



THE EIGHTH MEETING OF ASEAN-CHINA JOINT COMMITTEE – WORKING GROUP ON RULES OF ORIGIN (ACJC-WGROO)

25-30 July 2015, Bandar Seri Begawan, Brunei Darussalam

Compilation of Decisions/Understanding on the Implementation of the ACFTA

Item No.	Issue Raised	Decision/Understanding	Meeting
1.	Third Party Invoicing	The Meeting discussed the ACFTA Third Party Invoicing (TPI) and agreed that ACFTA TPI may involve more than one country	7 th ACJC WGROO, 4-6 February 2015, Beijing, China
2.	Deadline for CO Form E Verification	The Meeting urged that responses of verification requests should be replied within the timeline as stated in the Rule 18 of the OCP and through the designated focal points.	6 th ACJC WGROO, 23-24 September 2014, Ha Noi, Viet Nam
3.	Transshipment regulations for products transferred through Hong Kong and Macau	China informed that the requirement for importer to submit documents certified by Hong Kong or Macau Branches of China Inspection Limited Company is applied for products transferred through Hong Kong and Macau only, not through Taiwan. The Meeting also noted that if importer cannot submit the certified documents, China Customs could examine integrity of the container seal and consistency of the seal number with information on the Through Bill of Lading instead.	5 th ACJC WGROO, 12-13 March 2014, Chengdu, China
4.	Responses to verification requests	Philippines highlighted that all verification requests should be addressed to Deputy Commissioner Agaton Teodoro O. Uvero of the Bureau of Customs. Indonesia informed the Meeting that some of verification requests from China are related to authenticity of specimen signatures. Indonesia and the Philippines agreed to follow up this issue and reply the verification requests as soon as possible, no later than the next meeting. The Meeting urged that responses to verification requests should be replied within 180 days as stated in the Rule 18 of the OCP. China informed the Meeting that she will pay high attention on the verification requests and suggested Viet Nam to send the requests	5 th ACJC WGROO, 12-13 March 2014, Chengdu, China

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		to the focal points again.	
5.	Retroactive checks regarding to the Origin Criteria “WO” indicated in Box 8 of CO (Form E)	The Meeting agreed that the CO Form E filled with “WO” should be acceptable if related goods are satisfied with the requirement of wholly produced. Noting that there is no rule to provide for goods wholly produced under the ACFTA, the Meeting reiterated the necessity to revise the ACFTA ROO Chapter so as to keep it up-to-date.	5 th ACJC WGROO, 12-13 March 2014, Chengdu, China
6.	Discrepancies of tariff classification between statements made in Form E and documents submitted to customs authority of importing party	China considered that tariff classification differences between issuing authorities and importing authorities might become substantial discrepancies in the case of different tariff classifications apply to the different origin criteria. Thailand shared her practice that she would accept the CO Form E if there are tariff classification differences on the conditions: i) the products are correspondent to the information of supporting documents, and ii) the origin criteria of both different HS Code are the same. China will specify this issue with concrete examples for the discussion at the next meeting.	5 th ACJC WGROO, 12-13 March 2014, Chengdu, China
7.	Issuance of the CO Form E in case of set of product	The Meeting agreed that the CO Form E should only reflect the description of the final complete good with a defined HS code and it was not necessary to list all components/parts. The Meeting also noted that the determination/classification for set of product is regulated under WCO’s rules	4 th ACJC WGROO, 6-7 November 2013, Bangkok, Thailand
8.	Interpretation of the details in the Box 9 of the CO Form E such as quantity	ASEAN informed the Meeting that it is flexible in interpretation on the word “other quantity” in Box 9 of CO the Form E, which could also be understood as net weight. The Meeting agreed that all Parties should accept either gross weight or net weight to be indicated in the Box 9 of the CO Form E	4 th ACJC WGROO, 6-7 November 2013, Bangkok, Thailand
9.	Third Party Invoicing Arrangement (TPI)	The Meeting agreed that ACFTA TPI may involve more than one country.	7 th ACJC WGROO, 4-6 February 2015, Beijing, China
		China has formally and fully implemented the new rule on the FOB value in case of a Third Party Invoice since 23 November 2012. All the CO Forms E with such information issued in November 2012 will be acceptable to China	3 rd ACJC WGROO, 2-4 March 2013, Yiwu, China
		The Meeting also agreed that after the implementation of the	2 nd ACJC WGROO, 22- 24

