

**FREE TRADE AGREEMENT BETWEEN  
THE GOVERNMENT OF MALAYSIA AND  
THE GOVERNMENT OF THE REPUBLIC OF TURKEY**

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## PREAMBLE

The Government of Malaysia and The Government of the Republic of Turkey (hereinafter referred to as “the Parties”):

**Inspired** by their longstanding friendship and cooperation and growing trade relationship;

**Desiring** to enlarge the framework of relations between them through further liberalising trade;

**Recognising** that the strengthening of their economic partnership will bring economic and social benefits, create new opportunities for employment and improve the living standards of their people;

**Building** on their respective rights and obligations under the World Trade Organization and other multilateral, regional and bilateral agreements and arrangements;

**Confirming** their shared commitment to trade facilitation through removing non-tariff barriers to trade between them;

**Desiring** to strengthen the cooperative framework for the conduct of economic relations to ensure it is dynamic and it encourages broader and deeper economic cooperation;

**Aware** that economic development, social development and environmental protection are components of sustainable development and that free trade agreements can play an important role in promoting sustainable development; and

**Resolved** to promote bilateral trade through the establishment of clear and mutually advantageous trade rules and the avoidance of trade barriers,

Have agreed as follows:

## **CHAPTER 1 INITIAL PROVISIONS**

### **Article 1.1 Establishment of a Free Trade Area**

The Parties, consistent with Article XXIV of the General Agreement on Tariffs and Trade 1994, hereby establish a free trade area.

### **Article 1.2 Objectives**

The objectives of this Agreement are:

- (a) to increase and enhance the economic cooperation between the Parties;
- (b) to promote the expansion of trade through the harmonious development of the economic relations between the Parties;
- (c) to gradually eliminate difficulties and restrictions on trade between the Parties so as to improve the efficiency and competitiveness of their respective sectors;
- (d) to establish a framework of transparent and predictable rules to facilitate trade between the Parties; and
- (e) to create an environment conducive to broadening and supplementing the scope of this Agreement to include trade in services and bilateral investment.

### **Article 1.3 Relation to Other Agreements**

Nothing in this Agreement shall derogate from the existing rights and obligations of a Party under the WTO Agreement or any other multilateral or bilateral agreement to which it is a party. In the event of any inconsistency between this Agreement and any other agreement to which the Parties are party, the Parties shall immediately consult with each other within the Joint Committee with a view to finding a mutually satisfactory solution, taking into consideration general principles of public international law.

### **Article 1.4 Customs Unions and Free Trade Areas**

Nothing in this Agreement shall preclude the maintenance or establishment of customs unions, free trade areas or other arrangements between either of the Parties and third countries, insofar as they do not alter the rights and obligations provided for in this Agreement.

## CHAPTER 2 GENERAL DEFINITIONS

### Article 2.1 General Definitions

For the purposes of this Agreement, unless otherwise specified:

- (a) **Agreement** means the Free Trade Agreement between the Government of Malaysia and the Government of the Republic of Turkey;
- (b) **Agreement on Customs Valuation** means the *Agreement on Implementation of Article VII of the GATT 1994*, contained in Annex 1A to the WTO Agreement;
- (c) **chapters, headings and subheadings** means the chapters (two-digit codes), headings (four-digit codes) and the sub-headings (six-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System, referred to in this Chapter as "the Harmonized System" or "HS";
- (d) **customs duty** includes any duty or charge of any kind imposed on, or in connection with, the importation of a good, including any form of surtax or surcharge imposed on, or in connection with, such importation. A customs duty does not include any:
  - (i) charges equivalent to an internal tax imposed consistently with Article III of GATT 1994;
  - (ii) duties imposed consistently with Chapter 8 (Trade Remedies);
  - (iii) fees or other charges imposed consistently with Article 3.6 (Administrative Fees and Charges);
- (e) **Customs Authority** means the authority that, according to the legislation of each Party, is responsible for the administration and enforcement of its customs laws:
  - (i) in the case of Malaysia, the Royal Malaysian Customs Department, or its successor; and
  - (ii) in the case of Turkey, the Ministry of Customs and Trade, or its successor;
- (f) **days** means calendar days, including weekends and holidays;
- (g) **GATT 1994** means the *General Agreement on Tariffs and Trade 1994*, contained in Annex 1A to the WTO Agreement;
- (h) **goods** means both materials and products;
- (i) **Harmonized System (HS)** means the Harmonized Commodity Description and Coding System governed by *the International Convention on the*

*Harmonized Commodity Description and Coding System*, done at Brussels on 14 June 1983, including its General Rules of Interpretation, Section Notes, and Chapter Notes, and their amendments, as adopted and implemented by the Parties in their respective tariff laws;

- (j) **Joint Economic and Trade Council** means the Joint Economic and Trade Council established under Article 11.1 (Joint Economic and Trade Council);
- (k) **Joint Committee means** the Joint Committee established under Article 11.4 (Joint Committee);
- (l) **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, practice, decision, administrative action or any other form;
- (m) **originating goods** means the goods that qualify as originating in accordance with Chapter 4 (Rules of Origin);
- (n) **person** means both natural and legal persons;
- (o) **publish** includes publication in written form or on the internet;
- (p) **territory**<sup>1</sup> means:
  - (i) with respect to Malaysia,
    - (AA) the territories of the Federation of Malaysia;
    - (BB) the territorial waters of Malaysia and the seabed and subsoil of the territorial waters, and the air space above such areas over which Malaysia has sovereignty; and
    - (CC) any area extending beyond the limits of the territorial waters of Malaysia, and the seabed and subsoil of any such area, which has been or may hereafter be designated under the laws of Malaysia and in accordance with international law as an area over which Malaysia has sovereign rights or jurisdiction for the purposes of exploring and exploiting the natural resources, whether living or non-living;
  - (ii) with respect to Turkey, the land territory, internal waters, the territorial sea and the airspace above them, as well as the maritime areas beyond the territorial sea over which it has jurisdiction or sovereign rights for the purpose of exploration, exploitation and preservation of natural resources, pursuant to international law;
- (q) **WTO** means the World Trade Organization; and

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<sup>1</sup> Nothing in this Agreement, nor any cooperation, act or activity carried out in pursuant to this Agreement shall prejudice the political and legal position of the Parties with regard to any unsettled dispute concerning sovereignty or other rights over the territory and jurisdiction areas.

(r) **WTO Agreement** means the *Marrakesh Agreement Establishing the World Trade Organization*, done on 15 April 1994.

## **CHAPTER 3 TRADE IN GOODS**

### **Article 3.1 Scope**

Except as otherwise provided, this Chapter applies to trade in goods between the Parties.

### **Article 3.2 National Treatment**

Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of GATT 1994, including its interpretative notes, and to this end, Article III of GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, *mutatis mutandis*.

### **Article 3.3 Reduction or Elimination of Customs Duties**

1. Except as otherwise provided in this Agreement, each Party shall reduce or eliminate its customs duties on originating goods of the other Party in accordance with its Tariff Schedule set out in Annex 3-1.
2. Except as otherwise provided in this Agreement, neither Party may increase any existing customs duty or adopt any customs duty on an originating good of the other Party covered by this Agreement.
3. If, at any time a Party reduces its applied most-favoured-nation (hereinafter referred to as "MFN") customs duty rate after the entry into force of this Agreement, that duty rate shall apply as regards trade in goods covered by this Chapter, as long as it is lower than the customs duty rate calculated in accordance with the Party's Tariff Schedule in Annex 3-1.
4. On the request of either Party, the Joint Committee shall be convened to consider accelerating the reduction or elimination of customs duties set out in their respective Tariff Schedules in Annex 3-1. Following the decision of the Joint Committee, each Party shall give effect to such acceleration in accordance with Article 14.5 (Amendments).
5. The Parties shall not introduce new or increase existing customs duties and charges having equivalent effect on exports from the date of entry into force of this Agreement. If a Party enters into any agreement with a non-Party where commitments are more favourable in terms of liberalization of the customs duties and charges having equivalent effect on exports than that accorded under this Agreement, it shall without delay apply the same favourable treatment to the other Party.

