

IMPORTANT NOTICE TO IMPORTERS & EXPORTERS USING MAFTA

The Malaysia-Australia Free Trade Agreement (MAFTA) entered into force on 1 January 2013. The detailed requirements for obtaining and using Declarations of Origin (DOO) and Certificates of Origin (COO) are set out in the Annex on Operational Certification Procedures (OCP) to Chapter 3. The Rules of Origin (ROO) requires that:

- exports from Australia are supported by a DOO; and
- exports from Malaysia are supported by a COO issued by a designated Issuing Authority, which is the Malaysian Ministry of International Trade and Industry (MITI).

The importer must submit the relevant documents to the Customs Authority of the importing Party, if requested, at the time the import declaration is made in order to claim preferential tariff treatment. In the case of imports into Australia this is a COO. In the case of imports into Malaysia this is a DOO.

The DOO/COO must contain the Data Requirements listed in the Appendix on Data Requirements:

- name and details of the exporter/producer;
- declaration by the exporter/producer or their authorised representative that the goods are originating;
- description of the goods;
- HS Code (6 digits); and
- origin conferring criteria.

Documentation is valid for one year after the date on which the DOO was signed or the COO was issued (Article 3.15).

Declaration of Origin

The DOO can take the form of a declaration on the invoice or company letterhead (OCP Rule 1). The MAFTA does not require a specific format to be used for the DOO on the invoice or company letter head provided that the Data Requirements are contained in the document. Examples of the DOO are provided in **Attachment A**.

Certificate of Origin

The Issuing Authority for COO for goods exported from Malaysia is the Malaysian Ministry of International Trade and Industry (MITI). The exporter or producer of the good should apply to the Issuing Authority for a COO providing appropriate supporting documents and other relevant information to prove that the good qualifies as originating (OCP Rule 2 and Rule 3).

The COO can be issued prior to, or at the time of exportation or soon thereafter. Further information is available in <https://www.dfat.gov.au/trade/agreements/in-force/mafta/Pages/making-use-of-mafta-to-export-or-import-goods> Enquiries can also be directed to DFAT at: malaysia.fta@dfat.gov.au

ATTACHMENT A

Sample Declarations of Origin

A. Invoice

In the case of a DOO provided on an invoice, the majority of the information required should already be contained in the document, and therefore a simple statement attesting to the origin and listing the origin criteria met by the good is all that should be required. Below are some examples that can be used for an invoice. Be sure to check that the invoice contains all the Data Requirements – if it does not, then these additional Data Requirements will need to be provided.

i. Origin Criteria WO (Wholly Obtained or Produced)

“I declare that the goods described below are Australian originating goods as defined in the Malaysia-Australia Free Trade Agreement as they are wholly obtained or produced in Australia or Australia and Malaysia.”

ii. Origin Criteria PE (Produced Entirely from Originating Materials)

“I declare that the goods described below are Australian originating goods as defined in the Malaysia-Australia Free Trade Agreement as they are produced entirely in Australia, or entirely in Australia and Malaysia, from originating materials only.”

iii. Origin Criteria PSR (Product Specific Rule of Origin)

“I declare that the goods described below are Australian originating goods as defined in the Malaysia-Australia Free Trade Agreement as they are produced in Australia, or Australia and Malaysia, from non-originating materials and meet the following product specific rule of origin: (insert here the product specific rule of origin in Annex 2 of the Agreement that the good meets e.g. RVC(40) or CTSH)”

If several goods, each meeting different origin criteria, are covered by a single invoice, then the DOO needs to clearly identify the ROO met by each good.

B. Company Letter Head

In the case of a DOO provided on a company letterhead, the simple statement attesting to the origin and setting out the origin criteria needs to be supplemented by the Data Requirements. A sample approach for a company letterhead appears on the following page (Annex 1).

Annex 1

Company Letterhead

Malaysia-Australia Free Trade Agreement

STATEMENT OF AUSTRALIAN ORIGIN

I declare that the goods described below are Australian originating goods as defined in the Malaysia-Australia Free Trade Agreement as they meet the rule of origin specified below for each good.

HS Code (6 digits)	Description of the Goods and Model/Product No. (if applicable)	Origin Criteria/ Rule of Origin

Signed by:

Position in Company:

Full Name:

Contact Details:

Date: