



**THE 26th MEETING OF
THE ASEAN-KOREA SUB-COMMITTEE ON TARIFFS AND RULES OF ORIGIN (AKSTROO)
13-14 February 2019, Seoul, Korea**

MATRIX OF COMPILATION OF DECISIONS/UNDERSTANDING/CLARIFICATIONS FROM PREVIOUS AKSTROO MEETINGS

No	Issues	Decisions	Endorsing Meeting
1	<i>Monitoring the Utilization of the COs</i>	<p>Quarterly reports shall be submitted to the ASEAN Secretariat not later than 45 days from the last day of that particular reporting period (e.g. if the reporting period is April-June, the deadline for data submission should not be later than 15 August). The first report from the Issuing Authorities should be received within 45 days after the first 3 months of TIG Agreement implementation; Receiving Authorities are given 6 months to adjust and modify their systems to enable them to generate the required report</p> <p>Noting the difficulties of providing quarterly data, the Meeting agreed that each Party would be required to provide data of AKFTA utilisation annually, covering the period of 1 July – 30 June of subsequent year, in bilateral exchange basis. ASEAN Secretariat would be provided with the copy of the data for every data exchange made by Parties</p>	<p>2nd AKSTROO</p> <p>10th AKSTROO Meeting, October 2009, Korea</p>

No	Issues	Decisions	Endorsing Meeting
		All AMS, except the Philippines exchanged information on the Parties' structure of CO Form AK reference number as Attachment 1 . The Philippines informed the Meeting that the unique reference number being used in her certificate of origin forms is under review and as such she is unable to confirm this information at this stage.	21 st AKSTROO, May 2015, Korea
2	AK CO Form	a. HS Code box 7 In order to facilitate trade, Parties agreed that as long as the 6-digit codes are accurate, the HS Code should be accepted. In addition to the HS Code, there should be a precise description of the product to the HS Code	4 th AKSTROO, June 2007, Ha Noi, Viet Nam
3	Implementation of the Reciprocal Arrangement for Sensitive Track	<ol style="list-style-type: none"> 1. All consignments cleared by the customs authorities of the importing Party on or after the entry into force of the TIG Agreement for that particular importing Party should be eligible for tariff concessions provided that a CO issued "retroactively" is subsequently submitted to the importing party 2. In case of Malaysia, under the legal enactment issued by Malaysia, products in Korea's ST list having applied MFN rates of 10% or below are eligible for tariff concessions. Malaysia would therefore apply their respective preferential tariffs to Korea's exports of such ST products if such exports are accompanied by a valid CO. 3. Korea would give her NT rates to ASEAN's ST products exported to Korea. The Meeting agreed that such exports of ASEAN's ST products to Korea should be accompanied by a valid CO. Responding to Korea, ASEAN conveyed that, while it appreciates Korea's goodwill, ASEAN Member Countries should not be expected to reciprocate by giving similar treatment to Korea's ST products. <p>The Meeting noted the status of AKFTA TNC endorsement to the recommendation to insert in paragraph 5 of the Interpretative Notes on the Reciprocal Arrangements for ST products under the AKFTA TIG Agreement for products in the Sensitive Track the following text:</p>	<p>5th AKSTROO Meeting, Aug 2007, Singapore</p> <p>8th AKSTROO Meeting, Bangkok, Thailand</p>