### **Article 3.4 Classification of Goods**

For the purposes of this Agreement, the classification of goods in trade between the Parties shall be in conformity with the Harmonized System (HS).

### **Article 3.5 Customs Valuation**

For the purposes of determining the customs value of goods traded between the Parties, the Agreement on Customs Valuation, as may be amended shall, *mutatis mutandis*, be incorporated into and made part of this Agreement.

### **Article 3.6 Administrative Fees and Charges**

Each Party shall ensure, in accordance with Article VIII:1 of GATT 1994 and its interpretative notes, that all fees and charges of whatever character (other than customs duties, charges equivalent to an internal tax or other internal charge applied consistently with Article III:2 of GATT 1994, and anti-dumping duty, countervailing duty and safeguard duty) imposed on or in connection with importation or exportation are limited in amount to the approximate cost of services rendered and do not represent an indirect protection to domestic goods or a taxation of imports or exports for fiscal purposes.

### **Article 3.7 Non-Tariff Measures**

1. Except in accordance with Article XI of GATT 1994 or as otherwise provided in this Agreement, neither Party shall adopt or maintain any prohibition or restriction other than duties, taxes or other charges on the importation of any good of the other Party or on the exportation or sale for export of any good destined for the territory of the other Party.

2. Each Party shall ensure the transparency of its non-tariff measures permitted under paragraph 1 and that they are not constituted, adopted or applied with a view to or with the effect of creating unnecessary restrictions to trade between the Parties.

### **Article 3.8 Sub-Committee on Trade in Goods**

1. The Parties hereby establish a Sub-Committee on Trade in Goods, comprising of officials of the Parties.

2. For the purposes of effective implementation and operation of this Chapter, the functions of the Sub-Committee on Trade in Goods shall be:

- (a) reviewing and monitoring the implementation and operation of this Chapter;
- (b) discussing any issues related to this Chapter;
- (c) reporting the findings and the outcome of discussions to the Joint Committee;

- (d) promoting trade in goods between the Parties, including through consultations on accelerating tariff elimination under this Agreement and other issues as appropriate;
- (e) addressing barriers to trade in goods between the Parties, especially those related to the application of non-tariff measures, and, if appropriate, referring such matters to the Joint Committee for its consideration; and
- (f) carrying out other functions as may be delegated by the Joint Committee in accordance with Article 11.4 (Joint Committee).

3. The Sub-Committee on Trade in Goods shall meet at a venue and time, to be agreed by the Parties.

## CHAPTER 4 RULES OF ORIGIN

### SECTION 4-A GENERAL PROVISIONS

#### Article 4.1 Definitions

For the purposes of this Chapter:

- (a) **aquaculture** means the farming of aquatic organisms including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants, from seedstock such as eggs, fry, fingerlings and larvae, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding, or protection from predators;
- (b) **competent authorities** means the Ministry of Customs and Trade for Turkey and the Ministry of International Trade and Industry for Malaysia;
- (c) **consignment** means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
- (d) **customs value** means the value determined in accordance with Agreement on Customs Valuation;
- (e) **ex-works price** means the price paid for the product ex-works to the manufacturer in Turkey or in Malaysia in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;
- (f) **generally accepted accounting principles (GAAP)** means the recognised consensus or substantial authoritative support in a Party, with respect to the recording of revenues, expenses, costs, assets and liabilities; the disclosure of information; and the preparation of financial statements. These standards may encompass broad guidelines of general application as well as detailed standards, practices and procedures;
- (g) **manufacture** means any kind of working or processing including assembly or specific operations;
- (h) **material** means any matter or substance including raw materials, ingredients, parts, and components used or consumed in the production of goods or physically incorporated into goods subjected to a process in the production of other goods;
- (i) **non-originating good** or **non-originating material** means a good or material which does not qualify as originating under this Chapter;
- (j) **originating good** or **originating material** means a good or material that

qualify as originating under this Chapter;

- (k) **packing materials** or **containers for transportation** means goods used to protect a good during its transportation, different from those containers or materials used for its retail sale;
- (l) **product** means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (m) **production** means methods of obtaining goods including growing/planting, mining, harvesting, farming, raising, breeding, extracting, gathering, collecting, capturing, fishing, trapping, hunting, aquaculture, manufacturing, producing, processing or assembling a good;
- (n) **value of materials** means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the non-originating materials in Turkey or in Malaysia; and
- (o) **value of originating materials** means the customs value at the time of importation of the originating materials used, if they are imported, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the originating materials in Turkey or in Malaysia.

## **SECTION 4-B DEFINITION OF THE CONCEPT OF “ORIGINATING PRODUCTS”**

### **Article 4.2 Originating Products**

For the purpose of implementing this Agreement, the following products shall be considered as originating in a Party:

- (a) products wholly obtained in that Party within the meaning of Article 4.4 (Wholly Obtained Products); and
- (b) products produced in that Party incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in that Party within the meaning of Article 4.5 (Sufficiently Worked or Processed Products).

### **Article 4.3 Cumulation of Origin**

1. Without prejudice to the provisions of Article 4.2 (Originating Products), materials originating in a Party shall be considered as materials originating in the other Party when incorporated into a product there. It shall not be necessary that such materials have undergone sufficient working or processing, provided they have undergone working or processing going beyond the operations referred to in Article 4.6 (Insufficient/Minimal Working or Processing).

2. Notwithstanding paragraph 1, materials falling under HS Chapters 25 to 97 originating in the European Union shall be considered as materials originating in Turkey or Malaysia when further processed or incorporated into a product obtained there.

3. In order for the products referred to in paragraph 2 to acquire originating status, it shall not be necessary that the materials have undergone sufficient working or processing, provided that:

- (a) the working or processing of the materials carried out in Turkey or Malaysia goes beyond the operations referred to in Article 4.6 (Insufficient/Minimal Working or Processing);
- (b) the materials were originating in the European Union, in application of rules of origin identical to those applicable if the said materials were exported directly to Turkey or Malaysia; and
- (c) Turkey, Malaysia and the European Union have arrangements which allow for adequate administrative cooperation procedures ensuring full implementation of this cumulation mechanism as well as of Articles on certification and on verification of origin of the products.

4. The cumulation established in paragraphs 2 and 3 shall be applied provided that preferential trade agreements in accordance with Article XXIV of GATT 1994 between Turkey, Malaysia and the European Union, respectively, are in force.

5. Notwithstanding paragraph 1, materials falling under HS Chapters 25 to 97 originating in a member of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN") shall be considered as materials originating in Turkey or Malaysia when further processed or incorporated into a product obtained there.

6. In order for the products referred to in paragraph 5 to acquire originating status, it shall not be necessary that the materials have undergone sufficient working or processing, provided that:

- (a) the working or processing of the materials carried out in Turkey or Malaysia goes beyond the operations referred to in Article 4.6 (Insufficient/Minimal Working or Processing);
- (b) the materials were originating in a member of ASEAN, in application of rules of origin identical to those applicable if the said materials were exported directly to Turkey or Malaysia; and
- (c) Turkey, Malaysia and the relevant member of ASEAN have arrangements which allow for adequate administrative cooperation procedures ensuring

full implementation of this cumulation mechanism as well as of Articles on certification and on verification of origin of the products.

