

Matrix of actual cases on NTMs/trade barriers

No	Category	Type of Measure (I)	Reporting MS	Responding MS	Description of Measures/Issues (II)	reported-issues/concern (VI)	Sectoral Body/ relevant agency	Status/ Remarks (III)
1	A	1.Border measures	MY	BN	Transit charges of \$525 per container of general consignment and \$5100 per container of controlled goods from Sabah/Mirli to	This affected the price of basic goods in Limbang. Note: This is a bilateral issue.	Customs	Resolved bilaterally through Brunei's MOFAT letter dated 19 Sep 2011. (15/02/12). MY (15/7/2013): Charges have been reduced.
2	A	2. Halal measures/ Halal Certificate	ID	BN	Brunei requires every shipment must be completed with halal certificate from MUI. It makes manufacturers have to prepare Certificate of Analysis contains the results of testing (microbiological and heavy metals) of the ingredients used in finished goods that can only be done in laboratory that has been accredited by KAN. Currently it is only performed in two labs: SGS and Indofood.	This process takes almost 1 month and incurs additional cost.	ACCSC	BN: The Halal Food Control Division has the authority to carry out the duties of controlling any halal meat that is imported into this country which is in accordance with the Order under Section 83 (3) Emergency Order (Halal Meat), 1998. (12/03/12)
3	A	2. Halal measures/ Halal Certificate	MY	BN	- Agricultural imports are subject to SPS measures and random border checks. - Imports of beef and poultry must meet Halal requirements and may only be obtained from government-approved abattoirs. - Officer from Ministry of Religious Affairs must be present at slaughter. - Large proportion of meat not accepted as "halal" because of strict requirements concerning damage to skulls 15/2/2012	Numerous and lengthy requirements which burden the exporters.	ACCSC	BN : The Halal Food Control Division has the authority to carry out the duties of controlling any halal meat that is imported into this country which is in accordance with the Order under Section 83 (3) Emergency Order (Halal Meat), 1998. (12/03/12) MY noted BN submission on the revised halal procedure appearing as ANNEX 1 @
5	A	3. Import licensing/ SPS/permits and related measures	ID/ AFTEX	MY	- Malaysia requires license from related institutions for import of cloth-sarong batik (Customs (Prohibition of Imports) Order 1998) - Malaysia requires bullet-proof vests, steel helmets and other article of clothing intended as protection against attack to get phytosanitary certificate.	Increases unnecessary cost for exporters and takes lengthy approval time.	CCA	The issue was raised by the AFTEX during 6 th CCA Meeting . (15/02/12) MY Comment: As per 7th CCA, Malaysia provided her justification on the two regulations for bullet proof vests and batik sarong. The bullet proof vest is for security reason while the batik sarong is a cottage industry and it is for the purpose of uplifting the livelihood of the rural people. Batik Sarong is also classified as a national handicraft item. And noted that ASEAN Secretariat informed AFTEX through e-mail dated 2 March 2012.
6	A	3. Import licensing/ SPS/permits and related measures	ID	TH	- Thailand imposes tariff quota for import of raw silk. - For statistical purpose, Thailand requires some of textile commodities must have license from DFT before imported	Increases unnecessary cost for exporters and takes lengthy approval time. Note: ATIGA Article 20	CCA	-TH informed all her TRQs have been eliminated. -ID will check this information with the private sector and asked TH to provide the regulation. (15/02/12) TH Comment: (1) Import of raw silk is subjected to TRQ which Thailand has committed under the WTO. However, this measure is not applied to import under AFTA since TRQ of raw silk have been eliminated since 2006. (2) Import License is required for the import of certain apparels and clothing accessories and raw silk to Thailand aiming for statistical purpose. (21/05/2012)
7	A	3. Import licensing/ SPS/permits and related measures	MY	BN	- Import licenses required for Tele-communications equipment. - Meat, seafood and plant products require a license from the relevant government agency	Lengthy approval time taken by the respective agencies	CCA	-BN Comment: A license should be obtained, which will take not more than 2 weeks. For personal use, it will take not more than one week. For business purpose, it will take not more than 2 weeks. The import licenses are one-off for one year. (12/03/12)
10	A	3. Import licensing/ SPS/permits and related measures	MY	ID	- Licensing system for imports of "strategic" commodities, such as rice, sugar, soybeans and corn. A non-automatic licensing system applies to some products. Tariff quotas on milk powders. - Import licenses required for seafood products.	Need for TRQs	CCA	-ID informed no TRQs are imposed on milk powders. -ID informed there is no special import licensing on seafood products. (15/02/12)
11	A	3. Import licensing/ SPS/permits and related measures	MY	MM	Myanmar Telecoms requires issuing of license before a piece of Tele-communications equipment may be imported; authorities consider whether a product is essential or not.	Import License	CCA	MM Comment: For security reason and as a standard requirement, the measures are imposed by concerned Ministries in accordance with the existing regulations. (21/05/12)
12	A	3. Import licensing/ SPS/permits and related measures	VN	MY	Malaysia maintains TRQ for live pigs (HS 0103.91000, HS 0103.91000), live poultry (0105.11900, 010594190), pork of various kinds (HS 0203.11000, 0203.21000), poultry meat (0207.11000, 0207.12000, 0207.130000, 0207.14000), milk (0401.10110, 0401.20110, 0401.30110), chicken eggs and duck eggs (0407.00111, 0407.20112, 0407.20210, 0407.00920), round cabbage (0704.90110). While the tariff rate within quotas is from 10-25%, it's extremely high outside quotas, from 20%, 40%, 50% and 90% respectively (31/5/2012)		CCA	-Agencies managing quotas and grant import license is the Animal Health Department. Other cooperating agencies include Ministry of Agriculture, Ministry of Health 31/05/2012 TRQs are not applicable for ASEAN countries. VN will revert since she needs to check with her private sector. (1/6/2012) VN (12/7/2013): VN considered this case resolved.
13	A	4.Requirement for Pre-Shipping inspection	SG	ID	Pre-shipment inspection requirements reinforced. Products covered include, i.e. electronics and household appliances (HS 7321; 8413; 8414; 8415; 8418; 8419); textiles (HS 6105; 6301); footwear (HS 6401; 6402; 6403; 6404; 6405); and food and beverages (HS 1601; 1602).		CCA	-ID informed that a pre-shipment inspection (survey report) is needed for information on the quality/standard, items, specification, quantity, the importer name, tariff, entry port and also port destination of the goods. (15/02/12) SG requested Indonesia to provide a list of products that need pre-shipment inspections. SG noted that this is an onerous requirement (30/04/13)
14	A	5. Non-Recognition of Test Reports and Certification for cosmetics and glass products.	MY	ID	Unnecessary re-testing of the products with accredited laboratories in the importing country.	-Unnecessary costs being incurred by exporters. -Non-implementation of The ASEAN Cosmetic	ACCSC	-ID informed that she has implemented a notification system since 2011 and a retesting or testing in the notification process does not require a laboratory test. -ID follows ACD for GMP compliance. (15/02/12) ID will provide the date of the notification pending Indonesia's information. (6/5/2013) ID (15/7/2013) : ID notified on 1 January 2011. This case was picked by Indonesia to be put as Pilot Case. MY submitted detailed information on 22/2/2014 which appears as ANNEX 9 (26/2/2014). • Indonesia provided her response on 26 February 2014: For testing laboratory of foreign could appointed by Ministry if the have Mutual Recognition Arrangement (MRA) between KAN and Accreditation Body of country concerned, and have bilateral or multilateral agreements in the field of technical regulations with Indonesia. MY responded on 6 June 2014: • Malaysia took note on the information provided by Indonesia as above. • The issue has been addressed by the implementation of the ASEAN Cosmetic Directive (ACD) which was adopted by all AMS in 2008 (3-years grace period). The Case is considered resolved.
15	A	5. Non-Recognition of Test Reports and Certification for cosmetics and glass products.	MY	ID & TH	Requirement for repeat testing and inspection products exported from same manufacturer to different buyers or importers	Directive further requires GMP certification of affected products (this has been made away with by the ACD). Delayed implementation of ASEAN Cosmetic Directive. Defies the underlying purpose for facilitating trade for cosmetics products in the region.	ACCSC	-According to Article 2 of the Regulation of Ministry of Trade NO. 40/M-DAG/PER/9/2009 on a Verification or Technical Inspection of Glass Products (Kaca Lembaran), every importation of glass products (kaca lembaran) is obligated to be verified / inspected at port of origin first According to Article 3 number (5) Regulation of Ministry of Trade Number 40/M-DAG/PER/9/2009 about Verification or Technical Inspection of Glass Products (Kaca Lembaran) states that for every verification / technical inspection, surveyor charges the cost or fee from importers. -ID informed that Based on Peraturan Menteri Perindustrian No. 86/M-IND/PER/9/2009 Jo. SK. Ka. BPPI No. 247/BPPI/X/2008, testing and certification period of SNI takes maximum of 41 days provided that the entire documents are completed and correct. (15/02/12)
16	A	5. Non-Recognition of Test Reports and Certification for cosmetics and glass products.	MY	VN	Viet Nam requires all float glass manufacturers exporting to Viet Nam to comply with the Industrial Standards on Environment ISO14001:2004 and ISO9001:2008.	-MSG claimed that this new regulation is discriminatory in nature since the other five (5) local manufacturers in Viet Nam are not certified under ISO14001:2004. These include two (2) companies which belong to the same group as MSG.	ACCSC	MY Comment: TBT Enquiry Point of Malaysia has sent an e-mail on 21/2/2012 seeking for clarification to TBT E.P. Viet Nam on: i. Whether these requirements are applied both to imported producers as well as domestic producers (National Treatment TBT/WTO requirement) ii. Whether this regulation has been notified to WTO, as required by Article 2.9 of the TBT Agreement. (14/05/12) VN (12/7/2013): VN clarified that the requirement was no longer applied.
17	A	7.Repetitive request for verification	MY	ID	Repetitive request for verification and authentication of ATIGA Form Ds. Submitted: 15/2/2012	Leading to delays and increased cost for exporters.	CCA	ID informed that this is allowed by ATIGA OCP to verify the authentication of ATIGA Form D. ID requested for more detailed information on case by case basis. (15/02/12) MY Comment: Although verification is allowed under the ATIGA OCP, the request for verification of signatures should not be so frequent since the updated specimen signatures are already sent in a timely manner. Specimen signatures were hand-delivered to all AMS including Indonesia's focal point during the 6th SC-AROO Meeting in December 2011 and yet Malaysia received on March and April 2012 request for verification of authorized official signature which did not match the specimen signature) (14/05/12) IN 2012, Malaysia received a total of 31 request for retroactive check from Indonesia. From January - May 2013, Malaysia received 22 requests for retroactive check.

18	A	11. Electrical and Electronic Products (E&E)	MY	SG	In Singapore, effective 1 September 2011, all air-conditioners and refrigerators supplied must meet the minimum energy performance standards (MEPS) as prescribed in the Environment Protection and Management (Energy Conservation) regulations. Submitted: 15/2/2012	Export of these products to Singapore is now subject to MEPS. Malaysian manufacturers and exporters of those products have to incur additional cost to send their products for testing at approved laboratories.	ACCSQ	SG informed that this is enforced by the national agency. (15/02/12) In Singapore, MEPS is implemented for household air-conditioners and refrigerators, which together account for almost half of a typical home's energy consumption. The standards were set at a level based on two key principles: (a) Minimising lifecycle cost (i.e. accounting for both upfront costs and electricity cost over its useful lifespan); and (b) Ensuring reasonable availability and variety for each appliance type and model (e.g. a sufficient range of air-conditioner brands and models). The test standards adopted under MEPS are internationally recognised standards, i.e. IEC, ISO and JIS standards. The list of test standards on is the following NEA website: http://app.nea.gov.sg/ims/htdocs/articles.asp?tid=284 standards. On whether MEPS is being implemented globally, many countries (e.g. Australia, Canada, China, Japan, Korea, New Zealand, EU and the US) have introduced MEPS for various appliances, including air-conditioners and refrigerators. (12/03/12)
19	A	21. Consumer warning statement, Allergen additive statement.	MY	BN & TH	Thailand requires consumer warning statement whereas Brunei requires allergen additive statement which indicates that the product contains materials that some consumers may be allergic to, such as peanut, wheat, etc.	There is a need for harmonization or minimum requirement of statements on the products.	ACCSQ	BN does not require any statement on allergen but source of additive has to be presented as it is also required by Malaysia. (12/03/12) TH Comment: Thailand requests such information to inform local consumers of product usage in accordance with Thai regulations on consumer protection. (21/05/12) MY (12/7/2013): MY considered this case resolved.