No	Issues	Decisions	Endorsing Meeting
		<p><i>“Nothing in the Agreement prevents an importing Party from granting the Normal Track rate to a Sensitive Track product whose tariff rate is above 10%.”</i></p>	
		Brunei and Singapore do not apply this reciprocal arrangement	11 th AKSTROO Meeting, Manila, Philippines
		Malaysia confirmed that she does not apply the reciprocity principle on products under the ST	13 th AKSTROO Meeting, March 2011, Seoul
		All exporting Parties seeking for the reciprocal arrangement would need to notify relevant Parties on the list of products to be subjected to this arrangement and the corresponding applied MFN or AKFTA tariffs	11 th AKSTROO Meeting, Manila, Philippines
4		Korea urged the respective Member States to expedite the consultation process and finalize the lists for implementation.	16 AKSTROO, 9-11 July 2012, ASEAN Secretariat
5	<i>Implementation issues</i>	<ol style="list-style-type: none"> 1. Urged all parties to make full use of the facilities provided by the focal and customs points in resolving implementation issues encountered at the ground level. 2. Implementation issues shall be discussed bilaterally between two parties involved and that only those issues of general application and those requiring clarification of applicable rules shall be discussed in plenary. The outcome of the bilateral discussions will be reported to the AKSTROO. 3. Parties are encouraged to bring their customs officials to subsequent AKSTROO meetings to facilitate discussions and resolution of implementation issues 	6 th AKSTROO Meeting, January 2008, Philippines
6	<i>Electronically-signed and Stamped CO system</i>	All ASEAN Member States have confirmed their acceptance of the electronically signed and stamped CO system of Korea	8 th AKSTROO Meeting, July 2008, Bangkok, Thailand

No	Issues	Decisions	Endorsing Meeting
		<p>The Meeting confirmed that no AMS has any difficulties in implementing these decisions and requested all Parties to disseminate this information to the respective implementing agency to avoid the possibility of any rejection of eCO</p> <p>Article 4 of the Third Protocol to Amend the ASEAN-Korea Trade in Goods Agreement indicates that the CO Form AK can be manually or electronically signed, stamped and issued directly by the issuing authorities of the exporting Parties</p>	<p>17th AKSTROO Meeting, June 2013, Seoul, Korea</p> <p>Signed by ASEAN and Korea Ministers in 2015</p>
7	GI List	<p>Agreed to include the following definition of “ex” as footnote of each individual GIC list of Member State:</p> <p><i>“The prefix “ex” is used to indicate that only a part of the subheading concerned is covered by the code number referred to in the left-hand column.”</i></p>	8 th AKSTROO Meeting, July 2008, Bangkok, Thailand
9	LOU for PSRs HS 2007	<p>With respect to the LoU, the Meeting shared the following understanding:</p> <p><i>“Considering the possibility of having uncommon implementation date of the LoU due to domestic preparations required for the implementation, countries which have not completed the necessary domestic preparation for the implementation of PSR based on HS 2007 can still use HS 2002 PSR as far as the rule on the overleaf note is not violated, i.e. when tariff classification of the goods is that of the importing country. Certificate of Origin (CO) Form AK issued based on the PSR implemented in the exporting country should not be rejected by the importing country for the reason of not using the same PSR set as basis. To facilitate the clearance, the exporting country would specify the PSR version used in box 8 of the CO Form AK.”</i></p>	9 th AKSTROO Meeting, October 2008, ASEC
9	Rule 7 - Retroactive Issuance of CO – Understanding of “Soon Thereafter”	<p>ASEAN and Korea were of the same understanding the “soon thereafter” which should be taken as “not more than 3 days from the declared shipment date”. The Meeting agreed the revision would only be incorporated into the OCP when the OCP is reviewed</p>	10 th AKSTROO Meeting, October 2009, Korea

No	Issues	Decisions	Endorsing Meeting
	Rule 10 – Time Frame of Submission of CO Form AK	<p>Agreed to extend the CO validity period from 6 months to 12 months as this arrangement would facilitate business process</p> <p>agreed that this amendment be undertaken after the signing and implementation of the Second Protocol to Amend the Agreement on Trade in Goods</p>	<p>10th AKSTROO Meeting, October 2009, Korea</p> <p>14th AKSTROO Meeting, June 2011, NhaTrang</p>
10	Interpretation of Direct Overhead Cost	Confirmed the understanding that in the calculation of FOB for the purpose of origin determination using the RVC criteria, the direct overhead cost would only include cost of overhead directly associated with the manufacturing process, not including sales, general and administrative expenses	11 th AKSTROO Meeting, Manila, Philippines
11	Amendment of Operational Certification Procedure of the AKFTA ROO	<ol style="list-style-type: none"> 1. Agreed that, considering the complexity of pursuing the legal process for changing the annex of the AKTIG Agreement, including revising the OCP, the amendment to the OCP would be done when there are some substantive revisions required on the OCP. 2. Agreed that, for the time being, all Parties could use the Summary of Decisions of AKSTROO as reference for the agreed understanding on the term “soon thereafter” (AKSTROO 10th) and “direct overhead cost” (AKSTROO 11th). 3. Agreed that the extension of validity of CO Form AK would require amendment to the OCP before it is implemented <ol style="list-style-type: none"> 1. The Meeting agreed with the proposed amendments in the OCP to incorporate agreements reached in the previous AKSTROO meeting. 2. The Meeting noted that there was no consensus among ASEAN Member States on whether to amend the AK CO Form or not. AMS need to consult domestically on the proposed changes made in the OCP and CO Form AK. 	<p>11th AKSTROO Meeting, Manila, Philippines</p> <p>16 AKSTROO, 9-11 July 2012, ASEAN Secretariat</p>
12	Removal of ‘Name of Manufacturer’ to be reflected in Box 7 of CO Form AK	ASEAN agreed to the proposal of removing the name of manufacturer to be reflected in Box 7	11 th AKSTROO Meeting, Manila, Philippines

