

ANNEX 4**OPERATIONAL CERTIFICATION PROCEDURE**

For the purposes of implementing the rules of origin applicable to the Agreement between the Government of Malaysia and the Government of the Islamic Republic of Pakistan (hereinafter referred to as "this Agreement"), the following operational procedures on the issuance and verification of the Certificate of Origin as in Annex 3 and the other related administrative matters shall apply:

Rule 1

- (a) The Certificate of Origin shall be issued by the designated government authority (hereinafter referred to as the "issuing authority") of the exporting Party.
- (b) Each Party shall inform the other Party of the names and addresses of its respective government authorities designated to issue the Certificate of Origin and shall provide specimen signatures and official seals used by the said authorities. Any change in names, addresses, or official seals shall be promptly informed in the same manner.

Rule 2

For the purposes of verifying whether a good is an originating good, the issuing authority shall have the right to call for any supporting documentary evidence or to carry out any check considered appropriate.

Rule 3

The exporter or the manufacturer or its authorised representative, shall apply in writing to the issuing authority requesting for the pre-exportation verification of the origin of the products. The result of the verification, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in verifying the origin of the said products to be exported thereafter. The pre-exportation verification may not apply to the products of which, by their nature, origin can be easily verified.

Rule 4

At the time of carrying out the formalities for exporting the products under preferential treatment, the manufacturer or the exporter or its authorised representative shall submit a written application for the Certificate of Origin together with appropriate supporting documents proving that the products to be exported fulfil the originating criteria under this Agreement.

Rule 5

The issuing authority shall, to the best of its competence and ability, carry out proper examination upon each application for the Certificate of Origin to ensure that:

- (a) the application and the Certificate of Origin are duly completed and signed by the authorised signatory;
- (b) the origin of the product is in conformity with the provisions of this Agreement;
- (c) other statements on the Certificate of Origin correspond to supporting documentary evidence submitted; and
- (d) HS code, description, quantity and weight of goods, marks and number of packages, number and kinds of packages, as specified, conform to the products to be exported.

Rule 6

- (a) The Certificate of Origin shall be in ISO A4 size paper and in conformity to the specimen as shown in Annex 3.
- (b) The Certificate of Origin shall be in English.
- (c) The Certificate of Origin shall comprise one original and three carbon copies of the following colours:

Original	-	Light Yellow
Duplicate	-	Light Blue
Triplicate	-	Light Blue
Quadruplicate	-	Light Blue

- (d) Each Certificate of Origin shall bear a serial reference number.
- (e) The original and the triplicate of the Certificate of Origin shall be forwarded by the exporter to the importer for submission to the customs authority at the port or place of importation. The duplicate shall be retained by the issuing authority in the exporting Party. The quadruplicate shall be retained by the exporter. After the importation of the products, the triplicate shall be marked accordingly in Box 4 and returned to the issuing authority within a reasonable period of time.

Rule 7

The issuing authority shall indicate the applicable rule of origin of this Agreement in Box 8 of the Certificate of Origin.

Rule 8

- (a) Neither erasures nor superimposition shall be allowed on the Certificate of Origin. Any alteration shall be made by striking out the erroneous materials and making any addition required. Such alterations shall be approved by an

official authorised to sign the Certificate of Origin and certified by the issuing authority.

- (b) Unused spaces in the Certificate of Origin shall be crossed out by the issuing authority to prevent any subsequent addition.

Rule 9

- (a) The Certificate of Origin shall be issued by the issuing authority of the exporting Party at the time of exportation or soon thereafter.
- (b) In exceptional cases where a Certificate of Origin has not been issued at the time of exportation or soon thereafter due to involuntary errors or omissions or other valid causes, the Certificate of Origin may be issued retroactively within one year from the date of shipment, bearing the words "ISSUED RETROACTIVELY".

Rule 10

In the event of theft, loss or destruction of the Certificate of Origin, the exporter may apply in writing to the issuing authority for a certified true copy. The certified true copy shall be made on the basis of the duplicate copy in the possession of the issuing authority and shall bear the endorsement of the words "CERTIFIED TRUE COPY" in Box 12. This copy shall bear the date of the original Certificate of Origin. The certified true copy of a Certificate of Origin shall be issued not later than one year from the date of issuance of the original Certificate of Origin.

Rule 11

The original and the triplicate of the Certificate of Origin shall be submitted to the customs authorities at the time of clearance of the products concerned.