20	A	23. COA for finished goods	MY	BN & ID	The Certificate of Analysis (COA) contains the results of testing (for microbes, heavy metals, etc. as required by them) of the ingredients used on the finished goods. Indonesia and Brunei require every shipment to be accompanied by this certificate with the results.	The tests take up to 7 days to complete.	CCA	ID informed that the purpose of this CoA is for safety reason. Usually CoA has been provided by the manufacturer. (15/02/12) BN Comment: COA is required if they do not have health certificate/export certificate or any certificate certifying the product on every shipment. (12/03/12) Request Brunei and Indonesia to reduce the time taken for the test. ID (15/7/2013): INA informed that COA should be submitted as registration requirement and it is a normal procedure.
21	A	26. Import permit on meat products	BN	MY	Export and import meat that pass through Limbang is being subjected to charges by Malaysia Agriculture Depart for import permit at RM0.10 per kg of meat products and RM 10 per export permit	It affects the price of meat products	Customs	MY Comment: Sarawak State Government has agreed to waive the license/permit fees as specified under the Third Schedule of the Veterinary Public Health Ordinance, 1999 for the import/export of livestock (animal and fish) and livestock products between Brunei and Sarawak, effective 1 March 2012. A letter to that effect has been sent to Brunei. (14/05/12)
22	A	8. Tedious and lengthy procedure and process for food and pharmaceutical products	ID	VN, MY, MM, KH	Lengthy time of registration of pharmaceutical products: Vietnam, Singapore, Philippines : 18-24 months, Malaysia, Myanmar, Cambodia : 24 months. Lengthy time of renewal registration of pharmaceutical products : Vietnam : 10-15 months, Malaysia : 6 months, Myanmar : 9 months, Cambodia: 12 months Submitted: 15/2/2012	Lengthy approval time/ Delay importation Costly	ACCSQ	MM Comment: Under the guidance of Drug Advisory Committee, Myanmar FDA is mainly focus on safety, quality, efficacy of pharmaceutical products according to ASEAN common technical document. Issuance of Health certificate for food importation and import recommendation for food are speeded up by restructuring the process and cost also reduced to an acceptable level. these modified processes are notified in public newspapers. (3/7/2013) KH (7/7/2013): -In accordance with the Joint Prakas of Ministry of Economy and Finance and Ministry of Health No. 994 MEF.PK, dated 28 December 2012, product testing before the registration of pharmaceutical products for the 1st shipment requires 6-8 months with validity of 5-years. -All required documents have to be submitted to the ministry of health. MY (12/7/2013): For renewal, MY takes the least time. For registration, MY will follow-up with her Ministry of Health. ID (12/7/2013): ID considered this case resolved. This case was picked by Cambodia as Pilot Case
23	A	19. Requirement of documents.	MY/SG	AMS Except SG	Manufacturing Process Chart, Ingredient list, Formulation list, Batch Numbering system, Product Ability test, Certificate of Analysis(COA) for raw materials and packaging materials. Submitted: 15/2/2012	Numerous documents lead to burdensome procedures.	PPFWG	MY Comment: Malaysia suggests that this to be taken up at the Working Group on Pre-Prepared Foodstuff (PPFWG) Meeting. (14/05/12) MY will revert by 7 June 2013 (6/5/2013) PH comment: The existing requirements for registration of food are still in the current requirements since this has not been discussed at the ACCSQ/PPFWG. Each Member State is still adopting its own national requirement. This will be addressed as soon as the discussion on the MRA for Prepared Foodstuff Sector is finalized. The discussion on MRA has just resumed last June after Thailand delegates got approval to join the discussion on MRA after two years. PH therefore suggests the deletion of this case. MY proposed to retain this case since there is work in progress as mentioned by PH (5/7/2013) this case was picked by Viet Nam to be put as Pilot Case MY sent detailed information on 22/2/2014 which appears as ANNEX 11 (26/2/2014). Singapore has voiced her concern on Viet Nam's document requirement case on 23 Feb 2014. Detailed information has also been submitted. The cases is still being discussed by officials concerned.(23/2/2014) Viet Nam consulted it with related agency that she notified WTO and ASEAN and the measure is in line with international practices and transparent. Viet Nam also requested Malaysia & Singapore on specific regulation/ evidence on the cost faced by the exporters towards the said regulations. And requested other countries to submit their prepared foodstuff requirements for reference. Since the case is being discuss under the PPFWG, the 3 countries agreed to recommend to the AEM to urge the PPFWG to expedite the finalisation on MRA as once of an option to solve this issue. (as of 6/3/2014)
26	A	1.Border measures	ID	MY	Malaysia requires imported wheat flour must obtain license in advance, in accordance with the quota set by Malaysia authorities. 15/2/2012	ATIGA Article 20 provides that AMS eliminate TRQ's	CCA	MY comment: The Import License or AP is required for monitoring purpose. No quota set for importation of wheat flour. (14/05/12) ID: request MY to provide the relevant info. (LE/regulations/website) (1/6/2012) MY (12/7/2013): Please refer to the information on www.customs.gov.my
28	A	3. Import licensing/ SPS/permits and related measures	MY	ID	Decree of March 2002 on Special Importer Identification Code Numbers (NPIK) limits imports of electrical appliances and toys through special import licenses; and these are granted following a domestic needs assessment. (15/2/2012)	Note: ATIGA Article 20 provides that AMS eliminate TRQ's.	CCA	-NPIK is aimed to maintain importer and commodities data based. -NPIK is not an import limitation, but an identify/registration number for importers. -This regulation is categorized as automatic licensing and it is required 10 working days to get approval. -NPIK shall be valid for 5 years starting from the issuance date of NPIK. Exports of electrical appliances from MY to ID are affected by the restriction of IN to allow only for 5 Ports. -ID informed that the port restriction is to protect the smuggled goods. -MY informed that this is not trade facilitative and requested ID to reconsider and the export through Port Tebedu to be allowed (15/02/12) ID justified the reason of port improvement. ID Justification: • The purpose of issuing the NPIK is to maintain importer and commodities data based for traceability purpose. • NPIK is not an import limitation, but an identify/registration number for importers. • This regulation is categorized as automatic licensing and it requires 10 working days to get approval. • NPIK shall be valid for 5 years starting from the issuance date of NPIK. • Exports of electrical appliances from MY to ID are affected by the restriction of IN to allow only for 7 Ports of import of the said products. • ID informed that the port restriction is meant to prevent the incoming of smuggled goods. • MY informed that this is not trade facilitative and requested ID to reconsider other Ports as the export Ports for the said products ID will share the website information on the port lists. MY will discuss bilaterally with ID. MY added it affecting bilateral trade and not enhancing intra ASEAN trade. BN requested MY to give detail on the trade is being affected by this regulation and requested both country to share the information during bilateral progressive since it affecting other ASEAN country as well and requested ID to check BIMPEAGA that tebedu is highlighted under (ISG) BIMPEAGA ports, thus anything restricted should be notified to other members. ID informed that ID and MY have a border trade agreement, thus this issue will be solved bilaterally. (1/6/2012)
30	A	3. Import licensing/ SPS/permits and related measures	SG	VN	New procedures requiring that imports of certain products, i.e. mobile phones, alcohol, motor vehicles, and cosmetics be authorized by a Vietnamese diplomatic mission in the country of origin. Determination of exclusive entry point (three selected seaports) for those imported items. (15/2/2012)		CCA	These are administrative procedures, among others, to enhance market control, prevent frauds and ensure proper and efficient handling of the goods. (15/02/12) SG noted VN explanation and will revert for more information (1/6/2012) SG will provide details on the products. (6/5/2013) VN12/7/2013: The said regulation was no longer effective and since SG has not provided further details, it is proposed to be resolved.

31	A	4. Requirement for Pre-Shipping Inspection	MY	ID	<p>Products are being subjected to pre-shipment inspection in order to protect the domestic consumers. The inspection is undertaken by a Third Party Surveyor.</p> <p>High cost for pre-shipment inspection of US\$1,000 per shipment; and there is only one Third Party Surveyor in Malaysia namely SGS.</p>	<p>Unnecessary and costly Third Party Survey inspection report.</p> <p>Additional cost of doing business for the exporter.</p>	CCA	<p>ID will check and revert.</p> <p>ID informed that a pre-shipment inspection (surveyor report) is needed for information on the quality/standard, items, specification, quantity, the importer name, port tariff, entry port and also port destination of the goods.</p> <p>No provision that stipulate the amount of fee for pre-shipment inspection.</p> <p>(15/02/12)</p> <p>MY Comment: Malaysia requested that some consultations be held with the surveyors to impose reasonable fee to facilitate intra-ASEAN trade. (14/05/12)</p> <p>ID Justification: A pre shipment inspection is conducted to maintain the quality of imported goods, whether the imported goods comply with the import permission/license. It is also done to protect consumers and prevent smuggling / nursery goods. Inspection fee is charged to the importer and the amount of the fee is determined based on the principle of mutual benefit between surveyor, importer and exporter. The decree does not regulate the fee for pre-shipment inspection. Legal based: Decree of Minister of Trade No. 793/M-DAG/KEP/11/2008 concerning on Stipulation of Surveyors as the Executor of Technical Verification or Inquiry into the Import of Certain Products (1/6/2012)</p>
32	A	4. Requirement for Pre-Shipping Inspection	MY	ID	<p>Ceramic products and more recently glass sheets are subjected to verification/pre-shipment inspection.</p>	<p>Unfair competition/trading practice as Malaysian products cannot enter Indonesian market.</p> <p>Created Unfair disadvantage to AMS which have duly implemented The Directive.</p> <p>Unfair treatments as local (Indonesian) products are not subjected to same regulation.</p>	Customs	<p>MY informed that the product is an un-finished product.</p> <p>IN informed that a pre-shipment inspection (surveyor report) is needed for information of the quality/standard, items, specification, quantity, the importer name, port tariff, entry port and also port destination of the goods.</p> <p>IN sought more detailed information on the issue of unfair treatment and disadvantage relating to ceramic product and glass</p> <p>(15/02/12)</p> <p>MY Comment: The ceramic product (mould former) involved and is used in Indonesia for the manufacture of finished product (gloves) which is meant for 100 %export market. (14/05/12)</p>
33	A	8. Tedious and lengthy procedure and process for food and pharmaceutical products	ID	TH	<p>Thailand require Bioequivalence must use local subject. Submitted: 15/2/2012</p>		ACCSQ	<p>TH Comment: TH requests TH to clarify the complained barriers on Bioequivalence (BE) study and affected product information. (21/05/12)</p> <p>TH informed that many countries have applied BE with local subject but not in ID. ID will discuss with her relevant agencies and revert. She sought more clarification on the needs of BE study to be repeatedly done or just once study per medication type that is exported. TH will revert specifically regarding the repetitiveness of the study after receiving clarification from ID. (1/6/2012).</p> <p>ID (12/7/2013): ID considered this case resolved.</p>
36	A	11. Standards	ID	PH	<p>Standards for refrigerators are too height making it difficult for industrial sector. Submitted: 15/2/2012</p>	<p>Increases cost and is deterring buyers to import from overseas.</p>	ACCSQ	<p>ID sought clarification on the standards guidelines.</p> <p>ID informed that PH has only 2 laboratories. 6-month testing time.</p> <p>PH Comment: The refrigerators covered under mandatory certification are limited to 142 liters to 227 liters or 5-8 cubic feet. Safety standards were adopted from International Electrotechnical Commission (IEC) and performance standards were based on International Organization for Standardization. Regulations on refrigerators could be accessed at http://www.bps.dti.gov.ph/laws-and-regulations/cat_view/83-laws-and-regulations/56-implementing-guidelines.html?start=15 as ANNEX 2.</p> <p>ID was requested to consult with her private sectors, which sectors are restrictive and added that the EEF labeling procedures of the PH which only have two laboratories for the testing and exporters have to wait up to six month even though the testing only takes two weeks, however, probably because of the regulation and the number of laboratories, it became measures for the exporters.</p> <p>PH will take up to the relevant agency and requested ID to officially write the details of her concerns for PH usage to address the issue. (1/6/2012)</p> <p>ID will revert by 7 June 2013 (6/5/2013)</p> <p>PH is implementing a mandatory certification on refrigerators with 142 liters to 227 liters storage volume wherein PNS IEC 60335-2-24:2001 is used for safety requirements. On top of the safety requirements, the refrigerators covered by the regulation shall also comply with the performance and labeling requirements as per PNS 396-2:1997. This labeling requirement (Energy Efficiency Factor) is a joint program of the Department of Trade and Industry (DTI) and the Department of Energy (DOE) to ensure efficient refrigerators are being sold in the Philippine market. PH allows advance sampling and testing (prior to shipment) so that shipment would not be on hold while waiting for the result of testing. Likewise, the test report is valid for 1 1/2 year (no per shipment testing) PH suggests the deletion of this case as such measure is in compliance with ISO. (24/6/2013)</p> <p>Indonesia informed that she accepted the suggestion from the Philippines to consider the case as resolved case as per information given by the Philippines that the measurements comply with ISO (6/3/2014).</p>
37	A	12. Technical standards/conformance	MY	VN	<p>Circular No.14/2010/TT-BXD dated 20 August 2010 requires selected ceramic products imported into Viet Nam to undergo testing to ensure conformance to Vietnamese standards and subject to conformity assessment by the 2 organizations in Viet Nam (Institute of Building Materials and Science and Technology Department - Ministry of Construction). Submitted: 15/2/2012</p>	<p>Repetitive conformity assessment tests which cause delays the release of the goods to access the Viet Nam's market.</p> <p>Viet Nam undertakes a 100% check on the ceramic products for every shipment. Testing facilities are only available in Ha Noi and Ho Chi Minh whereas the shipments are at Da Nang Port. This has burdened the industry since the process is time-consuming and incurs increased exportation cost.</p>	ACCSQ	<p>MY Comment: FMM Malaysia Ceramic Industry Group (MCI) has raised this issue during their meeting with the Ceramic Industry Club of ASEAN on 29 July 2011 held in Hanoi, Viet Nam. The meeting was informed that they have to bear with the regulation. As such, FMM MCI insists for G to G arrangement to solve this issue. (14/05/12)</p> <p>VN (12/7/2013): The regulation is necessary to ensure quality of construction work in Viet Nam. VN has 7 testing centers, of which 5 centers (including in Da Nang), including 5 centers that covers ceramic testing (Institute of Building Materials, Quatest 3, Quatest 2, Coninco, Vinacontrol). The Science and Technology Department - Ministry of Construction is not a testing center as reflected by MY. Clarification is sought on repetitive conformity assessment tests. VN does not undertake 100 % check on the goods for every shipment as it is also burdensome to VN's administration and not relevant to the customs' risk management.</p> <p>MY (12/7/2013): Imports of ceramic products into Malaysia are through the product certification requirement while Viet Nam requires Malaysia's exports to be certified on consignment basis and is repetitive. Malaysia accepts Viet Nam's test certification as their accredited body is the member of ILAC / APLAC. Viet Nam should also do the same.</p> <p>This issue has been resolved bilaterally.</p>
38	A	13. Imported food products	ID	VN	<p>Less of information on New regulation of food safety in Vietnam for imported foodstuff of plant origin (Circular Ref. No. 13/2011/TT-BNNPTNT dated 16 March 2011). Submitted: 15/2/2012</p>	<p>Rejection of consignment. Loss of market access in Vietnam.</p>	ACCSQ	<p>VN (12/7/2013): Prior to issuance, the draft regulation was notified to the WTO (Notification G/SPS/N/VNM/21) in 2010. Official letter No. 0427/QCLL-CU dated 21/03/2011 was sent to embassies in Viet Nam (including Indonesia's) to notify the issuance. VN advised IN to refer to the procedure in Circular 13/2011/TT-BNNPTNT, as available at: http://www.nafiqad.gov.vn/b-legal-documents/circular-guiding-on-the-food-safety-control-for-imported-foodstuffs-of-plant-origin/ Further information if needed can be sought at the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) of VN. Address: No.10 Nguyen Cong Hoan, Ba Dinh, Ha Noi. Fax: 84-4-38317221. Email: spvietnam@mard.gov.vn and vietyn.nafiqad@mard.gov.vn</p> <p>ID (3/7/2013): Indonesia proposed to revoke this issue, because it has been discussed bilaterally with Vietnam delegation on the occasion of the 52nd WTO-SPS Committee on October, 2011 in Geneva.</p> <p>VN (12/7/2013): VN proposes the case to be considered as resolved</p>
39	A	13. Imported food products	MY	ID, TH, VN	<p>Agencies such as BPOM (Indonesia), FDA (Thailand), Health Department (Vietnam), Health Quarantine Department (China) etc., have been very strict in enforcing these food safety requirements such as, ISO, HACCP, GMP, Halal certification, health Certificate, Free Sale Certificate, and Certificate of Analysis (COA) for various raw materials. Submitted: 15/2/2012</p>	<p>Even after these requirements are met, Malaysian companies have to apply for certification such as FDA number, ML number, etc which may take up to 4 months to approve. Note: These requirements are NTMs and are in line with WTO regulations. However, the time taken to issue the certificate/approval is 4 months. (This is the barrier component)</p>	ACCSQ	<p>MY Comment: Malaysia requested that the processing time in obtaining ISO, HACCP, GMP, Health Certificate, Free Sale Certificate and Certificate of Analysis (COA) to be shortened. (14/05/12)</p> <p>ID TH VN took note of MY's comment. (1/6/2012)</p>
44	A	19. Requirement of documents.	ID	PH	<p>Philippines-require GMP certificate in the notification process. Submitted: 15/2/2012</p>	<p>Non implementation of the ACD. ASEAN Member States should accept self-declaration on GMP implementation from other ASEAN Member States.</p>	CCA	<p>PH Comment: PH complies with the requirements of the ACD. GMP is by self-declaration and applicant must maintain its declaration. PH proposes the deletion of this case as there is no basis for such complaint. (24/6/2013) ID (20/1/2015) Considered the case as resolved case.</p>

45	A	20. Certification Process	ID	MY	Malaysia requires phytosanitary certificate must be completed with methyl bromide fumigation treatment that is active substance which is not recommended for use in Indonesia. (15/2/2012)	Loss of market access in Malaysia	SPS/ CCA	<p>MY Comment:</p> <p>Phyto-sanitary certificate (PC) is being issued under the terms and requirements of importing country. In this case, Malaysia as the importing country requires Indonesia to do the methyl bromide (MB) treatment for issuing the PC. Indonesia has to inform and suggest to Malaysia about any changes of import conditions and any alternative treatment as effective as MB for the quarantine treatment. (14/05/12)</p> <p>ID complies with Montreal protocol to not use the MB and MB which is prohibited in ID and sought clarification from MY whether she is also a member of Montreal Protocol or not. MY will check with her Minister of Agriculture and revert with more details and requested IN to consult with her agriculture department and revert. ID and MY will conduct internal consultations and revert. ID has requested MY revert on whether phosphine is a viable or acceptable alternative. (1/6/2012)</p> <p>ID (3/7/2013): Indonesia is a member of Montreal protocol, but still uses methyl bromide for limited fumigation, which means that the treatment is only for quarantine treatment and should not be used for other activities such as maintenance or building maintenance, or general pest control. Methyl bromide is still allowed for quarantine treatment for wood packaging material and plant products corresponding to methyl bromide, except for products that contain lots of oil plants. Besides the use of methyl bromide as a fumigant, alternatives fumigant can be used as a replacement for methyl bromide, such as ethyl formate, phosphine liquid fumigation, spot. (adjusted with recommended dose, commodities and target pests)</p> <p>This Case was picked by MY to be put as Pilot Case. ID sent detailed information on 22/2/2014 which appears as ANNEX 10 (26/2/2014) MY sent response on 22/2/2014 which appears as ANNEX 10B (26/2/2014). ID (6/3/2014): After clarification provided by Malaysia that she accepts alternative quarantine treatment, Indonesia confirmed that this case is resolved</p>
46	A	20. Certification Process	VN	ID	Since 11/2009, Indonesia's Ministry of Agriculture issued Regulations 27 and 38 to increase SPS control on exported-imported fresh foods of plant origin. Accordingly, in addition to a certified letter certifying SPS compliance, fresh vegetable exporters must attach a self-declaration form on product information. (15/2/2012)		CCA	<p>VN sought clarification on the requirement of a self-declaration form. ID will revert (1/6/2012)</p> <p>ID (3/7/2013): Regulation of the Minister of Agriculture No. 27 of 2009 and No. 38 of 2009 on Food Safety Control Against Import and Export of Fresh Food of Plant Origin has been revised through the Regulation of the Minister of Agriculture No. 88 of 2011 with changes limited to the contents of the submission of prior notice by the exporter. Additional types of fresh foods of plant origin from 39 to 100 species, target examination of 3 (three) types of test (contamination of pesticides, heavy metals, and aflatoxin) to 5 (five) types of test (contamination of pesticides, heavy metals and aflatoxins, microorganisms (E. coli and Salmonella sp, and formalin).</p> <p>This Regulation entered into force on 19 April 2012 and has been notified to the WTO SPS Secretariat in 2009. Document requirements for importation of fresh food of plant origin are as follows: Accompanied by a Food Safety Certificate/Document which states that the fresh food of plant origin which comes from the country of origin is safe and suitable for consumption and processed through GAP and GHP. Accompanied with prior notice issued by the exporting country, which describes the applicant's description, shipment, and a description of the fresh food of plant origin, intent and purpose of entry, and other information; Imported into the designated entry points; Report and submitted to the quarantine officer in the designated entry points for food safety control. Information regarding the products and forms of prior notice as set forth in the Annex of the Regulation (can be downloaded on the website with the address of Agriculture Quarantine Agency http://www.deptan.go.id)</p>
49	A		MY	ID	Minister of Energy and Mineral Resources (MEMR) Regulation No.7/2012 on Increasing Mineral Value Added through Mineral Processing and Refining Activities (6/8/2012)	Article 11(Notification Procedures) of ATIGA not complied with	CCA	<p>The Minister of Energy and Mineral Resources (MEMR) released Regulation No.7/2012 on increasing Mineral value-added through Mineral Processing and Refining Activities was released on 6 February 2012. Based on the new regulation, companies holding mining license for mineral product and selected non-mineral products are obligated to do processing and refining activities. Further, they are also restricted from exporting mineral ores within 3 months after the issuance of the regulation. The objectives of this regulation include: increasing the value added of mining sector, preserving the limited mineral resources and securing future domestic mineral consumption in the future. Following the release of MEMR regulation No.7/2012, concerns have been raised by various parties, including foreign businesses and investors. The difficulties and challenges in building smelter in mining areas in Indonesia (particularly in the East of Indonesia) may be expected to provide negative sentiment for future investment in mining sector. Incorporating all these concerns, MEMR Regulation No.7/2012 was later amended by Regulation No.11/2012 (released 16 May 2012). Now, companies holding mining license for production (IUP Operasi Produksi) and IPR can export raw mineral ores after receiving recommendation from the Minister.</p>
