleh hak tarif preferensi sepanjang seluruh persyaratan kriteria asal barang, pengiriman langsung dan ketentuan prosedural lainnya telah dipenuhi.

ii. Penghapusan nilai FOB pada Form AK:

- a) SKA Form AK yang digunakan untuk eksportasi ke Indonesia tidak perlu mencantumkan nilai *Free on Board (FOB)* apabila barang yang dieksport menggunakan kriteria asal barang selain *Regional Value Content (RVC)*.
- b) SKA Form AK sebagaimana dimaksud pada huruf a) diatas menggunakan format SKA Form AK yang baru dengan perubahan pada kolom 9 SKA Form AK sesuai Lampiran I Surat Edaran ini.

Surat Edaran Direktur Jenderal Perdagangan Luar Negeri
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Tanggal : 21 Januari 2014

- iii. Penerapan SKA Form AK baru sebagaimana butir i dan ii mulai diberlakukan pada tanggal 1 Januari 2014, dengan ketentuan sebagai berikut:
- Untuk negara ASEAN selain Myanmar dan Cambodia terdapat masa transisi selama 6 (enam) bulan sehingga SKA Form AK yang lama masih dapat diterima sampai dengan tanggal 30 Juni 2014.
 - Untuk Myanmar dan Cambodia terdapat masa transisi selama 2 (dua) tahun dihitung mulai tanggal berlaku sehingga SKA Form AK yang lama masih dapat diterima sampai dengan tanggal 31 Desember 2015.

II. ASEAN Trade in Goods Agreement (ATIGA)

- Berdasarkan pada Surat Direktur Kerja Sama ASEAN nomor 16/KPI.3/ND/01/2014 tanggal 7 Januari 2014 tentang Penghapusan FOB pada SKA Form D dan Penerbitan SKA Form D dengan Format Baru.
- Perubahan *Operational Certification Procedures (OCP)* dalam skema ASEAN Trade In Goods Agreement yang dituangkan dalam *The Amended ATIGA OCP* dan Box 9 CO Form D ATIGA yang ditandatangani dan disahkan pada AFTA Council ke 27 tanggal 19 Agustus 2013 di Brunei Darussalam.
- Berkenaan dengan hal tersebut diatas, maka:
 - Penghapusan nilai FOB pada Form D:
 - SKA Form D yang digunakan untuk eksportasi ke Indonesia tidak perlu mencantumkan nilai FOB apabila barang yang dieksport menggunakan kriteria asal barang selain *Regional Value Content (RVC)*.
 - SKA Form D sebagaimana dimaksud pada huruf a) diatas menggunakan format SKA Form D yang baru dengan perubahan pada kolom 9 SKA Form D sesuai Lampiran II Surat Edaran ini.
 - Penerapan SKA Form D baru sebagaimana huruf i dan ii mulai diberlakukan pada tanggal 1 Januari 2014, dengan ketentuan sebagai berikut:
 - Penerapan SKA Form D baru sebagaimana butir i dan ii mulai diberlakukan pada tanggal 1 Januari 2014, dengan ketentuan sebagai berikut:
 - Untuk negara ATIGA selain Myanmar dan Cambodia terdapat masa transisi selama 6 (enam) bulan sehingga SKA Form D yang lama masih dapat diterima sampai dengan tanggal 30 Juni 2014.
 - Untuk Myanmar dan Cambodia terdapat masa transisi selama 2 (dua) tahun setelah 3 (tiga) bulan sejak tanggal yaitu sejak tanggal 1 April 2014, sehingga SKA Form D yang lama masih dapat diterima sampai dengan tanggal 31 Maret 2016.

Demikian disampaikan, atas perhatian dan kerjasama Saudara diucapkan terima kasih.



Direktur Jenderal Perdagangan Luar Negeri

Bachrul Chairi

Tembusan Yth.:

- Menteri Perdagangan (sebagai laporan);
- Wakil Menteri Perdagangan;
- Direktur Jenderal Kerjasama Perdagangan Internasional;
- Sekretaris Ditjen Perdagangan Luar Negeri;
- Direktur Fasilitasi Ekspor dan Impor;
- Direktur Kerja Sama ASEAN, Ditjen KPI.

Original (Duplicate/TriPLICATE)

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

OVERLEAF NOTES

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

BRUNEI DARUSSALAM
LAO PDR
PHILIPPINES
VIETNAM

CAMBODIA
MALAYSIA
SINGAPORE

INDONESIA
MYANMAR
THAILAND

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
1. Goods wholly obtained or produced in the exporting Member State satisfying Article 27 (Wholly Obtained) of the ATIGA	"WO"
2. Goods satisfying Article 28 (Non-wholly obtained) 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%"
3. 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 (L) 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 (✓).