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		revised OCP, all Parties accept the CO form E in case of TPI according to Rule 23 of the revised OCP, the Invoice Issuing Third Party can be inside or outside ACFTA Region	October 2012, Singapore
10.	Rule 8 (c) of the ACFTA ROO and Rule 21 of OCP	The Meeting agreed that the through Bill of Lading issued in the exporting Party shall only be to the customs authority of the importing Party in case the transportation is effected through the territory of one or more non-ACFTA Parties	2 nd ACJC WGROO, 22- 24 October 2012, Singapore
11.	Exporter's Name in Box 1 of the CO Form E from China	Recalling the agreement reached in the 1st ACJC WGROO Meeting in Nanning, China, the Meeting reaffirmed that the Exporter's Name in Box 1 should be the same to the name indicated in the invoice, except in the case of third-party invoicing. The Meeting also agreed that the name of exporter's authorised representative shall not be indicated as the Exporter's Name in the Box 1 of the CO Form E.	4 th ACJC WGROO, 6-7 November 2013, Bangkok, Thailand
		China confirmed that she has the same understanding with the Philippines and Thailand that the Exporter's Name in Box 1 of the CO Form E should be the same to the name indicated in the invoice, except in the case of third-party invoice	1 st ACJC WGROO, 11-12 April 2012, Nanning City, China
	Additional Documentary Requirement for the CO Form E Issued	The Meeting noted that this issue has been resolved by China and Viet Nam bilaterally	1 st ACJC WGROO, 11-12 April 2012, Nanning City, China
12.	Request for verification of CO Form E not using formal/ official letter from the importing party's customs authority	The Meeting reaffirmed the agreement made by the 1st ACJC WGROO in Nanning, China, that the exchange of communication related to verification request shall be made in official format (electronic or printed copy) and addressed to the designated Focal Points.	4 th ACJC WGROO, 6-7 November 2013, Bangkok, Thailand
		The Meeting agreed that the exchange of communication related to verification request shall be made in official format (electronic or printed copy)	1 st ACJC WGROO, 11-12 April 2012, Nanning City, China
13.	Chinese Administration's requirement for Third Party Invoice FOB price instead of the manufacturer's FOB price in Box 9	China clarified that she received information that some importing parties require the FOB price in Box 9 of the CO Form E to be the same as the third party invoice's FOB price and she can accept the manufacturer's FOB price to be indicated in Box 9 of the CO Form E. All ACFTA parties shall accept this practice.	26th ACTNC WGROO, 19-20 October 2011, Makati City, Philippines

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14.	Transition period of the new CO Form E	<p>During this transition period, of two (2) months from 1 January – 28 February 2011, Parties who are already implementing the revised OCP could still issue the old CO Form E (based on the old OCP) and new CO Form E (based on the revised OCP). After the transition period that is by 1 March 2011, only new CO Form E should be issued by these Parties implementing the revised OCP. The Meeting noted the understanding that the conditions applicable under the revised OCP would not apply when using the old CO forms.</p> <p>The Meeting also noted the decision reached by the ACTNC intersessionally, that Parties who are not yet implementing the revised OCP will recognize the new CO Form E issued by those Parties implementing the revised OCP, but will accord treatment based on the old OCP. The Parties who are not yet implementing the revised OCP could continue using the old CO Form E and would be accepted by all Parties until such time that these Parties implement the revised OCP and use the new CO Form E.</p> <p>The Meeting agreed that old CO Form E issued using the old OCP, including those issued by Parties implementing the revised OCP should have a validity period of 4 months from the date of issuance in accordance with the old OCP. It is emphasized that any old CO Form E issued before 1 March 2011 by Parties who are already implementing the revised OCP shall no longer be accepted as eligible for preferential tariff treatment by 1 July 2011.</p>	24 th ACTNC WGROO, 3-4 March 2011, Maanshan City, China
15.	Issuance of Form E prior to the date of shipment	The Meeting agreed not to impose a specific number of days or define the term “prior to the date of shipment” in Rule 11 on the issuance of the CO Form E under the revised OCP. The Meeting urged Parties to accord preferential tariff for CO Form E issued any time prior to the date of exportation so long as the information on the CO Form E is complete and in compliance with the ACFTA ROO.	24 th ACTNC WGROO, 3-4 March 2011, Maanshan City, China

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16.	Additional page for CO Form E	Recalling ASEAN's earlier proposal that Parties may use A4 paper as a continuing page of CO Form E to accommodate additional information e.g. for multiple items declaration, the Meeting agreed that Parties use another CO Form E as the continuing page.	24 th ACTNC WGROO, 3-4 March 2011, Maanshan City, China
17.	Information in Box 1 of the CO Form E	The Meeting agreed that Box 1 should only contain information required as indicated on the CO Form E, i.e. exporter's business name, address and country.	24 th ACTNC WGROO, 3-4 March 2011, Maanshan City, China
18.	Number of products for multiple items declaration in the CO Form E	The Meeting agreed to adhere to Rule 7 of the revised OCP that for multiple items declaration, the number of items in the CO Form E would be limited to 20 items.	24 th ACTNC WGROO, 3-4 March 2011, Maanshan City, China
19.	Corrections to the erroneous entries in the CO Form E	The Meeting requested Parties to write clearly any corrections or alteration that should be made to the CO Form E requested by an importing party's receiving authority in accordance with Rule 10 of the revised OCP.	24 th ACTNC WGROO, 3-4 March 2011, Maanshan City, China
20.	Copies of the CO Form E	The Meeting urged Parties to abide by the provisions of the revised OCP that only the original copy of the CO Form E is required and the submission of the quadruplicate copy is no longer necessary.	24 th ACTNC WGROO, 3-4 March 2011, Maanshan City, China
21.	Placement of information for Movement Certificate to Box 7 in view of space constraint in Box 13	The Meeting agreed with the proposal that the information required for Movement Certificate could be placed in Box 7 instead of Box 13.	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010, Luang Prabang, Lao PDR
22.	Issuance of CO Form E prior to the date of shipment	The Meeting noted China's clarification that she has no definition and do not intend to impose a specific number of days for the term "prior to the date of shipment" in Rule 11 on the issuance of the CO Form E under the revised OCP. China requested Parties to accord preferential tariff for CO Form E issued any time prior to the date of exportation so long as the information on the CO Form E is complete and in compliance with the ACFTA ROO. The Meeting agreed to further discuss the matter at the next WGROO meeting.	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010, Luang Prabang, Lao PDR

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23.	Issuance of new CO Form E for transactions in 2010	The Meeting clarified that issuing authorities should not issue the new CO Form E for goods declared before the implementation date of the revised OCP.	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010, Luang Prabang, Lao PDR
24.	Definition in Box 3 of the new CO Form E	The Meeting noted that Box 3 on “Means of Transport and Route” of the new CO Form E could be left blank if the exporter does not have the information at the time of application. The bracketed note “as far as known” means the exporter is only required to provide whatever information available.	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010, Luang Prabang, Lao PDR
25.	CO Form E with Chinese language in the overleaf note still used after 1 April 2010	The Meeting noted that China and Viet Nam would resolve the issue bilaterally.	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010, Luang Prabang, Lao PDR
26.	No overleaf note in the triplicate copy of Form E issued by China	The Meeting noted that China and Viet Nam would resolve the issue bilaterally.	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010, Luang Prabang, Lao PDR
27.	Mistakes and incomplete details in CO Form E	The Meeting noted that when a CO Form E requires amendment, the importing authority would return the CO Form E to the issuing authority for corrections. The issuing authority will make the necessary corrections by striking out the erroneous items and making any addition required on the CO Form E. The issuing authority should not re-issue a new CO Form E. China agreed to make the necessary changes on the original CO Form E as provided for in the Agreement.	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010, Luang Prabang, Lao PDR
28.	Payment of goods to third country	The Meeting noted ASEAN’s concern to grant tariff preference to goods where payment was made to a third country. The Meeting agreed that payment to a third country would not affect the validity of a CO Form E.	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010, Luang Prabang, Lao PDR
29.	Use of a common version of the CO Form E	The Meeting noted that there are two versions of the CO Form E i.e. ASEAN version and China version, as suggested by ASEAN for	23 rd Meeting of the ACTNC WGROO, 1-2 December 2010,

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		printing. The Meeting agreed that all parties use only one common version (the "ASEAN-China FTA" version) of CO Form E and overleaf notes which appear as ANNEX 7 and ANNEX 8 .	Luang Prabang, Lao PDR
30.	Differences in HS Code in the Certificate of Origin	Where tariff classification differences occur between the statements reflected in the Certificate of Origin (Form E) and those made in the documents submitted to the Customs Authority of the importing Party, provided that the origin of the product is not in doubt, the Certificate of Origin (Form E) should be honoured and the products be given preferential tariff treatment.	21 st ACTNC WGROO, 4-5 March 2010, Bandar Seri Begawan, Brunei Darussalam
31.	Erroneous Entry in the Certificate of Origin (Form E)	In cases where an incorrect entry is made in the Certificate of Origin (Form E), e.g. CIF value instead of FOB value in Box 9, the Certificate of Origin (Form E) should be returned by the importing party to the issuing authority of the exporting Party in order for the issuing authority to make the necessary correction for subsequent re-submission of the Certificate of Origin (Form E) to the importing Party.	21 st ACTNC WGROO, 4-5 March 2010, Bandar Seri Begawan, Brunei Darussalam
32.	Recognition of China's Specimen Signature	The Meeting continued its deliberation on the ASEAN's request to China to have official's name stamped in English character under her/his signatures in China's Form E to facilitate recognition of specimen signatures, which at this juncture is only made in Chinese characters. China indicated that it would be difficult for her to accommodate ASEAN's request as such practice has never been adopted in her procedure. In addition, the stamps would not appear in the carbon copies of the Form Es. She further added that stamping the officials' names may not be appropriate as it could be easily fraud. ASEAN further clarified that the stamping of names is proposed only to facilitate recognition and not for verification purposes and therefore, the issue of fraud should not be a concern. If the stamping of names is viewed as impractical by China, an alternative option of asking the exporter to print out the official's name in the Form E could also be considered. The Meeting noted that China would revert on this request at the next	19 th ACTNC WGROO, 16-17 June 2009, Kuala Lumpur, Malaysia

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	Transshipment regulations for products transferred in Hong Kong and Macau, China	Thailand had transshipment issue when her goods are exported to China and transhipped through Hong Kong and Macau, China. China viewed that following the Rule 21 of the ACFTA OCP, the supporting documents are required for the goods transhipped through non-Parties. However, China reaffirmed that if an importer cannot submit the supporting documents, China Customs could examine integrity of the container seal and consistency of the seal number with information on the Through Bill of Lading. China Customs also agreed to consult with relevant agencies with the aim of addressing the concern of Thailand on this issue.	7 th ACJC WGROO, 4-6 February 2015, Beijing, China
33.	Understanding of Through Bill of Lading for transshipment	<p>In relation to the issue of transshipments in ACFTA, ASEAN pointed out that rule 8 of the ACFTA ROO stipulates that transshipments due to geographical reasons are allowed and goods would be entitled for ACFTA concessions. To facilitate the implementation of Rule 8, rule 20 of the OCP elaborates its procedures and in which it stipulates that such arrangement should have a “through bill of lading”. ASEAN further pointed out that a “through Bill of Lading” is not an ordinary BL, as it also serves as a document certifying that goods have not undergone any process during its transshipment and remained in customs control of the intermediate port before reaching its final destination.</p> <p>ASEAN expressed her concerns on the requirement of China for ASEAN exporters with shipments going through Hong Kong to obtain certification from China Inspection Company (CIC) to certify that goods have not undergone further process and stayed in the customs control of Hong Kong. ASEAN viewed that such requirement is redundant as the condition certified by CIC has already been made under the through bill of lading. ASEAN viewed that with China ratifying the ACFTA ROO, the certification made under the through bill of lading should be recognised, and no additional certification should be required for this purpose. It was further pointed out that the additional requirement to obtain CIC certification would add cost to the exporter and the procedure</p>	19 th ACTNC WGROO, 16-17 June 2009, Kuala Lumpur, Malaysia

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		<p>was also viewed as complicated. In this regard, ASEAN urged China to consider omitting the requirement for CIC certification for goods going through Hong Kong to facilitate trade between ASEAN and China under ACFTA. China noted the concerns of ASEAN and indicated that she will bring the issue to the attention of her high level authority for their consideration.</p>	
34.	<p>Verification of Malaysia's Form E</p>	<p>Malaysia informed China on the outcomes of verification request on a number of Form Es issued of Malaysia that for the Form E No. KL2009/E/1832 is a valid Form E, while discrepancies are found in the remaining 4 COs in terms of (i) FOB value; (ii) exporter signature and company stamping; (iii) signature of authorised issuing officer; and (iv) official seals. Malaysia indicated that the importer in China has forged the 4 COs from the original CO and the certified true copy of the concerned COs has been conveyed to China vide letter 12 June 2009 for her reference.</p> <p>ASEAN pointed out that the implementation problems presented by Malaysia is one of the actual cases in which specimen signatures in Form E serves as one of the security tools in preventing frauds in Form E. ASEAN reiterated its earlier statement on the importance of retaining specimen signature requirement in the ACFTA OCP.</p>	<p>19th ACTNC WGROO, 16-17 June 2009, Kuala Lumpur, Malaysia</p>
35.	<p>Level of HS digits to be reflected in the CO Form E</p>	<p>The Meeting noted the enquiry by some ASEAN Member State on the digit level of HS codes to be reflected in CO Form E. Responding to this, the Meeting viewed that since the CO Form E serves as a document to determine the originating status of the products and that the origin determination rules are agreed at the 6 digit level, reflection of 6 digits HS codes in the CO Form E would be sufficient. However, inclusion of HS codes beyond 6 digits in Form E should not lead to any denial of ACFTA concession. Responding to the enquiry on how determination of ACFTA rates be made if the CO only provide 6 digit HS code, the Meeting clarified that such decision could refer to the relevant import declarations in which, the national tariff nomenclature of the</p>	<p>19th ACTNC WGROO, 16-17 June 2009, Kuala Lumpur, Malaysia</p>

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		importing Party would be provided.	
36.	Financing arrangement of ACFTA consignments	The Meeting agreed that any method of payments for consignments between ACFTA Parties, such as TT, TR, cash and others, would also be allowed and should not be the reason to deny ACFTA concessions, as financial mechanism of the consignment arrangements is not part of the rules regulated under ACFTA.	19 th ACTNC WGROO, 16-17 June 2009, Kuala Lumpur, Malaysia
37.	Unrecognised specimen signature of Indonesia by China's Customs	The Meeting reiterated that all parties need to provide acknowledgement on all update specimen signatures circulated by ASEAN and should there be no acknowledgement received it would take to mean that the party has received the specimen signature. Further, the Meeting also reiterated that each contact point may need to send immediately all specimen signatures received from the ASEAN Secretariat to all ports to facilitate the preferential clearance claimed under ACFTA.	18 th ACTNC WGROO, 23-25 March 2009, Nanning, China
38.	Different Tariff Classification between Importing and Exporting Country	both Thailand and China have agreed that in case where the interpretation of tariff classification of a product of the importing party is different with that of the exporting party, the interpretation of the importing party shall prevail and shall be used as basis for granting tariff concession.	18 th ACTNC WGROO, 23-25 March 2009, Nanning, China
39.	Difficulties in Identifying Specimen Signature of China	ASEAN requested China to use rubber stamp to put the official name below the signature. China agreed to consider ASEAN's suggestion on the matter.	18 th ACTNC WGROO, 23-25 March 2009, Nanning, China
40.	Invoice Issued by the exporter on behalf of a company located in the 3rd Country	China noted this issue and would provide her response on the matter intersessionally.	18 th ACTNC WGROO, 23-25 March 2009, Nanning, China
41.	Verification Process	The Meeting agreed that according to the OCP, the verification process need to be channeled to the competent authority or the	18 th ACTNC WGROO, 23-25 March 2009, Nanning, China