Rule 12

The following time limit for the presentation of the Certificate of Origin shall apply:

- (a) The Certificate of Origin shall be submitted to the customs authorities of the importing Party within six (6) months from the date of its issuance.
- (b) Where the products pass through the territory of one or more third parties in accordance with Article 27 (direct consignments) of this Agreement, the time limit laid down in paragraph (a) of this Rule for the submission of the Certificate of Origin shall be eight months.
- (c) Where the Certificate of Origin is submitted to the custom authorities of the importing Party after the expiration of the time limit for its submission, such Certificate is still to be accepted when failure to observe the time limit results from force majeure or other valid causes beyond the control of the exporter or importer.

- (d) In all cases, the custom authorities in the importing Party may accept such Certificate of Origin provided that the products have been imported before the expiration of the time limit of the said Certificate of Origin.

Rule 13

In the case of consignments of products originating in the exporting Party and not exceeding US\$200.00 FOB, the requirement of a Certificate of Origin may be waived and the use of simplified declaration by the exporter that the products in question have originated in the exporting Party will be accepted. Products sent through the post not exceeding US\$200.00 FOB may also be similarly treated.

Rule 14

The discovery of minor discrepancies between the particulars made in the Certificate of Origin and those made in the documents submitted to the customs authorities of the importing Party for the purpose of carrying out the formalities for importing the products shall not, *ipso facto*, invalidate the Certificate of Origin, if it does in fact correspond to the products submitted.

Rule 15

- (a) The importing Party may request a retroactive check at random or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the products in question or of certain parts thereof.
- (b) The request shall be accompanied with the Certificate of Origin concerned and shall specify the reasons and any additional information demonstrating that the particulars given on the said Certificate of Origin may be inaccurate, unless the retroactive check is requested on a random basis.
- (c) The customs authorities of the importing Party may suspend the granting of preferential treatment while awaiting the result of verification. However, it may release the products to the importer subject to any administrative measures deemed necessary, provided that they are not held to be subject to import prohibition or restriction and there is no suspicion of fraud.
- (d) The issuing authority receiving a request for retroactive check shall respond to the request promptly and reply not later than six months after the receipt of the request.

Rule 16

- (a) The application for Certificates of Origin and all documents related to such application shall be retained by the issuing authorities for not less than three years from the date of issuance.

- (b) Information relating to the validity of the Certificate of Origin shall be furnished upon request of the importing Party within a reasonable time.
- (c) Any information communicated between the Parties concerned shall be treated as confidential and shall be used for the validation of Certificates of Origin purposes only.

Rule 17

When destination of all or parts of the products exported to a specified port is changed, before or after their arrival in the importing Party, the following rules shall apply:

- (a) If the products have already arrived at a destination within the territory of the importing Party which is different from that specified in the Certificate of Origin, the Certificate of Origin shall, by a written application of the importer, be endorsed by the customs authorities to this effect for all or parts of products. The original shall be returned to the importer and the triplicate shall be returned to the issuing authority.
- (b) If the changing of destination occurs during transportation to the importing Party, the exporter shall apply in writing to the issuing authority for a new Certificate of Origin for all or parts of the products. Such application shall be accompanied with the issued Certificate of Origin.

Rule 18

- (a) Products sent from an exporting Party for exhibition in the other Party and sold during or after the said exhibition shall benefit from the preferential tariff treatment on condition that the products meet the requirements of the rules of origin of the Agreement provided it is shown to the satisfaction of the relevant government authorities of the importing Party that:
 - (i) an exporter has exported those products from the territory of the exporting Party to the importing Party where the exhibition is held and has exhibited them there;
 - (ii) the exporter has sold the goods or transferred them to a consignee in the importing Party; and
 - (iii) the products have been consigned during the exhibition or immediately thereafter to the importing Party in the state in which they were sent for exhibition.
- (b) For purposes of implementing the above provisions, the Certificate of Origin must be produced to the competent authorities of the importing Party. The name and address of the exhibition must be indicated in the certificate issued by the competent authorities of the Party where the exhibition took place together with supporting documents.

- (c) Paragraph (a) of this Rule shall apply to any exhibition, fair or similar show or display in shops or business premises with the view to the sale of foreign products and where the products remain under customs control during these events.

Rule 19

- (a) When it is suspected that fraudulent acts in connection with the Certificate of Origin have been committed, the authorities concerned shall cooperate in the action to be taken in the territory of the respective Party against the persons involved.
- (b) Each Party shall be responsible for providing legal sanctions for fraudulent acts related to the Certificate of Origin.

Rule 20

In the case of a dispute concerning the determination of origin, classification of products or other matters relating to the clearance of products under this Agreement, the Government authorities concerned shall consult each other with a view to resolving the dispute, and the result shall be notified to the Parties.