



29 September 2021

(21-7140)

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Committee on Regional Trade Agreements

Original: English

**ASEAN TRADE IN GOODS AGREEMENT (ATIGA)
SUMMARY FACT SHEET
JULY 2021**

The following communication, dated 20 September 2021, is being circulated at the request of the Delegations of the ASEAN Member States (Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam).

1 BACKGROUND INFORMATION:

Parties	ASEAN Member States (Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam)
Date of Signature	26 February 2009
Date of Entry into Force	17 May 2010
Website addresses or points of contact	ASEAN Official website: http://www.asean.org/ PH: Trade in Goods Unit Trade Facilitation Division Market Integration Directorate AFTA@asean.org
List of related GATT/WTO documents	L/7111; WT/COMTD/RTA21/N/1; WT/COMTD/RTA21/N/1/Add.1; WT/REG457/N/1 and WT/REG457/N/1/Add.1.

2 INTERNAL TRADE LIBERALIZATION PROVISIONS:

Import duties and charges	Under Article 19, Member States shall eliminate import duties on all products traded between the Member States by 2010 for ASEAN-6 and by 2015, with flexibility to 2018, for CLMV. Further each Member State shall reduce and/or eliminate import duties on originating goods of the other Member States in accordance with the AMS' Schedule A to H of the agreement. Under Article 20, Member State undertakes not to introduce Tariff Rate Quotas (TRQs) on the importation of any goods originating in other Member States or on the exportation of any goods destined for the territory of the other Member States. Further, Vietnam and Thailand shall eliminate their existing TRQs in the agreed timeline (as of 1 January 2020, all TRQs were eliminated)
Export duties and charges	None
Non-Tariff Measures	Under Article 40, Member States shall not adopt or maintain any non-tariff measure on the importation of any good of any other Member State or on the exportation of any good destined for the territory of

	<p>any other Member State, except in accordance with its WTO rights and obligation or in accordance with this agreement. Each Member State shall also ensure the transparency of its non-tariff measures permitted and shall ensure that any measures are not prepared, adopted or applied with the view to, or with the effect of, creating unnecessary obstacles in trade among the Member State. A database, [PH: https://atr.asean.org] on non-tariff measures applied in Member States shall be further developed and included in the ASEAN Trade Repository as referred in Article 13 of this Agreement.</p> <p>Under Article 42, Member States shall review the non-tariff measures in the database referred to in paragraph 4 of Article 40 with a view to identifying non-tariff barriers (NTBs) other than quantitative restrictions for elimination.</p>
Sector-Specific Rules	Article 24 states that the Protocol to Provide Special Consideration for Rice and Sugar signed on 23 August 2007 shall form an integral part of this agreement
Product Exclusion	Products listed in Schedule H of each AMS' Schedule of tariff commitment shall not be subject of tariff reduction/elimination for the reasons provided in Article 8 (General Exceptions). All other tariff reduction and elimination have been completed in 2019, except for petroleum products of Viet Nam and Cambodia
General Exceptions	Article 8 provides for Member States to use measures necessary to protect public morals; human, animal or plant life or health; relating to the importations or exportations of gold or silver; necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII of GATT 1994, the protection of patents, trademarks and copyrights, and the prevention of deceptive practices; relating to the products of prison labour; imposed for the protection of national treasures of artistic, historic or archaeological value; relating to the conservation of exhaustible natural PA resources if such measures are made effective in RET conjunction with restrictions on domestic production or consumption; undertaken in pursuance of the obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the WTO and not disapproved by it or which is itself so submitted and not so disapproved; involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilisation plan, provided that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Agreement relating to non-discrimination; and essential to the acquisition or distribution of products in general or local short supply, provided that any such measures shall be consistent with the principle that all Member States are entitled to an equitable share of the international supply of such products, and that any such measures, which are inconsistent with the other provisions of this Agreement shall be discontinued as soon as the conditions giving rise to them have ceased to exist