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		issuing authority of the exporting country, as the case may be necessary.	
42.	Treatment on Products in Doubt	China informed the Meeting that some of her exporters, especially for those exporting perishable goods, experienced difficulties in some ASEAN countries where the products were detained in customs for the reason of doubt in the authenticity of the certificate of origin. She was of the view that this is not the common practice as the product could be released with higher rate or certain deposit while preferential treatment would be subject to the necessary verification process. ASEAN would consider this matter further.	18 th ACTNC WGROO, 23-25 March 2009, Nanning, China
43.	Discrepancy in the tariff rates	<p>The Meeting recalled the decision of the ACTNC that the issue on the discrepancies in ACFTA rates granted by China to different ASEAN Member States for the same product would be deliberated at the TNC.</p> <p>China provided the explanation that this was due to the application of two specific TIG criteria:</p> <ol style="list-style-type: none"> a. the reciprocity element in reduction commitments for sensitive products which resulted in different tariff rates being applicable to different parties. b. the threshold for 60% of tariff lines to be between 0-5% required different adjustments in tariff rates for different parties in order to meet this threshold <p>China emphasized that the differences resulted from the above criterion b will disappear once the higher threshold requirements for tariff reductions take effect in 2009. The affected parties will consult bilaterally with China on the issue.</p>	<p>16th ACTNC WGROO, 7-8 May 2008, Bali, Indonesia</p> <p>29th ACTNC, 7-8 May 2008, Bali, Indonesia</p>
44.	Third Party Letter of Credit	As the LC is not part of the issues regulated in the ACFTA ROO and	16 th ACTNC WGROO, 7-8 May

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		OCP, and given that the goods have been certified to be originating from China, China responded that the goods should be granted with the applicable ACFTA concession. China further indicated that she would also be extending the ACFTA concession to goods coming from ASEAN Countries under such arrangement, subject to its compliance with the ACFTA ROO and OCP.	2008, Bali, Indonesia
45.	Reproduction of China's Specimen Signature and official seals and translation of authorized_officer into English characters	China requested ASEAN Countries to contact her focal point of ACFTA immediately should problem still persist. On the request to provide the names of the authorised officers in English character, the Meeting noted that it has been included in China's submission on specimen signatures and official seals.	16 th ACTNC WGROO, 7-8 May 2008, Bali, Indonesia
46.	Incomplete Form E	To facilitate the matter, ASEAN encourage China to immediately contact the focal point of ACFTA ROO on the matter to alert them on such error for prompt correction and/or clarification.	16 th ACTNC WGROO, 7-8 May 2008, Bali, Indonesia
47.	Different size of official seal in Form E	it was clarified that the official seal in the smaller size was made as an official initial on the correction to the CO, as required by the OCP to correct any erroneous in a CO. China informed Indonesia that ACFTA concession has been granted to the product concerned.	16 th ACTNC WGROO, 7-8 May 2008, Bali, Indonesia
48.	Overleaf notes in Chinese characters	ASEAN informed it will be flexible and honour those CO Form Es issued by China, as ASEAN recognized that the intention of the overleaf notes is to help guide exporters in filling up the CO Form E. China will communicate to all Parties informing them that the CO Form E with the overleaf notes in Chinese characters is authentic as the CO Form E with the overleaf notes in English as agreed by the Parties. A specimen CO Form E will be enclosed together with the letter from China.	15 th ACTNC WGROO, 18-20 February 2008, Bangkok, Thailand
49.	Consistency in the signature of the authorized signatories	The Meeting urged all Parties to ensure consistency in the signatures of the signatories both in the specimen signatures circulated and the signature affixed to the CO Form E to avoid	15 th ACTNC WGROO, 18-20 February 2008, Bangkok, Thailand

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		possible rejection of the COs.	