7. The cumulation established in paragraphs 5 and 6 shall be applied provided that preferential trade agreements in accordance with Article XXIV of GATT 1994 between Turkey, Malaysia and the relevant member of ASEAN, respectively, are in force.

#### **Article 4.4 Wholly Obtained Products**

1. The following shall be considered as wholly obtained in Turkey or in Malaysia:
  - (a) minerals and other naturally occurring substances, not included in subparagraphs (b) to (e), extracted or taken from its soil, water, seabed or beneath the seabed of a Party;
  - (b) plant and plant goods, including fruits, flowers, vegetables, trees, seaweed, fungi and live plants, grown, cultivated, planted, harvested, picked, or gathered in the territory of a Party;
  - (c) live animals born and raised in the territory of a Party;
  - (d) products from live animals raised there;
  - (e) goods obtained from hunting, trapping, fishing, farming, cultivating, planting, growing, aquaculture, gathering, or capturing in the territory of a Party;
  - (f) products of sea fishing and other products taken from the sea including shellfish and other marine life or marine goods outside the territorial waters of Turkey or of Malaysia by their vessels;
  - (g) goods obtained, processed or produced on board their factory ships exclusively from products referred to in subparagraph (f);
  - (h) used articles collected there which can no longer perform their original purpose nor are capable of being restored or repaired and are fit only for the recovery of raw materials;
  - (i) waste, scrap or used goods collected in the territory of a Party which can no longer perform their original purpose nor are capable of being restored or repaired and are fit only for the recovery of raw materials;
  - (j) goods taken from the waters, seabed or beneath the seabed outside the territorial waters of that Party, provided that Party has the rights to exploit such waters, seabed and beneath the seabed in accordance with international law; and
  - (k) goods produced in the territory of a Party solely from goods referred to in subparagraphs (a) to (j) or from their derivatives, at any stage of production.

2. The terms “their vessels” and “their factory ships” in subparagraphs 1(f) and (g) shall apply only to vessels and factory ships:

- (a) which are registered in Turkey or in Malaysia;
- (b) which sail under the flag of Turkey or of Malaysia;
- (c) which meet one of the following conditions:
  - (i) they are at least 50% owned by nationals of Turkey or of Malaysia; or
  - (ii) they are owned by companies:
    - (AA) which have their head office and their main place of business in Turkey or in Malaysia; and
    - (BB) which are at least 50% owned by Turkey or by Malaysia, by public entities or nationals of one of those Parties.

#### **Article 4.5** **Sufficiently Worked or Processed Products**

1. For the purposes of subparagraph (b) of Article 4.2 (Originating Products), products which are not wholly obtained are considered to be sufficiently worked or processed when the conditions set out in the list in Annex 4-2 are fulfilled. The conditions referred to above indicate, for all products covered by this Agreement, the working or processing which must be carried out on non-originating materials used in manufacturing and apply only in relation to such materials. It follows that if a product which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture.

2. By way of derogation from paragraph 1 and subject to paragraphs 3 and 4, non-originating materials which, according to the conditions set out in the list in Annex 4-2 are not to be used in the manufacture of a given product may nevertheless be used, provided that their total value or net weight assessed for the product does not exceed:

- (a) 10% of the weight of the product for products falling under Chapter 2 and within Chapters 4 to 24 of the Harmonized System, other than processed fishery products of Chapter 16;
- (b) 10% of the ex-works price of the product for other products, except for products falling within Chapters 50 to 63 of the Harmonized System, for which the tolerances mentioned in Notes 6 and 7 of Annex 4-1, shall apply.

3. Paragraph 2 shall not allow to exceed any of the percentages for the maximum content of non-originating materials as specified in the rules laid down in the list in Annex 4-2.

4. Paragraphs 2 and 3 shall not apply to products wholly obtained in a Party within the meaning of Article 4.4 (Wholly Obtained Products). However, without prejudice to Article 4.6 (Insufficient/Minimal Working or Processing) and paragraph 2 of Article 4.7 (Unit of Qualification), the tolerance provided for in those paragraphs shall nevertheless apply to the sum of all the materials which are used in the manufacture of a product and for which the rule laid down in the list in Annex 4-2 for that product requires that such materials be wholly obtained.

#### **Article 4.6** **Insufficient/Minimal Working or Processing**

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 4.5 (Sufficiently Worked or Processed Products) are satisfied:

- (a) preserving operations to ensure that the products remain in good condition during transport and storage;
- (b) breaking-up and assembly of packages; change of packaging or presenting products for sale;
- (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (d) simple painting and polishing operations;
- (e) sharpening, slitting, simple coiling and uncoiling, bending, simple grinding or simple cutting;
- (f) sifting, screening, sorting, classifying, grading, matching (including the making-up of sets of articles);
- (g) ironing or pressing of textiles;
- (h) husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (i) operations to colour or flavour sugar or form sugar lumps; partial or total milling of crystal sugar;
- (j) peeling, stoning and shelling of fruits, nuts and vegetables;
- (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (m) simple mixing of products, whether or not of different kinds; mixing of sugar with any material;

- (n) simple addition of water or dilution or dehydration or denaturation of products;
- (o) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
- (p) slaughter of animals; and
- (q) a combination of two or more operations specified in subparagraphs (a) to (p).

2. All operations carried out either in Turkey or in Malaysia on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

3. For the purposes of paragraph 1, operations shall be considered simple when neither special skills nor machines, apparatus or tools especially produced or installed for those operations are required for their performance.

#### **Article 4.7 Unit of Qualification**

1. The unit of qualification for the application of the provisions of this Chapter shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonized System. It follows that:

- (a) when a product composed of a group or assembly of articles is classified under the terms of the Harmonized System in a single heading, the whole constitutes the unit of qualification;
- (b) when a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each product must be taken individually when applying the provisions of this Chapter.

2. Where, under General Rule 5 of the Harmonized System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

#### **Article 4.8 Accessories, Spare Parts and Tools**

1. Accessories, spare parts, tools and instructional or other information materials delivered with a good that form part of the good's standard accessories, spare parts, tools and instructional or other information materials shall be regarded as a part of the good, and shall be disregarded in determining whether or not all the non-originating materials used in the production of the originating goods undergo the applicable change in tariff classification provided that:

- (a) the accessories, spare parts, tools and instructional or other information materials are classified with and not invoiced separately from the good; and

(b) the quantities and value of the accessories, spare parts, tools and instructional or other information materials are customary for the good.

2. The value of packages and packing materials for retail sale, shall be taken into account in determining the origin of that good as originating or non-originating, as the case may be, provided that the packages and packing materials are considered to be forming a whole with the good.

3. If a good is subject to the change in tariff classification criterion provided in Annex 4-2, packages and packing materials classified together with the packaged good, shall not be taken into account in determining origin.

4. Packing materials and containers used exclusively for the transportation of a good shall not be taken into account in determining the origin of such goods.

#### **Article 4.9 Sets**

Sets, as defined in General Rule 3 of the Harmonized System, shall be regarded as originating when all component products are originating. Nevertheless, when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating, provided that the value of the non-originating products does not exceed 15% of the ex-works price of the set.

#### **Article 4.10 Neutral Elements**

In order to determine whether a product originates, it shall not be necessary to determine the origin of the following, which might be used in its production and not physically incorporated into the good, which includes the following:

- (a) energy, fuel, catalysts and solvents;
- (b) plant and equipment;
- (c) machines, tools, dies and moulds;
- (d) lubricants, greases, compounding materials and other materials used in production or used to operate equipment and buildings;
- (e) gloves, glasses, footwear, clothing, safety equipment and supplies;
- (f) equipment, devices and supplies used for testing or inspecting goods; and
- (g) goods which do not enter and which are not intended to enter into the final composition of the product.