3 GENERAL TRADE-RELATED PROVISIONS:

Rules of Origin	<p>Under Article 26, a good imported into the territory of a Member State from another Member State shall be treated as an originating good if it conforms to the origin requirements under any one of the following conditions: (a) a good is wholly obtained or produced in the exporting Member State as set out and defined in Article 27 or (b) a good is not wholly obtained or produced in the exporting Member State, provided that the said goods are eligible under Article 28 or Article 30.</p> <p>The ROO Chapter also includes other provisions such as Accumulation, Minimal Operations, <i>De Minimis</i>, etc., which affects the originating status of a good.</p> <p>Moreover, Article 38 requires that claims for preferential tariff treatment shall be supported by Certificate of Origin that is issued by a Government authority designated by the exporting Member State or Origin Declaration that is made out by a Certified Exporter</p>	
Standards Measures	Related	Under Article 73, Member States reaffirm and are committed to abide by the rights and obligations under the Agreement on Technical Barriers to Trade contained in Annex 1A of the WTO Agreement.
SPS Related Measures		Article 81 of this agreement states that the provision SPS Chapter will apply to all sanitary and phytosanitary measures of a Member State that may, directly or indirectly, affect trade between and among Member States. Further, Member States affirm their rights and obligations with respect to each other under the SPS Agreement. The Member States, in the implementation of their sanitary or phytosanitary measures, agree to be guided by relevant international standards, guidelines and recommendations developed by international organizations such as the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE), the International Plant Protection Convention (IPPC) and ASEAN. Member States hereby agree that the laws, regulations, and procedures for application of SPS measures in their respective territories shall be listed in Annex 9, which form an integral part of this Agreement Member States hereby agree to ensure that their respective national sanitary and phytosanitary laws, regulations and procedures as listed in Annex 9 are readily available and accessible to any interested Member States. Any change to national sanitary and phytosanitary laws, regulations and procedures shall be subject to Article 11.
Trade Facilitation		Article 45 states that Member States shall develop and implement a comprehensive ASEAN Trade Facilitation Work Programme, which sets out all concrete actions and measures with clear targets and timelines of implementation necessary for creating a consistent, transparent, and predictable environment for international trade transactions that increases trading opportunities and help businesses, including small and medium sized enterprises (SMEs), to save time and reduce costs.
Anti-dumping and countervailing measures		Under Article 87, Member States affirm their rights and obligations with respect to each other relating to the application of anti-dumping under Article VI of GATT 1994 and the Agreement on Implementation of Article VI of General Agreement on Tariffs and Trade 1994 as contained in Annex 1A to the WTO Agreement. Further, Member States affirm their rights and obligations with respect to each other relating to subsidies and countervailing measures under Article XVI of GATT 1994 and the Agreement on Subsidies and Countervailing Measures as contained in Annex 1A to the WTO Agreement.

Customs Procedures	Related	Under Article 54, Member State shall ensure that its customs procedures and practices are predictable, consistent, transparent and trade facilitating, including through the expeditious clearance of goods. Further, the customs procedures of Member States shall, where possible and to the extent permitted by their respective customs law, conform to standards and recommended practices of the World Customs Organization and other international organizations as relevant to customs. The customs authorities of each Member State shall review its customs procedures with a view to their simplification to facilitate trade.
Dispute settlement		Article 89 provides for the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, signed on 29 November 2004 in Vientiane, Lao PDR and amendments thereto, shall apply in relation to any dispute arising from, or any difference between Member States concerning the interpretation or application of this Agreement.

4 STATUS OF TRADE LIBERALIZATION:

The implementation of ASEAN Member States (AMS) of their ATIGA trade commitments has resulted to the elimination of tariffs for 98.6% of the total number of tariff lines in 2020, with 99.3% of the tariff lines of ASEAN-6 and 97.7% of the tariff lines of CLMV carrying 0% ATIGA duty rate.

Number of Tariff Lines at 0% in the ATIGA Tariff Schedule of 2021 (AHTN 2017)

Country	Number of Tariff Lines				Percentage			
	0%	>0%	Other	Total	0%	>0%	Other	Total
Brunei D. (AHTN 2017)	10,727	-	86	10,813	99.20	-	0.80	100
Indonesia (AHTN 2017)	10,686	16	111	10,813	98.83	0.15	1.03	100
Malaysia (AHTN 2017)	10,667	61	86	10,814	98.64	0.56	0.80	100
Philippines (AHTN 2017)	10,739	56	29	10,824	99.21	0.52	0.27	100
Singapore (AHTN 2017)	10,813	-	-	10,813	100.00	-	-	100
Thailand (AHTN 2017)	10,798	15	-	10,813	99.86	0.14	-	100
ASEAN-6	64,430	148	312	64,890	99.29	0.23	0.48	100
Cambodia (AHTN 2017)	10,658	155	-	10,813	98.57	1.43	-	100
Lao PDR (AHTN 2017)	10,451	276	86	10,813	96.65	2.55	0.80	100
Myanmar (AHTN 2017)	10,748	15	50	10,813	99.40	0.14	0.46	100
Viet Nam (AHTN 2017)	10,389	81	343	10,813	96.08	0.75	3.17	100
CLMV	42,246	527	479	43,252	97.67	1.22	1.11	100
Total ASEAN	106,676	675	791	108,142	98.64	0.62	0.73	100

Trade Data:**Import under Form D in 2019 (value in USD Million)**

	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN	TOTAL
Form D	13.00	1,654.23	13,934.02	384.84	7,701.58	2,579.23	16,859.25	0.00	9,792.91	15,682.35	68,601.42
Intra-ASEAN	1,639.82	7,951.50	39,455.27	3,293.59	44,811.66	8,086.47	30,619.09	78,449.86	45,176.74	32,224.76	291,708.75
Share (%)	0.79%	20.80%	35.32%	11.68%	17.19%	31.90%	55.06%	0.00%	21.68%	48.67%	23.52%