

2019 FIRST PROTOCOL TO AMEND THE ASEAN TRADE IN GOODS AGREEMENT

Signed in Ha Noi, Viet Nam on 22 January 2019

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN), hereinafter collectively referred to as "Member States" or singularly as "Member State";

RECALLING the ASEAN Trade in Goods Agreement (ATIGA) signed in Cha-am, Thailand on 26 February 2009;

CONSCIOUS of the agreed objective of putting in place rules of origin (ROO) which are responsive to the dynamic changes in global production processes so as to facilitate trade and investment among Member States, promote a regional production network, encourage the development of small and medium enterprises and the narrowing of development gaps, and promote the increased usage of the ATIGA, as established under the ASEAN Economic Community Blueprint 2015;

RECALLING that, to meet this objective, the Leaders agreed to simplify the Operational Certification Procedure for the ROO and ensure its continuous enhancement;

RECOGNISING that the AEC Blueprint 2025 states that ROO implemented by Member States should be simplified, business-friendly and trade-facilitative, the benefit the region's trade, in particular of the participation of micro, small and medium enterprises to encourage them to expand, upgrade, and deepen their linkages within the region;

DESIRING to formally implement a regional self-certification scheme;

RECOGNISING the need to amend Article 38 of the ATIGA to provide the legal basis for the regional self-certification scheme;

NOTING that Article 94(1) of the ATIGA provides for any amendments to the provisions of the Agreement to be mutually agreed upon in writing by the Member States,

HAVE AGREED AS FOLLOWS:

ARTICLE 1 AMENDMENT TO ARTICLE 38 (CERTIFICATE OF ORIGIN)

Article 38 of the ATIGA shall be substituted with the following:

"ARTICLE 38 PROOF OF ORIGIN

A claim that a good shall be accepted as eligible for preferential tariff treatment shall be supported by a Proof of Origin in accordance with the Operational Certification Procedures as set out in Annex 8."

**ARTICLE 2
FINAL PROVISIONS**

1. This Protocol shall form an integral part of the ATIGA.
2. This Protocol shall enter into force on the thirtieth day after the date on which all Member States have notified the Secretary-General of ASEAN of the completion of their internal procedures. Such notifications should not take more than one hundred and eighty (180) days after the date of signing of this Protocol.
3. The Secretary-General of ASEAN shall promptly notify all Member States of the notifications referred to in paragraph 2 of this Article.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed the First Protocol to Amend the ASEAN Trade in Goods Agreement.

DONE at Ha Noi, Viet Nam this Twenty-Second Day of January in the Year Two Thousand and Nineteen, in a single original copy in the English language.