50	A		MY	ID	Regulation Of The Minister Of Trade No. 29/M-Dag/Per/5/2012 on Provisions for the Export of Mining Products. (8/8/2012)	Article 11(Notification Procedures) of ATIGA not complied with	CCA	<p>The regulation is part of the government's policy to control exports of mining products, prevent excessive mining, meet domestic needs and ensure environment-friendly mining activities - in addition to the Mineral Resources Minister's regulation on increasing value addition through processing and refining minerals.</p> <p>The new regulation requires mining companies to obtain a recommendation from the Directorate General of Minerals if they wish to conduct exports. The recommendation, meanwhile, will be given only to companies that have met the three conditions:</p> <ul style="list-style-type: none"> Submitting their working plan on the development of processing and refining plants before 2014; signing integrity pacts; and having a clear and clean status. <p>According to the regulation, companies that wish to conduct exports are also required to pay off their royalty and possess a mining permit. The mining products are divided into three categories, namely:</p> <ul style="list-style-type: none"> metal minerals, non-metal minerals; and rocks. <p>There are 21 types of metal minerals, including: iron ore, manganese, copper, nickel, cobalt, aluminium, lead, zinc, chromium, molybdenum, limonite, titanium, zirconium, silver, gold, platinum and antimony.</p> <p>Meanwhile, the 10 non-metal minerals include: quartz, kaolin, limestone, feldspar, zirconium silicate, zeolite and diamond.</p> <p>The rock categories include: marble, onyx, granite, topaz, jade, toseki and peridotite.</p> <p>The government plans to impose a 20 percent export tariff on 14 mining minerals - copper, gold, silver, tin, lead, chromium, platinum, bauxite, iron ore, iron sand, nickel, molybdenum, manganese and antimony</p> <p>MY (12/7/2013): MY takes note on the explanation</p>
51	A		MY	ID	Regulation Of The Minister Of Trade Of The Republic Of Indonesia No. 35/M-Dag/Per/12/2011 Provisions On The Export Of Rattan And Rattan Products. (Issued: 30 November 2011 (8/8/2012)	Article 11(Notification Procedures) of ATIGA not complied with	CCA	<p>Starting 1 January 2012, Indonesia totally banned exports of raw and semi-processed rattan as part of efforts to revive the ailing local rattan industry and to give higher value to the commodity. The regulation aims to attract investment in the related downstream industry as well as to stop the excessive exploitation of forest.</p> <p>MY (12/7/2013): MY takes note on the explanation</p>
52	A		ASEAN Federati on of Textiles Industri es (AFTEX)	AMSS	To speed up the process of releasing the necessary documents to reduce the time lost in doing business and enhance the competitiveness of the industry. (8/12/2011)		CCA	<p>ASEAN Member States (AMSS) will try to accommodate the request by coordinating with relevant agencies to accelerate the releasing of necessary documents. (8/12/2011)</p> <p>KH (7/6/2013): need further clarification on what are necessary documents?</p> <p>Releasing of Goods: For goods subject to green channel, after receiving customs declaration from the importer or customs broker, customs officer needs only 1 hour for verification before releasing the goods. The delay of goods releasing would happen if importer or custom broker could not submit all required documents or import duty is not paid. In accordance with risk management technique, some goods releasing requires more than 1 hour as physical examination is required.</p> <p>MY(11/7/2013) Customs is implementing online submission and scanning is conducted for the goods. Only upon suspension, as part of risk management physical examination and documents are required.</p>
55	A		ASEAN Federati on of Textiles Industri es (AFTEX)	TH	Requirement of import licenses on imports of unfinished textile products and parts		CCA	<p>Imports of unfinished textile products and parts are subject to import license issued by the Department of Foreign Trade, Ministry of Commerce for statistical information purpose.</p> <p>TH (26/2/2014): Several communications from ASEC and Thailand have been sent to AFTEX via emails. Thailand also sent a formal letter, dated 7 February 2014, to AFTEX asking for detailed information on the specific problems/barriers faced by AFTEX as a result of Thailand's requirements of import licenses on imports of unfinished textile products and parts.</p> <p>this case was picked by Thailand as Pilot Case. TH (6/3/2014): noting that AFTEX has not responded yet, she will continue contacting AFTEX to get further information to solve the problem.</p>
56	A		ASEAN Federati on of Textiles Industri es	VN	Circular No. 04/2006/TT-BTM dated 6 April 2006 guiding the implementation of the Decree No. 12/ND-CP dated 23 Jan 2006 of the Government		CCA	<p>VN (12/7/2013): Circular No. 04/2006/TT-BTM bans the import of a number of used consumer goods, such as clothes, for public concerns VN suggested to remove the case as this is not NTB</p>
57	A	Import Ban	TH	PH	The Philippines imposed an import ban on poultry products from Thailand on 23 January 2004 due to spread of bird flu in Asia. Even the Philippines has lifted the ban, Thai poultry products have not yet been able to enter into the Philippines market due to complicated procedures to be completed. (Details: Annex B) (30/04/13)	Article 41 (General Elimination of Quantitative Restrictions Article 44 (Import Licensing Procedures) Guidelines for the Implementation of Import Licensing Procedures in ASEAN Part E and F Article 3 (WTO) (Non-Automatic Import Licensing)	CCA	<p>Details: Annex 3</p> <p>PH Comment: PH has lifted the ban in August 2004 but TH meat establishments intending to export to PH would need to be accredited in accordance with the PH Department of Agriculture Administrative Order No. 16 series of 2006. PH reiterates that this is a bilateral issue and measures are already being undertaken to address this one. As such, PH suggests the deletion of this case. (24/6/2013)</p>