### **SECTION 4-C TERRITORIAL REQUIREMENTS**

**Article 4.11**  
**Principle of Territoriality**

1. Except as provided for in Article 4.3 (Cumulation of Origin), the conditions set out in Section 4-B (Definition of the Concept of “Originating Products”) relating to the acquisition of originating status must be fulfilled without interruption in a Party.
2. If originating goods exported from a Party to a non-Party return, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:
  - (a) the returning goods are the same as those exported; and
  - (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that non-Party or while being exported.

**Article 4.12**  
**Direct Consignment**

1. The products declared for importation in a Party shall be the same products as exported from the other Party in which they are considered to originate. They shall not have been altered, transformed in any way or subjected to operations other than operations to preserve them in good condition, prior to being declared for import. Storage of products or consignments and splitting of consignments may take place where carried out under the responsibility of the exporter or of a subsequent holder of the goods and the products remain under customs supervision in the country(ies) of transit.
2. Compliance with paragraph 1 shall be considered as satisfied unless the customs authorities have reason to believe the contrary; in such cases, the customs authorities may request the declarant to provide evidence of compliance, which may be given by any means, including contractual transport documents such as bills of lading or factual or concrete evidence based on marking or numbering of packages or any evidence related to the goods themselves.

**Article 4.13**  
**Exhibitions**

1. Originating products sent for exhibition in a third country and sold after the exhibition for importation in Turkey or in Malaysia shall benefit on importation from the provisions of the Agreement, provided it is shown to the satisfaction of the customs authorities that:
  - (a) an exporter has consigned these products from Turkey or from Malaysia to the country in which the exhibition is held and has exhibited them there;
  - (b) the products have been sold or otherwise disposed of by that exporter to a person in Turkey or in Malaysia;
  - (c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition; and

(d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A proof of origin must be issued or made out in accordance with the provisions of Section 4-E (Proof of Origin) and submitted to the customs authorities of the importing Party in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display, which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

## **SECTION 4-D DRAWBACK OR EXEMPTION**

### **Article 4.14 Drawback of, or Exemption from, Customs Duties**

After two years from the entry into force of this Agreement, upon the request of either Party, the Joint Committee shall review the operation of duty drawback and inward processing schemes of the Parties. The Joint Committee may establish the criteria to review duty drawback and inward processing issues of the Parties and may consider prohibiting the application of duty drawback.

## **SECTION 4-E PROOF OF ORIGIN**

### **Article 4.15 General Requirements**

1. Products originating in Turkey shall, on importation into Malaysia and products originating in Malaysia shall, on importation into Turkey, benefit from this Agreement upon submission of either:

- (a) a Certificate of Origin, a specimen of which appears in Annex 4-3; or
- (b) in the cases specified in paragraph 1 of Article 4.21 (Conditions for Invoice Declaration), a declaration, the text of which appears in Annex 4-4, given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified (hereinafter referred to as the “**invoice declaration**”).

2. Notwithstanding paragraph 1, originating products within the meaning of this Chapter shall, in the cases specified in Article 4.27 (Exemption from Proof of Origin), benefit from this Agreement without it being necessary to submit any of the documents referred to above.

**Article 4.16**  
**Procedure for the Issuance of Certificate of Origin**

1. A Certificate of Origin shall be issued by the competent authorities of the exporting Party on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative.
2. For this purpose, the exporter or his authorized representative shall fill out Certificate of Origin specimen of which appears in Annex 4-3. The form shall be completed in English and in accordance with the provisions of the domestic law of the exporting Party. If it is handwritten, it shall be completed clearly and legibly in ink and printed characters. In that case, neither erasures nor alterations shall be allowed on the form. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.
3. The exporter applying for the issue of Certificate of Origin shall be prepared to submit at any time, at the request of the competent authorities of the exporting Party where the Certificate of Origin is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Chapter.
4. A Certificate of Origin shall be issued by the competent authorities of Turkey or of Malaysia if the products concerned can be considered as products originating in Turkey or in Malaysia and fulfil the other requirements of this Chapter.
5. The competent authorities issuing Certificate of Origin shall take any steps necessary to verify the originating status of the products and the fulfilment of the other requirements of this Chapter. For this purpose, the Customs Authorities shall, in accordance with its domestic legislation, have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.
6. The issuing competent authorities shall also ensure that the form referred to in paragraph 2 is duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.
7. The date of issue of Certificate of Origin shall be indicated in Box 11 of the certificate.
8. A Certificate of Origin shall be issued by the competent authorities and made available to the exporter as soon as actual exportation has been effected or made known.

**Article 4.17**  
**Certificate of Origin Issued Retrospectively**

1. Notwithstanding paragraph 8 of Article 4.16 (Procedure for the Issuance of Certificate of Origin), a Certificate of Origin may exceptionally be issued after exportation but not later than 12 months from the date of exportation of the products

to which it relates if:

- (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
  - (b) it is demonstrated to the satisfaction of the customs authorities or other competent authorities that a Certificate of Origin was issued, but was not accepted at importation for technical reasons.
2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the Certificate of Origin relates, and state the reasons for his request.
  3. The competent authorities may issue a Certificate of Origin retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.
  4. Certificate of Origin issued retrospectively must bear with the words "ISSUED RETROSPECTIVELY". The endorsement shall be inserted in the 'Remarks' box of the Certificate of Origin.

#### **Article 4.18 Issuance of a Duplicate Certificate of Origin**

1. In the event of theft, loss or destruction of a Certificate of Origin, the exporter may apply to the competent authorities which issued it for a duplicate to be made out on the basis of the export documents in their possession.
2. The duplicate Certificate of Origin will indicate the date of issuance of the original Certificate of Origin and shall take effect as from the original date.

#### **Article 4.19 Issuance of Certificate of Origin on the Basis of a Proof of Origin Issued or Made out Previously**

When originating products are placed under the control of a customs office in Turkey or Malaysia, the original proof of origin may be replaced by one or more proof of origin for the purpose of sending all or some of these products elsewhere within a Party. The replacement proof(s) of origin shall be issued by the customs office in Turkey under whose control the products are placed or competent authorities in Malaysia.

#### **Article 4.20 Identical and Interchangeable Materials**

The determination of whether identical and interchangeable materials are originating materials shall be made either by physical segregation of each of the materials, or by the use of generally accepted accounting principles of stock control, or inventory management applicable in the exporting Party.

#### **Article 4.21 Conditions for Invoice Declaration**

1. An invoice declaration as referred to in subparagraph 1(b) of Article 4.15 (General Requirements) may be made out:

(a) by an approved exporter within the meaning of Article 4.22 (Approved Exporter); or

(b) by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed USD10,000.

2. An invoice declaration may be made out if the products concerned can be considered as products originating in Turkey or in Malaysia and fulfil the other requirements of this Chapter.

3. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs authorities or other competent authorities of the exporting Party, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Chapter.

4. An invoice declaration shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document, the declaration in English, the text of which appears in Annex 4-4, and in accordance with the provisions of the domestic law of the exporting Party. If they are handwritten, they shall be completed clearly and legibly in ink in printed characters. In that case, neither erasures nor alterations shall be allowed on these forms.

5. Invoice declarations shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article 4.22 (Approved Exporter) shall not be required to sign such declarations provided that he gives the customs authorities or other competent authorities of the exporting Party a written undertaking that he accepts full responsibility for any invoice declaration which identifies him as if it had been signed in manuscript by him.

6. An invoice declaration may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing Party no longer than 12 months after the importation of the products to which it relates.

#### **Article 4.22 Approved Exporter**

1. The competent authorities of the exporting Party may authorize any exporter as “approved exporter” who makes frequent shipments of products under this Agreement to make out invoice declarations irrespective of the value of the products concerned. An exporter seeking such authorisation must offer to the satisfaction of the competent authorities evidence of the originating status of the products as well as the fulfilment of the other requirements of this Chapter.