No	Issues	Decisions	Endorsing Meeting
		agreed that this amendment be undertaken after the signing and implementation of the Second Protocol to Amend the Agreement on Trade in Goods	14 th AKSTROO Meeting, June 2011, NhaTrang
13	<i>Additional Page of CO for Multiple Items Declared in the same CO</i>	ASEAN can accept Korea's proposal on the additional Page of AK CO for Multiple Items Declared in the same CO	14 th AKSTROO Meeting, June 2011, NhaTrang
		agreed that this amendment be undertaken after the signing and implementation of the Second Protocol to Amend the Agreement on Trade in Goods	15 th AKSTROO Meeting, March 2012, Pakse City
14	<i>Proposed Amendment to the Term 'at the time of exportation' in Rule 7.1</i>	<ol style="list-style-type: none"> 1. ASEAN agreed to accept Korea's proposal to amend the phrase "at the time of exportation" to "prior to or at the time of shipment" under Rule 7.1 of the OCP 2. agreed that this amendment to Rule 7.1 of the OCP be undertaken after the signing and implementation of the Second Protocol to Amend the Agreement on Trade in Goods 	14 th AKSTROO Meeting, June 2011, NhaTrang
15	<i>Compliance with the Reply Period of Origin Verification – Retroactive arrangement</i>	<ol style="list-style-type: none"> 1. Parties are urged to meet the timeframe stipulated in the OCP and in the event that a Party would not be able to comply with the prescribed two (2) month period, the issuing authority of the exporting Party who received the request for verification, should communicate to the importing authority citing the reasons if unable to meet the request and indicate the intended period to reply. 2. Importing Parties requesting the retroactive check should accept requests for extension of the indicated period, if exporting authorities would be able to cite valid reasons for the failure to comply with the prescribed period. 3. This provision could be included in the proposed review of the OCP and agreed to discuss this further in the future 	14 th AKSTROO Meeting, June 2011, NhaTrang
16	<i>Removal of the FOB value in the CO Form AK.</i>	<ol style="list-style-type: none"> 1. Some ASEAN Member States informed that they could agree in principle that the FOB value would no longer be reflected in the Certificate of Origin for goods where the origin criteria are based on Wholly Obtained or Produced, Produced Entirely from Originating Materials, or meet a Change in Tariff Classification (CTC) or Process Rules of Origin. 	14 th AKSTROO Meeting, June 2011, NhaTrang

