

CUSTOMS ACT 1967

CUSTOMS DUTIES (GOODS OF ASEAN COUNTRIES ORIGIN) (ASEAN HARMONISED TARIFF NOMENCLATURE AND COMMON EFFECTIVE PREFERENTIAL TARIFF) ORDER 2007

IN exercise of the powers conferred by subsection 11(1) of the Customs Act 1967 [Act 235], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Customs Duties (Goods of ASEAN Countries Origin) (ASEAN Harmonised Tariff Nomenclature and Common Effective Preferential Tariff) Order 2007**.
- (2) This Order comes into operation on 1 April 2008.

Interpretation

2. In this Order, unless the context otherwise requires –
 - “AHTN” means ASEAN Harmonised Tariff Nomenclature;
 - “CEPT” means Common Effective Preferential Tariff;
 - “TRQ” means Tariff rate quota.

CEPT duty

3. (1) Subject to the provisions of the First Schedule, import duty shall be levied on, and paid by the importer, in respect of goods specified in the Second Schedule, originated from ASEAN countries, at the CEPT rate of duty specified in column (7) of the Second Schedule, imported into Malaysia.
 - (2) Where a CEPT rate of duty is specified in column (7) of the Second Schedule in respect of a particular class of goods, such rate shall be levied on and shall be paid by the importer in lieu of the corresponding full import duty imposed as specified in column (5) of the Second Schedule, in respect of goods of the class which are shown to the satisfaction of the Director General to have originated from ASEAN countries.
 - (3) No goods shall be entitled to the CEPT rate of duty unless the CEPT rate of duty on similar goods or class of goods in the exporting ASEAN country is not more than 20% *ad valorem* where the CEPT rate of duty specified in column (7) of the Second Schedule is 20% *ad valorem* or less.

(4) In the case of these goods liable to import duty imported on or with any person entering Malaysia or in the baggage of such person and intended for non-commercial use (except motor vehicles, alcoholic beverages, spirits, tobacco and cigarettes) only a customs duty at a flat rate of 30% *ad valorem* shall be levied on and paid by the importer of such goods.

(5) For the purposes of this Order, “ASEAN country” means Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand or Vietnam, as the case may be, and “ASEAN countries” shall be construed accordingly.

Customs duty

4. (1) Where goods are not entitled to the CEPT rate of duty, import duties shall be levied at the full rate specified in column (5) of the Second Schedule.

(2) Export duties shall be levied on and paid by the exporter in respect of the goods listed in columns (1), (2) and (3) of the Second Schedule hereto, at the rates specified in column (6) of the said Schedule, exported from Malaysia.

(3) In the case of those goods subjects to tariff rate quota as specified in column (5) of the Second Schedule, import duty at shall be levied at specified rates in Appendix C, subject to the quota as determined by the agency in column (5).

Interpretation of rates shown in the Second Schedule

5. Unless otherwise specified, the rates levied under paragraphs (3), (4) and (5), and subparagraph 3(1) shall –

- (a) where the rate of duty levied is expressed as a percentage, be that percentage of the value of the goods; and
- (b) where the rate of duty levied is expressed as a sum of money, be the sum specified, and such rate shall be paid upon each unit specified in column (4) of the Second Schedule.

Classification of goods

6. (1) The classification of goods in the Second Schedule shall be governed by the General Rules For The Interpretation Of The Harmonized System under the International Convention on the Harmonized Commodity Description And Coding System.

(2) If any questions arises as to whether any particular goods are or are not included in a class of goods appearing in the Order, such question shall be decided by ASEAN Directors-General of Customs under Article 9 of the Protocol Governing The Implementation of the AHTN via a prescribed dispute settlement mechanism.

Abbreviations and symbols

7. The abbreviations and symbols used in the First and Second Schedules to this Order shall have the meaning appearing against them as shown in the List of Abbreviations and Symbols in the Third Schedule of this Order.

Revocation

8. The Customs Duties (Goods of ASEAN Countries Origin) (ASEAN Harmonised Tariff Nomenclature And Common Effective Preferential Tariff) Order 2004 [*P.U. (A)1/2004*] is revoked.

Made 2007

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TAN SRI NOR MD BIN YAKCOP
Menteri Kewangan Kedua
Second Minister of Finance

[To be laid before the Dewan Rakyat pursuant to subsection 11(2) of the Customs Act 1967]