2. The competent authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.

3. The competent authorities shall grant to the approved exporter a customs authorisation number or reference number which shall appear on the invoice declaration.

4. The competent authorities shall monitor the use of the authorization by the approved exporter.

5. The competent authorities may withdraw the authorization at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1, does not fulfil the conditions referred to in paragraph 2 or otherwise makes an incorrect use of the authorization.

6. The competent authorities responsible for the implementation of the verification of proof of origin within the meaning of Article 4.33 (Verification of Proofs of Origin) may inform each other on the changes in granting authorizations to the approved exporters and may also mutually exchange the updated lists.

#### **Article 4.23 Third Party Invoice**

The competent authorities of the importing Party may accept Certificate of Origin or invoice declaration in cases where the invoice is issued either by a company located in a third country or by an exporter for the account of that company, provided that the goods meet the requirements of this Chapter.

#### **Article 4.24 Validity of Proof of Origin**

1. A proof of origin shall be valid for 12 months from the date of issue in the exporting Party, and must be submitted within the said period to the customs authorities of the importing Party.

2. Proofs of origin which are submitted to the customs authorities of the importing Party after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit these documents by the final date set is due to exceptional circumstances.

3. In other cases of late presentation, the customs authorities of the importing Party may accept the proofs of origin where the products have been presented to customs before the said final date.

#### **Article 4.25 Submission of Proof of Origin**

Proofs of origin shall be submitted to the customs authorities of the importing Party in accordance with the procedures applicable in that country. The said authorities may require a translation of a proof of origin and may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the requirements of this Chapter.

**Article 4.26**  
**Importation by Instalments**

Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing Party, dismantled or non-assembled products within the meaning of General Rule 2(a) of the Harmonized System falling within Sections XVI and XVII or heading Nos. 7308 and 9406 of the Harmonized System are imported by instalments, a single proof of origin for such products shall be submitted to the customs authorities upon importation of the first instalment.

**Article 4.27**  
**Exemptions from Proof of Origin**

1. Products sent as small packages from private persons to private persons from Malaysia to Turkey or forming part of travellers' personal luggage travelling from Malaysia to Turkey shall be admitted as originating products without requiring the submission of a proof of origin, provided that such products are not imported by way of trade and have been declared as meeting the requirements of this Chapter and where there is no doubt as to the veracity of such a declaration. In the case of products sent by post from Malaysia to Turkey, this declaration can be made on the customs declaration CN22/CN23 or on a sheet of paper annexed to that document.

2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families from Malaysia to Turkey shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.

3. Furthermore, the total value of these products referred to paragraphs 1 and 2 shall not exceed EUR500 in the case of small packages or EUR1,200 in the case of products forming part of travellers' personal luggage.

4. In the case of consignments of goods originating in Turkey and exported to Malaysia and not exceeding USD200 FOB, the requirement of a proof of origin may be waived, provided that the importation does not form part of one or more importations that may reasonably be considered to have been undertaken or arranged for the purpose of avoiding the submission of proof of origin.

**Article 4.28**  
**Supporting Documents**

The documents referred to in paragraph 3 of Article 4.16 (Procedure for the Issuance of Certificate of Origin) and paragraph 3 of Article 4.21 (Conditions for Invoice Declaration) used for the purpose of proving that products covered by a Certificate of Origin or an invoice declaration can be considered as products originating in Turkey or in Malaysia and fulfil the other requirements of this Chapter may consist, *inter alia*, of the following:

- (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal bookkeeping;

- (b) documents proving the originating status of materials used, issued or made out in Turkey or in Malaysia;
- (c) documents proving the working or processing of materials in Turkey or Malaysia, issued or made out in Turkey or in Malaysia; and/or
- (d) Certificate of Origin or invoice declarations proving the originating status of materials used, issued or made out in Turkey or in Malaysia in accordance with this Chapter.

**Article 4.29**  
**Preservation of Proof of Origin and Supporting Documents**

1. The exporter applying for the issue of a Certificate of Origin shall keep for at least three years the documents referred to in paragraph 3 of Article 4.16 (Procedure for the Issuance of Certificate of Origin).
2. The exporter making out an invoice declaration shall keep for at least three years a copy of this invoice declaration as well as the documents referred to paragraph 3 of Article 4.21 (Conditions for Invoice Declaration).
3. The competent authorities of the importing Party shall keep for at least three years the Certificate of Origins and the invoice declarations submitted to them.

**Article 4.30**  
**Discrepancies and Formal Errors**

1. The discovery of slight discrepancies between the statements made in the proof of origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products may not *ipso facto* render the proof of origin null and void if it is duly established that this document does correspond to the products submitted.
2. Obvious formal errors such as typing errors on a proof of origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

**Article 4.31**  
**Amounts Expressed in USD or EUR**

1. For the application of the provisions of subparagraph 1(b) of Article 4.21 (Conditions for Invoice Declaration) and Article 4.27 (Exemption from Proof of Origin) in cases where products are invoiced in a currency other than USD or EUR, amounts in the national currencies of Turkey and of Malaysia equivalent to the amounts expressed in USD or EUR shall be fixed annually by each of the countries concerned.
2. A consignment shall benefit from the provisions of subparagraph 1(b) of Article 4.21 (Conditions for Invoice Declaration) or Article 4.27 (Exemption from Proof of Origin) by reference to the currency in which the invoice is drawn up, according to the amount fixed by the country concerned.

3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in USD or EUR as at the first working day of October and shall be applied from 1 January the following year. The Parties shall communicate the amounts to each other by 15 October.

4. Turkey or Malaysia may round up or down the amount resulting from the conversion into its national currency of an amount expressed in USD or EUR. The rounded-off amount may not differ from the amount resulting from the conversion by more than 5%. Turkey or Malaysia may retain unchanged its national currency equivalent of an amount expressed in USD or EUR if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an increase of less than 15% in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion would result in a decrease in that equivalent value.

5. The amounts expressed in USD or EUR shall be reviewed by the Joint Committee at the request of Turkey or of Malaysia. When carrying out this review, the Joint Committee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in USD or EUR.

## **SECTION 4-F ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION**

### **Article 4.32 Mutual Assistance**

1. Each Party shall inform the other Party of the names and addresses of its respective Competent Authorities to issue the Certificate of Origin and verify the proofs of origin, and shall provide the official seals used by the said authorities. Any change in names, addresses, specimen signatures or official seals shall be promptly informed in the same manner.

2. In order to ensure the proper application of this Chapter, Turkey and Malaysia shall assist each other, through the competent customs administrations and relevant competent and duly authorized bodies, in checking the authenticity of the Certificate of Origin or the invoice declarations and the correctness of the information given in these documents.

### **Article 4.33 Verification of Proof of Origin**

1. The Competent Authority of the importing Party may verify the eligibility of a good for preferential tariff treatment in accordance with its domestic laws, regulations or administrative practices.

2. If the Competent Authority of the importing Party has reasonable doubts as to the authenticity or accuracy of the information included in the Certificate of Origin or other documentary evidence, it may:

- (a) institute retroactive checking measures to establish the validity of the Certificate of Origin or other documentary evidence of origin;

- (b) request information from the relevant importer of a good for which preferential tariff treatment was claimed; or
- (c) issue written requests to the Issuing Authority of the exporting Party for information from the exporter or producer.

3. The Competent Authority of the exporting Party shall provide the information requested under paragraph 2 within a period of 90 days from the date the written request is made.

4. The reply of the Competent Authority of the exporting Party must indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating in Turkey or Malaysia and fulfil the other requirements of this Chapter.