Original (Duplicate/Triplicate)

1. Goods consigned from (Exporter's business name, address, country)		<p>Reference No. _____</p> <p align="center">ASEAN-KOREA FREE TRADE AREA PREFERENTIAL TARIFF CERTIFICATE OF ORIGIN (Combined Declaration and Certificate)</p> <p align="center">FORM AK</p> <p>Issued in _____ (Country) See Notes Overleaf</p>				
2. Goods consigned to (Consignee's name, address, country)						
3. Means of transport and route (as far as known)		<p>Departure date _____</p> <p>Vessel's name/Aircraft etc. _____</p> <p>Port of Discharge _____</p> <p>..... Signature of Authorised Signatory of the Importing Country</p>				
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 Notes overleaf)	9. Gross weight or other quantity and value (FOB only when RVC criterion is used)	10. Number and date of Invoices
11. Declaration by the exporter			<p>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- Korea Free Trade Area Preferential Tariff for the goods exported to _____ (Importing Country) Place and date, signature of authorised signatory</p>			
			<p>12. Certification</p> <p>It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.</p> <p>..... Place and date, signature and stamp of certifying authority</p>			
13 <input type="checkbox"/> Third Country Invoicing		<input type="checkbox"/> Exhibition		<input type="checkbox"/> Back-to-Back CO		

OVERLEAF NOTES

1. Parties which accept this form for the purpose of preferential tariff under the ASEAN-Korea Free Trade Agreement (AKFTA):

2. CONDITIONS: To enjoy preferential tariff under the AKFTA, goods sent to any Parties listed above:

BRUNELI DARUSSALAM	CAMBODIA	INDONESIA	LAOS	PHILIPPINES	VIETNAM	THAILAND
REPUBLIC OF KOREA	MALAYSIA	SINGAPORE				MYANMAR

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 in the manner shown in the following table:

(iii) must comply with the origin criteria in Annex 3 (Rules of Origin) of the AKFTA.

(ii) must comply with the concession conditions in accordance with Rule 9 of Annex 3 (Rules of Origin) of the AKFTA; and

(i) must fall within a description of goods eligible for concessions in the country of destination;

CONDITIONS: To enjoy preferential tariff under the AKFTA, goods sent to any Parties listed above:

this Form, the origin criteria met, in the manner shown in the following table:

ORIGIN CRITERIA: For goods that meet the origin criteria, the exporter and/or producer must indicate in box 8 of this Form:

Goods wholly obtained or produced in the territory of the exporting Party

Goods wholly obtained or produced in the territory of any Party

Goods satisfying Rule 4.1 of Annex 3 (Rules of Origin) of the AKFTA

Goods satisfying the Product Specific Rules

Change in Tariff Classification

- CTC

- WO-AK

- RVC of 45%
quality as originating; e.g., RVC 45%.

- RVC that needs to be met for the good to qualify as originating; e.g., RVC 40%.

- Wholly Produced or Produced in the territory of any Party

- Regional Value Content
- Quality as originating; e.g., CTH + RVC 40%.

- The combination rule that needs to be met for good to qualify as originating; e.g., CTH + RVC 40%.

- Cambodia and Myanmar shall reflect the origin of goods. The CO (Form AK) issued to and from Cambodia and Myanmar shall reflect the origin of goods. The CO (Form AK) issued to and from

FREE-ON-BOARD (FOB) VALUE: The FOB value in Box 9 shall be reflected only when the Regional Value identified by the Customs Officers examining them. Any trade mark shall also be specified.

DESCRIPTION OF GOODS: The description of goods must be sufficiently detailed to enable the goods to be identified in their own right. This is of particular relevance when similar articles of different sizes or spare parts are sent.

EACH ARTICLE MUST QUALIFY: It should be noted that all the goods in a consignment must qualify separately in accordance with the Harmonized System number shall be that of the importing Party.

HARMONIZED SYSTEM NUMBER: The Harmonized System number shall be that of the importing Party.

EXPORTER: The term "Exporter" in box 1 may include the manufacturer or the producer.

FOR OFFICIAL USE: The Customs Authority of the importing Party must indicate (v) in the relevant boxes in column 4 whether or not preferential tariff is accorded.

THIRD COUNTRY INVOICING: In cases where invoices are issued by a third country, "the Third Country invoicing" box should be ticked (v) and such information as name and country of the company issuing the invoice shall be indicated in box 7.

EXHIBITIONS: In cases where goods are sent from the territory of the exporting Party for exhibition in another country and sold during or after the exhibition for importation into the territory of a Party, in accordance with Rule 20 of the Operational Certification Procedures, the "Exhibitions" box should be ticked (v) and the name and address of the exhibition indicated in box 2.

BACK-TO-BACK CERTIFICATE OF ORIGIN: In cases of Back-to-Back CO, in accordance with Rule 7 (2) of the Operational Certification Procedures, the "Back-to-Back CO" box should be ticked (v).

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Circumstances of production or manufacture in the first country named in box 1 of this form	Insert in box 8	(b) Goods satisfying Rule 4.1 of Annex 3 (Rules of Origin) of the AKFTA	(c) Goods satisfying the Product Specific Rules	(d) Goods satisfying Rule 6
			- Specific Processes	- Specific Processes
		- The combination rule that needs to be met for good to qualify as originating; e.g., CTH + RVC 40%.	- The combination rule that needs to be met for good to qualify as originating; e.g., CTH + RVC 40%.	- The combination rule that needs to be met for good to qualify as originating; e.g., CTH + RVC 40%.
		- RVC of 45% quality as originating; e.g., RVC 45%.	- RVC of 45% quality as originating; e.g., RVC 45%.	- RVC of 45% quality as originating; e.g., CTH + RVC 40%.
		- RVC that needs to be met for the good to qualify as originating; e.g., RVC 40%.	- RVC that needs to be met for the good to qualify as originating; e.g., CTH + RVC 40%.	- RVC that needs to be met for the good to qualify as originating; e.g., CTH + RVC 40%.
		- Wholly Produced or Produced in the territory of any Party	- Change in Tariff Classification	- Change in Tariff Classification
		- WO-AK	- CTC	- CTC
		- RVC 40%		