No	Issues	Decisions	Endorsing Meeting
		<p>2. The FOB value should still be reflected if the origin criterion applied is an RVC.</p> <p>3. In addition, Cambodia and Myanmar would require a transition period of two (2) years before they could implement this proposal. During the transition period, Certificates of Origin to and from Cambodia and Myanmar would still reflect the FOB value</p>	
17	<i>FOB value reflected in CO Form AK in case of Third Country Invoicing</i>	The Meeting noted that all parties agreed with Korea's proposal to accept either the "manufacturer's FOB value" or "any third country's FOB value" in the Form AK provided that Korea's Form AK would not be rejected if any of the two FOB value be reflected.	16 AKSTROO, 9-11 July 2012, ASEAN Secretariat
18	<i>Third or Multiple Country Invoicing</i>	The meeting agreed to defer the discussion on the Third or Multiple Country Invoicing to the next meeting and Korea would provide a paper to facilitate the discussion.	16 AKSTROO, 9-11 July 2012, ASEAN
		ASEAN would provide its comments on Korea's back-ground paper as well as its clarification on the issue of writing "Form AK" in case of Third Country Invoicing at the next meeting	17 th AKSTROO Meeting, June 2013, Seoul, Korea
19	<i>Implementation of the revised CO Form AK and Overleaf Notes</i>	The Meeting further agreed that all Parties will accept the revised CO Forms AK which was finalised at 18 th AKSTROO Meeting and the revised CO Form AK which was circulated at the 17 th AKSTROO Meeting.	18 AKSTROO, 27-28 April 2014, Solo, Indonesia
20	<i>Revision of the Overleaf Notes of CO Form AK</i>	The Meeting agreed that Paragraph 3 (Origin Criteria) of the Overleaf Notes would not be taken to be an exhaustive list of accepted rules, and that CO Forms which complied with the agreed Origin Criteria under the TIG Agreement (i.e. Annex 3 (Rules of Origin), and PSRs) should not be rejected by issuing and receiving authorities, even if the rule cited was not listed in the Overleaf Notes	18 AKSTROO, 27-28 April 2014, Solo, Indonesia
21	<i>Flexibility for Malaysia's misprinted CO Form AK</i>	The Meeting confirmed its acceptance of Malaysia's misprinted CO Form AK	19 th AKSTROO, 15-16 July 2014, Seoul, Korea

No	Issues	Decisions	Endorsing Meeting
22	<i>Strengthening Consultation Mechanism for Verification and Denial of Preferential Tariff Treatment</i>	<p>The Meeting also urged all Parties to update their respective Focal Points, Customs Contact Points, and Verification Contact Points to facilitate verification request as well as communication between the issuing authorities and receiving authorities.</p> <p>The Meeting urged all Parties to exert more effort to comply with the OCP</p>	<p>19thAKSTROO, 15-16 July 2014, Seoul, Korea</p> <p>20thAKSTROO 28-29 January 2015, UbonRatchathani, Thailand</p>
23	<i>Implementation of the PSRs in HS 2012</i>	<p>1. The Meeting noted that the description of HS code 1605.29 should be “Other” instead of “In airtight containers.”</p> <p>2. The Meeting noted that the Parties are undertaking their internal process to implement the transposed PSRs in HS 2012 by 1 May 2015 as was agreed at the 19th AKSTROO Meeting</p> <p>3. All Parties agreed to accept the CO Forms AK which apply PSR in HS 2012 effective 1 May 2015. The Meeting noted that Cambodia, Lao PDR, Malaysia and Thailand have yet to issue the CO Forms AK, which applies the PSR in HS 2012. The Meeting noted that Korea is flexible in accepting the CO Forms AK which apply PSR in HS 2007 after 1 May 2015 from Parties that have yet to issue the CO Forms AK applying PSR in HS 2012.</p> <p>4. The Meeting agreed that all Parties will accept the CO Forms AK which were issued before 1 May 2015 indicating the PSR in HS 2007, even they are submitted to customs authorities of importing parties after 1 May 2015.</p>	<p>20thAKSTROO 28-29 January 2015, UbonRatchathani, Thailand</p> <p>21st AKSTROO, May 2015, Korea</p>
24	<i>Rule 13 Paragraph 3 (Record keeping requirement)</i>	<p>The Meeting agreed that Rule 13 Paragraph 3 only requires the issuing authority to retain the application for the CO and related documents for not less than 3 years.</p>	<p>20thAKSTROO 28-29 January 2015, UbonRatchathani, Thailand</p>

No	Issues	Decisions	Endorsing Meeting
		<p>The Meeting agreed that if the issuing authority of the exporting Party is unable to provide supporting documentation relating to its exporters' CO Form AK application for post-audit verification as it is beyond the requirement period for record keeping under Paragraph 3 of Rule 13 of the OCP, the importing Party should not use this as the sole grounds to immediately reject AKFTA preferential treatment for the CO in question.</p> <p>The Meeting further agreed that if the exporter is unable to provide the issuing authority with the supporting documentation as it is beyond the period required for the exporters under Paragraph 1 of Rule 13 of the OCP, the importing Party should not use this as the sole grounds to immediately reject AKFTA preferential treatment for the CO in question.</p>	23 rd AKSTROO, July 2016, Singapore
25	<i>Validity of back-to-back CO Form AK</i>	The Meeting agreed that the back-to-back CO Form AK as indicated in Rule 10 of the revised OCP, is valid within twelve (12) months from the date of issuance of the originally issued CO. The Meeting further agreed that to avoid the different interpretations on the validity of the back-to-back CO Form AK, the language of Rule 10 of the revised OCP should be amended and the date of issuance of the original CO should be reflected in the back-to-back CO. In this regards, ASEAN agreed to provide the draft amendment to the Rule 10 and the CO Form AK, if any, for AKSTROO's discussion at the next meeting.	21st AKSTROO, May 2015, Korea
26	<i>Insertion in Box 8 of CO Form AK in the case of "RVC 100%"</i>	The Meeting agreed that according to Paragraph 3 of the Overleaf Notes, the criterion percentage should be inserted in Box 8 of the CO Form AK. However, the Meeting further agreed that CO Forms AK that indicate the actual percentage of RVC should also be accepted by all Parties	22 nd AKSTROO, February 2016, Korea
27	<i>Interpretation on CO issuance time</i>	The Meeting agreed that 'working day' stipulated in Rule 7 of the OCP refers to the working day of exporting Party.	22 nd AKSTROO, February 2016, Korea

No	Issues	Decisions	Endorsing Meeting
28	Issuance of Back-to-Back CO Form AK in the case of multiple shipments	The Meeting shared the view that the OCP does not prevent any Party from issuing more than one back-to-back CO Forms AK in such cases, provided that the total quantity of products covered in these multiple back-to-back CO Forms AK does not exceed the total quantity of products covered in the original CO Form AK	23 rd AKSTROO, July 2016, Singapore
29	Through Bill of Lading (B/L) under Rule 19 Operational Certification Procedures AKFTA	<p>The Parties agreed to give utmost flexibility on the definition of a through bill of lading under rule 19 of OCP.</p> <p>The Meeting further agreed that all Parties will not deny the preferential treatment for the good transhipped or transiting via intermediate countries using Bill of Lading or multimodal transportation documents complemented by supporting documents provided that it has AKFTA origin and is considered as in compliance with direct consignment requirement under Rule 9 of AKFTA ROO.</p>	23 rd AKSTROO, July 2016, Singapore
30	Indicating HS Codes in CO Form AK	The Meeting agreed that a CO Form AK will not be rejected if it indicates at least first 6 digits of HS codes.	23 rd AKSTROO, July 2016, Singapore
		The Meeting agreed that until the AKFTA PSR is transposed into HS 2017 and implemented by the Parties, the HS code of the product in HS 2012 should be indicated in the CO Form AK. Korea viewed that to facilitate the trade among the Parties, Parties could be flexible to accept the CO Form AK which indicates the HS code of the product in either HS 2012 or HS 2017 at this juncture.	24 th AKSTROO, March 2017, Korea
31	The origin criteria in Box 8 of CO Form AK in the case of combination rule	On how to indicate origin criterion in Box 8 of the CO Form AK in the case of combination rule, i.e. the PSR of change in chapter and specific processes applied for gloves, mittens and mitts (HS: 6116.10), the Meeting agreed that in order to facilitate the trade among the Parties, the indication of either “CTC and Specific Processes/SP” or “CC and Specific Processes/SP” in Box 8 of the CO Form AK should be accepted for the above mentioned case	24 th AKSTROO, March 2017, Korea

No	Issues	Decisions	Endorsing Meeting
32	Resubmission of CO Form AK with Overleaf Notes	ASEAN informed the Meeting that it accepts Korea's suggestion for the importers to resubmit the CO Form AK with the Overleaf Notes according to AMS' regulations	25 th AKSTROO, August 2017, Thailand