58	A		MY	VN	Rejection of FORM D due to differences in signatures. • Preferential duties for the goods imported from Malaysia were denied due to issue on the signatures on the Form D issued to : I. Sumitomo Electric Wintec (M) sdn. Bhd. II. Sindutch Cable Manufacturer Sdn. Bhd. (24/11/2012)	1. Action taken not in compliance with OCP-ROO ATIGA. 2. Increase unnecessary cost for the importers as need to pay the MFN duties.	CCA	<p>VN (12/7/2013): The Form D C/Os with errors were rejected. VN has positively considered the cases for MY. There is the difference between MY and VN in understanding the relevant OCP stipulation. VN requested MY to check with the exporters for updates</p> <p>RESOLVED BILATERALLY</p>
59	A		MY	VN	All documents and clarifications for Petronas Chemicals Group Bhd. as requested by Vietnam submitted to the Ministry of Industry and Trade on October 31, 2012. • However no updates received as of to date. Email was sent to Ministry of Industry and Trade, Vietnam on November 23, 2012 to seek updates progress and time frame involved. (24/11/2012)	MFN duties paid and no refund as of to date.	CCA	<p>VN (12/7/2013): The Form D C/Os with errors were rejected. VN has positively considered the cases for MY. VN requested MY to check with the exporters for updates.</p> <p>RESOLVED BILATERALLY</p>

60	A		SG	VN	No. 13/2011/TT-BNNPTNT is a new regulation on "Food Safety control for imported stuffs of plant origin" issued by the Ministry of Agriculture and Rural Development. According to Article 5 of the circular, it states that "Importing stuffs must be produced by countries recognized by Vietnamese Competent Authorities to meet Vietnamese food safety requirements. Only List of approved countries allowed to export into Vietnam (25/11/2012)	Singapore companies cannot export into Vietnam. The affected HS codes are: Black Tea Leaves – 09023010 Green Tea Leaves – 09021010. Lack of transparency of procedures. Request for more information on if this is acceptable under ATIGA provisions	CCA	VN (12/7/2013): Prior to issuance, the draft regulation was notified to the WTO (Notification G/SPS/N/VNM/21) in 2010. Official letter No. 0427/QLCL-CL2 dated 21/03/2011 was sent to embassies in Viet Nam (including Singapore's) to notify the issuance. The procedure is transparent as in Circular 13/2011/TT-BNNPTNT VN advised SG to refer to the procedure in Circular 13/2011/TT-BNNPTNT, as available at: http://www.nafiqad.gov.vn/b-legal-documents/circular-guiding-on-the-food-safety-control-for-imported-foodstuffs-of-plant-origin/ Further information can be sought at the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) of VN. Address: No.10 Nguyen Cong Hoan, Ba Dinh, Ha Noi. Fax: 84-4-38317221. Email: spsvietnam@mard.gov.vn and vietyn.nafi@mard.gov.vn
61	A		SG	ID	Non-recognition of Singapore Halal Logo on food product packaging. Importer in Indonesia received letter issued by Badan POMRI to inform that the Singapore Halal Logo is not recognised in Indonesia. Affected products include the frozen Oriental Bread and Roti Paratha (25/11/2012)	Stickers have to be pasted over existing Halal logo that is found on product packaging.	ACCSCQ	ID (15/7/2013): INA refer to Government Regulation on labeling no. 69/2010. The Halal certificate issued by MUI Authority. BPOM will only recognized the logo based on the halal certification, issued by MUI.
66	A		ID	MY	Prohibition of introducing founder on label of product as specified in appendix 5.2.7.4 of Drug Registration Guidance Document (DRGD) by National Pharmaceutical control Bureau (NPCB)	Under these regulation, each manufacturer must not include information about who the owner or the inventor of obat-obatan/jamu products. This rule applies since January 2013. Should the product packaging includes the name information about the founder / manufacturer that the product will not get the registration number from BPFK / NPCB and should not be circulated in Malaysia	CCA	Details: Annex 6 (13 Nov 13) MY responded that the case has been resolved bilaterally. (14 nov 13)
68	A		ID	MY	Based on Article 40 ATIGA "each member state shall not adopt or maintain any NTMs on the importation of any good or any other member state or on the exportation of any good destined for the territory of any other Member State, except in accordance with its WTO rights and obligations of in accordance with this Agreement	The confiscation are due to the "Kopiko LA Coffee" labelling statement of "Low Acid" which believed by Malaysian Authority against the said regulation and create misconfusion. In contrary, Indonesia believe that the statement of "Low Acid" is a new category of coffee which has scientific evident and has not violate any rules/regulation in general and Food Regulation 1985 Article 18 (6) (d) in specific.	CCA	Details: Annex 8 (14/2/14) MY(6/3/2014): she conveyed it to the Ministry of Health and seek updates from the agency. She will update after receiving the detail information from the said agency. MY(12/6/2014): The technical committee and legal advisor of the Ministry of Health are currently checking and vetting the appeal and evidence submitted by the company in terms of its compliance to the Food Regulation. ID(12/6/2014): Informed that she sent the Letter to Ministry of Health of Malaysia dated 16 May 2014, which stating that the company has sent the scientific evidence and study requested by the Ministry, however, the label is still being rejected. she requested more information on the Standard used by the Malaysia for its guidelines. ID(11/7/2014): ID informed that Ministry of Health of Malaysia decided to accept the new label "low acid" Kopiko from Indonesia. ID proposed to consider the case as resolved case.
69	A		TH	ID	Requirements to Affix Bahasa Indonesia Label on Goods – Indonesia issued Ministry of Trade Regulation No. 67/2013 on Obligation to Affix Bahasa Indonesia Label on Goods, which came into force on 25 June 2014	The exporters were not given sufficient time to prepare for the new requirement, as they need to change from sticker labels to permanently attached labels, and have requested Indonesia to postpone the entry into force of the MOT Reg No. 67/2013 for another 6 months (until 25 December 2014)	CCA	Details: Annex 13 (14/10/14) (23/10/2013): The Case will be discussed bilaterally