5. If the reply does not have the necessary details in paragraph 4, the Competent Authority of the importing Party shall provide written advice as to whether the goods are eligible for preferential tariff treatment to the exporting Party within 90 days from the receipt of reply of the exporting Party. The exporting Party shall provide a reply within 90 days from the date of the written advice to the importing Party to make the final decision.

6. If there is no reply from the Competent Authority of the exporting Party within 90 days under paragraph 3 or if there is no reply from the Competent Authority of the exporting Party within 180 days according to paragraph 5 or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the Competent Authority of the importing Party shall, except in exceptional circumstances, refuse entitlement to the preferences.

#### **Article 4.34**

#### **Suspension of Preferential Tariff Treatment**

1. The Customs Authorities of the importing Party may suspend preferential tariff treatment to goods that are the subject of an origin verification action under this Chapter for the duration of that action or any part thereof.

2. The Customs Authorities of the importing Party may release the goods 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.

3. In the event that a determination is made by the Competent Authority of the importing Party that the goods qualify as the originating goods of the exporting Party, the preferential tariff treatment shall be implemented.

#### **Article 4.35**

#### **Penalties**

Penalties shall be imposed, in accordance with domestic laws and regulations, on any person who draws up, or causes to be drawn up, a document which contains false information for the purpose of obtaining a preferential treatment for products.

**SECTION 4-G  
FINAL PROVISIONS**

**Article 4.36  
Sub-Committee on Rules of Origin**

1. A Sub-Committee on Rules of Origin shall be set up under the Joint Committee to assist it in carrying out its duties and to ensure a continuous information and consultations process between experts.
2. The functions of the Sub-Committee on Rules of Origin shall include:
  - (a) monitoring of the implementation and administration of this Chapter;
  - (b) discussion of any issues that may arise in the course of implementation;
  - (c) discussion of any proposed amendments of the rules of origin under this Chapter;
  - (d) consultation on issues relating to rules of origin and administrative cooperation; and
  - (e) discussion on any issues that may arise in relation to the verification under Article 4.33 (Verification of Proof of Origin) which cannot be settled between the competent authorities responsible for carrying out the verification.

**Article 4.37  
Transitional Provisions for Goods in Transit and Storage**

Originating goods which are in the process of being transported from the exporting Party to the importing Party, or which are in temporary storage in a bonded area in the importing Party, should be accorded preferential tariff treatment if they are imported into the importing Party on or after the date of entry into force of this Agreement, subject to the submission of a Certificate of Origin issued retrospectively, within 12 months of that date, to the Customs Authority of the importing Party and subject to domestic laws, regulations or administrative practices of the importing Party.

**Article 4.38  
Review and Appeal**

The importing Party shall grant the right of appeal in matters relating to the eligibility for preferential tariff treatment to importers of goods traded or to be traded between the Parties, in accordance with its domestic laws, regulations and administrative practices.

## **CHAPTER 5 CUSTOMS PROCEDURES AND COOPERATION**

### **Article 5.1 Objectives**

The objectives of this Chapter are to:

- (a) ensure predictability, consistency and transparency in the application of customs laws and regulations of the Parties;
- (b) promote efficient, economical administration of customs procedures, and the expeditious clearance of goods;
- (c) simplify customs procedures; and
- (d) promote cooperation between the customs administrations of the Parties.

### **Article 5.2 Scope**

This Chapter applies, in accordance with the Parties' respective laws, regulations and policies, to customs procedures applied to goods traded between the Parties.

### **Article 5.3 Definitions**

For the purposes of this Chapter:

- (a) **customs law** means such laws and regulations administered and enforced by the Customs Authority of each Party concerning the importation, exportation, and transit/transshipment of goods, as they relate to customs duties, charges, and other taxes, or to prohibitions, restrictions, and other similar controls with respect to the movement of controlled items across the boundary of the customs territory of each Party;
- (b) **customs procedures** means the treatment applied by the customs administration of each Party to goods, which are subject to customs law.

### **Article 5.4 Customs Procedures and Facilitation**

1. Each Party shall ensure that its customs procedures and practices are predictable, consistent, transparent, and facilitate trade, including through the expeditious clearance of goods.
2. Customs procedures of the Parties shall, where possible and to the extent permitted by their respective customs laws, conform to the standards and recommended practices of the World Customs Organization.
3. The customs administration of each Party shall review its customs procedures with a view to their simplification to facilitate trade.

## **Article 5.5 Risk Management**

1. The Parties shall administer customs procedures so as to facilitate the clearance of low-risk goods and focus on high-risk goods. To enhance the flow of goods across their borders, the customs administrations shall regularly review these procedures.
2. Where a customs administration deems that the inspection of goods is not necessary to authorise clearance of the goods from customs control, it shall endeavour to provide a single point for the documentary or electronic processing of those goods.

## **Article 5.6 Advance Rulings**

1. Each Party, through its customs administration or other relevant authorities, to the extent permitted by their domestic laws, regulations and administrative determinations, on the application of a person referred in subparagraph 2(a), shall provide in writing advance rulings in respect of the tariff classification.
2. Where available, each Party shall adopt or maintain procedures for advance rulings, which shall:
  - (a) provide that an importer in its territory may apply for an advance ruling before the importation of goods in question;
  - (b) require that an applicant for an advance ruling provide a detailed description of the goods and all relevant information needed to process an application for an advance ruling;
  - (c) provide that its customs administration may, at any time during the course of an evaluation of an application for an advance ruling, request that the applicant provide additional information within a specified period;
  - (d) provide that any advance ruling be based on the facts and circumstances presented by the applicant, and any other relevant information in the possession of the decision maker; and
  - (e) provide that an advance ruling be issued to the applicant expeditiously, within the period specified in each Party's domestic laws, regulations or administrative determinations.
3. A Party may reject requests for an advance ruling where the additional information requested by it in accordance with subparagraph 2(c) is not provided within a specified time.
4. Subject to paragraphs 1 and 5 and where available, each Party shall apply an advance ruling to all importations of goods described in that ruling imported into its territory for the period as specified in that Party's domestic laws, regulations or administrative determinations.

5. A Party may modify or revoke an advance ruling where there is a determination that the advance ruling was based on an error of fact or law (including human error), the information provided is false or inaccurate, or if there is a change in:

- (a) domestic law;
- (b) a material fact; or
- (c) the circumstances,

on which the ruling is based.

6. Where an importer claims that the treatment accorded to an imported good should be governed by an advance ruling, the customs administration may evaluate whether the facts and circumstances of the importation are consistent with the facts and circumstances upon which an advance ruling was based.

#### **Article 5.7 Use of Automated Systems**

1. The customs administrations, where applicable, shall endeavour to have their own system that supports electronic customs transactions.

2. In implementing initiatives, each customs administration shall take into account the relevant standards and best practices recommended by the World Customs Organization, taking into consideration the available infrastructures and capabilities of each Party.

#### **Article 5.8 Customs Cooperation**

1. To the extent permitted by their domestic law, the customs administrations of the Parties may, as deemed appropriate, assist each other, in relation to:

- (a) the implementation and operation of this Chapter;
- (b) developing and implementing customs best practices and risk management techniques;
- (c) providing, where possible, prior notice of changes to laws, regulations, and relevant procedures and guidelines that would affect the operation of this Agreement;
- (d) simplifying and harmonising customs procedures;
- (e) advancing technical skills and the use of technology; and
- (f) application of the Agreement on Customs Valuation.

2. Subject to available resources, the customs administrations of the Parties may, as deemed appropriate, explore and undertake cooperation projects, including capacity building programmes to enhance the capability of their customs personnel.

## **Article 5.9 Transparency**

Each Party shall ensure that its customs laws, regulations and general administrative procedures and other requirements, including customs fees and charges, are readily available to all interested parties wherever possible in electronic form.

## **Article 5.10 Contact Points**

Each Party shall designate or maintain one or more contact points to address inquiries by interested persons concerning customs matters.

## **Article 5.11 Consultation**

The customs administrations of the Parties will encourage consultation with each other regarding significant customs issues that affect goods traded between the Parties.

## **Article 5.12 Confidentiality**

1. Nothing in this Chapter shall be construed to require any Party to furnish or allow access to confidential information pursuant to this Chapter the disclosure of which it considers would:

- (a) be contrary to the public interest as determined by its legislation;
- (b) be contrary to any of its legislation including but not limited to those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;
- (c) impede law enforcement; or
- (d) prejudice legitimate commercial interests, which may include competitive position of particular enterprises, public or private.

2. Where a Party provides information to the other Party in accordance with this Chapter and designates the information as confidential, the Party receiving the information shall maintain the confidentiality of the information, use it only for the purposes specified by the Party providing the information, and not disclose it without the specific written permission of the Party providing the information.

## **Article 5.13 Review and Appeal**

1. Each Party shall ensure that the importers in its territory have access to administrative review within the customs administration that issued the decision subject to review or where applicable, the higher authority supervising the administration and/or judicial review of the determination taken at the final level of administrative review, in accordance with the Party's domestic laws.
2. The decision on appeal shall be given to the appellant and the reasons for such decision shall be provided in writing.
3. The level of institution to carry out administrative review may include any authority in accordance with the Party's domestic laws.

## **CHAPTER 6 SANITARY AND PHYTOSANITARY MEASURES**

### **Article 6.1 Objectives**

The objectives of this Chapter are:

- (a) to facilitate bilateral trade in food, plants, animals and products thereof, while protecting human, animal or plant life or health in the territory of each Party;
- (b) to deepen mutual understanding of each Party's regulations and procedures relating to consultations on and implementation of sanitary and phytosanitary measures;
- (c) to strengthen cooperation between the Parties' competent authorities that have the responsibility for sanitary and phytosanitary matters; and
- (d) to provide a means to enhance communication and improve resolution of sanitary and phytosanitary issues.

### **Article 6.2 Scope and Coverage**

This Chapter applies to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties.

### **Article 6.3 Definitions**

For the purposes of this Chapter:

- (a) **SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, contained in Annex 1A to the WTO Agreement;
- (b) the definitions in Annex A of the SPS Agreement are incorporated into and made part of this Chapter, *mutatis mutandis*; and
- (c) the relevant definitions developed by the Codex Alimentarius Commission, World Organisation for Animal Health and the International Plant Protection Convention shall apply to the implementation of this Chapter.

### **Article 6.4 General Provisions**

1. The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
2. With a view to facilitating and increasing bilateral trade, the Parties shall seek to enhance their cooperation in the area of sanitary and phytosanitary measures and deepen their mutual understanding and awareness of their respective systems.

3. The Parties shall seek to identify initiatives for cooperation on regulatory issues, such as bilateral recognition of equivalence, harmonisation based on international standards, guidelines and recommendations, or other cooperative arrangements.

4. The Parties shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures.

#### **Article 6.5**

#### **Sub-Committee on Sanitary and Phytosanitary Measures**

1. The Parties hereby establish a Sub-Committee on Sanitary and Phytosanitary Measures (hereinafter referred to as “the Sub-Committee on SPS Measures”) comprising representatives of each Party who have responsibility for sanitary and phytosanitary matters. The Sub-Committee on SPS Measures shall report to the Joint Committee of its activities.

2. The Sub-Committee on SPS Measures shall provide a forum for:

- (a) consulting on matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
- (b) coordinating technical cooperation programmes on sanitary and phytosanitary matters;
- (c) enhancing bilateral understanding on issues and agendas for meetings of the Committee on Sanitary and Phytosanitary Measures of the WTO and the other relevant international organisations referred to in the SPS Agreement, including specific implementation issues thereof;
- (d) reviewing progress on addressing sanitary and phytosanitary matters that may arise between the Parties’ competent authorities that are responsible for such matters; and
- (e) discussing matters with a view to reaching a consensus related to consultation procedure referred to in subparagraph (a).

3. The Sub-Committee on SPS Measures shall meet in a period no later than one year after the date of entry into force of this Agreement. The rules of procedure of the Sub-Committee on SPS Measures shall be determined in its first meeting.

4. The Sub-Committee on SPS Measures shall inform the Joint Committee about the rules of procedure.

5. The Sub-Committee on SPS Measures shall meet on the request of either Party. By mutual agreement, *ad hoc* working groups may be established if necessary.

#### **Article 6.6**

## **Competent Authorities and Contact Points**

1. The Competent Authorities and the Contact Points responsible for the implementation of the measures referred to in this Chapter are listed in Annex 6-1.
2. The Parties shall inform each other of any significant changes in the structure, organisation and division of the competency of its Competent Authorities and Contact Points.

### **Article 6.7 Cooperation**

1. The Parties shall explore opportunities for further cooperation, collaboration and information exchange on sanitary and phytosanitary matters of mutual interest consistent with the provisions of this Chapter. Such opportunities include technical assistance, capacity building and facilitation of market access for products of interest.
2. The Parties agree to cooperate to facilitate the implementation of this Chapter.

### **Article 6.8 Dispute Settlement**

Neither Party may have recourse to the dispute settlement mechanism provided for in Chapter 12 (Dispute Settlement) for any disputes or differences arising from this Chapter.

## **CHAPTER 7 TECHNICAL BARRIERS TO TRADE**

### **Article 7.1 Objectives**

The objectives of this Chapter are to increase and facilitate bilateral trade, by preventing and eliminating unnecessary obstacles to trade and enhancing bilateral cooperation in accordance with the rights and obligations of the Parties with respect to the WTO Agreement on Technical Barriers to Trade and its Annexes (hereinafter referred to as “TBT Agreement”).

### **Article 7.2 Scope and Coverage**

1. Except as provided in paragraphs 2 and 3, this Chapter applies to all standards, technical regulations, and conformity assessment procedures that may, directly or indirectly, affect trade in goods between the Parties.
2. This Chapter does not apply to sanitary and phytosanitary measures which are covered by Chapter 6 (Sanitary and Phytosanitary Measures).
3. This Chapter does not apply to purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies.

### **Article 7.3 Reaffirmation of TBT Agreement**

The Parties reaffirm their existing rights and obligations with respect to each other under the TBT Agreement.

### **Article 7.4 International Standards**

1. The Parties reconfirm their obligations under Article 4.1 of the TBT Agreement to ensure that the standardising bodies of the Parties accept and comply with the Code of Good Practice for the Preparation and Adoption of Standards in Annex 3 to the TBT Agreement, and also have regard to the principles set out in Decisions and Recommendations adopted by the Committee since 1 January 1995, G/TBT/1/rev.11, 16 December 2013, Annex B (Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5 and Annex 3 of the Agreement), issued by the TBT Committee of the WTO.
2. The Parties shall use relevant international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures in accordance with Articles 2.4 and 5.4 of the TBT Agreement.

**Article 7.5**  
**Equivalence of Technical Regulations**

Consistent with the TBT Agreement, each Party shall give positive consideration to accepting as equivalent, technical regulations of the other Party, even if these regulations differ from its own, provided that those technical regulations produce outcomes that are equivalent to those produced by its own technical regulations in meeting its legitimate objectives and achieving the same level of protection.

**Article 7.6**  
**Trade Facilitation**

1. The Parties shall work cooperatively in the fields of standards, technical regulations and conformity assessment procedures with a view to facilitating trade between the Parties.

2. To this end, the Parties shall seek to identify trade facilitating bilateral initiatives regarding standards, technical regulations and conformity assessment procedures that are appropriate for particular issues or sectors. Such initiatives may include:

- (a) cooperation on regulatory issues, such as convergence or equivalence of technical regulations and standards;
- (b) alignment with international standards;
- (c) reliance on a supplier's declaration of conformity;
- (d) use of accreditation to qualify conformity assessment bodies; and
- (e) cooperation through recognition of conformity assessment procedures.

**Article 7.7**  
**Conformity Assessment Procedures and Accreditation**

1. The Parties recognise that a broad range of mechanisms exist to facilitate the acceptance of the results of conformity assessment procedures conducted in the territory of the other Party, including:

- (a) voluntary arrangements between conformity assessment bodies from each Party's territory;
- (b) agreements on mutual acceptance of the results of conformity assessment procedures with respect to specified regulations conducted by bodies located in the other Party's territory;
- (c) unilateral recognition by one Party of the results of conformity assessments procedures performed in the other Party's territory;
- (d) accreditation procedures for qualifying conformity assessment bodies and promotion of the recognition of accreditation and certification bodies under international mutual recognition arrangements;
- (e) government designation of conformity assessment bodies;

- (f) reliance on a supplier's declaration of conformity, where appropriate; and
  - (g) use of regional and international multilateral recognition agreements and arrangements which the Parties are party to.
2. Having regard to paragraph 1, the Parties undertake:
- (a) to intensify their exchange of information on these and similar mechanisms with a view to facilitating the acceptance of conformity assessment results;
  - (b) to exchange information on conformity assessment procedures, and in particular on the criteria used to select appropriate conformity assessment procedures for specific products;
  - (c) to exchange information on accreditation policy, and to consider how to make best use of international standards for accreditation, and international agreements involving the Parties' accreditation bodies, for example, through the mechanisms of the International Laboratory Accreditation Cooperation and the International Accreditation Forum; and
  - (d) in line with Article 5.1.2 of the TBT Agreement, to require conformity assessment procedures that are not more strict than necessary.
3. In consideration of the recognition of the broad range of mechanisms to facilitate the acceptance of the results of a conformity assessment procedure and to enhance confidence in the continued reliability of each other's conformity assessment results, the Parties may consult on matters such as the technical competence of the conformity assessment bodies involved.
4. Each Party shall accredit, approve, license, or otherwise recognise conformity assessment bodies in the territory of the other Party on terms no less favourable than those it accords to conformity assessment bodies in its territory, to the extent of each other's obligations under International Laboratory Accreditation Cooperation and the International Accreditation Forum.

### **Article 7.8 Transparency**

1. The Parties acknowledge the importance of transparency in decision-making, including providing a meaningful opportunity for persons to provide comments on proposed technical regulations and conformity assessment procedures. Where a Party publishes a notice under Article 2.9 or 5.6 of the TBT Agreement, it shall:
- (a) include in the notice a statement describing the objective of the proposed technical regulation or conformity assessment procedure and the rationale for the approach the Party is proposing; and
  - (b) transmit the proposal electronically to the other Party through the enquiry point the Party has established under Article 10 of the TBT Agreement at the same time as it notifies WTO Members of the proposal pursuant to the TBT Agreement.

Each Party should allow at least 60 days after it transmits a proposal under subparagraph (b) for the public and the other Party to make comments in writing on the proposal.

2. Where a Party makes a notification under Article 2.10 or 5.7 of the TBT Agreement, it shall at the same time transmit the notification to the other Party electronically through the enquiry point referenced in subparagraph 1(b).

3. Upon request, a Party shall provide the other Party information regarding the objective of, and rationale for, a standard, technical regulation or conformity assessment procedure that it has adopted or is proposing to adopt.

### **Article 7.9 Technical Cooperation**

With a view to fulfilling the objectives of this Chapter, the Parties shall, upon request of either Party and where possible, cooperate towards:

- (a) exchanging information on legislation, regulations, rules and other materials and periodicals published by the national bodies responsible for technical regulations, standards, conformity assessment, metrology and accreditation;
- (b) exchanging general information and publications on conformity assessment, certification bodies, including notified bodies, designation and accreditation of conformity assessment bodies;
- (c) providing technical advice, information and assistance on mutually agreed terms and conditions and exchanging experience to enhance the other Party's system for standards, technical regulations and conformity assessment procedures, and related activities;
- (d) increasing the information exchange, particularly regarding non-compliance of a product in bilateral trade with relevant technical regulations and conformity assessment procedures of a Party;
- (e) examining the compatibility and/or equivalence of their respective technical regulations, standards and conformity assessment procedures;
- (f) giving favourable consideration, on request of the other Party, to any sector specific proposal for further cooperation;
- (g) promoting and encouraging bilateral cooperation between respective organisations, public and/or private, of the Parties responsible for standardisation, testing, certification, accreditation and metrology;
- (h) increasing their bilateral cooperation in the relevant international organisations and fora dealing with the issues covered by this Chapter; and
- (i) informing the other Party, as far as possible, about the agreements or programs subscribed at international level in relation to TBT issues.

**Article 7.10**  
**Sub-Committee on Standards, Technical Regulations and Conformity**  
**Assessment Procedures**

1. The Parties hereby establish a Sub-Committee on Standards, Technical Regulations and Conformity Assessment Procedures (hereinafter referred to as “Sub-Committee on TBT Matters”), comprising representatives of each Party.
2. For purposes of this Article, the Sub-Committee on TBT Matters shall be coordinated by:
  - (a) in the case of Turkey, Directorate General for Product Safety and Inspection, Ministry of Economy, or its successor; and
  - (b) in the case of Malaysia, the Department of Standards Malaysia, Ministry of Science, Technology and Innovation or its successor.
3. In order to facilitate the communication and ensure the proper functioning of the Sub-Committee on TBT Matters, the Parties will designate a contact point no later than two months following the date of entry into force of this Agreement.
4. The functions of the Sub-Committee on TBT Matters shall include:
  - (a) monitoring the implementation and administration of this Chapter;
  - (b) promptly addressing any issue that a Party raises related to the development, adoption, application or enforcement of technical regulations and conformity assessment procedures;
  - (c) enhancing cooperation in the development and improvement of technical regulations and conformity assessment procedures;
  - (d) exchanging information on standards, technical regulations and conformity assessment procedures, in response to all reasonable requests for such information from a Party;
  - (e) facilitating cooperation in the area of specific technical regulations by referring enquiries from a Party to the appropriate regulatory authorities;
  - (f) where appropriate, facilitating sectoral cooperation among governmental and non-governmental conformity assessment bodies in the Parties' territories;
  - (g) exchanging information on developments in non-governmental, regional, and multilateral fora engaged in activities related to standardisation, technical regulations and conformity assessment procedures;
  - (h) consulting on any matter arising under this Chapter upon a Party's request;
  - (i) reviewing this Chapter in light of any development under the TBT Agreement and developing recommendations for amendments to this Chapter in light of those developments;

- (j) reporting to the Joint Committee on the implementation of this Chapter as it considers appropriate; and
- (k) taking any other steps the Parties consider will assist them in implementing the TBT Agreement and in facilitating trade in goods between them.

5. The Sub-Committee on TBT Matters shall meet at least once a year, unless otherwise agreed by the Parties. By mutual agreement, *ad hoc* working groups may be established if necessary.

6. The rules of procedures of the Sub-Committee on TBT Matters shall be mutually agreed by the Parties. The Sub-Committee on TBT Matters shall inform the Joint Committee about its rules of procedure.

#### **Article 7.11 Information Exchange**

Any information or explanation provided upon request of a Party pursuant to the provisions of this Chapter shall be provided in print or in electronic form within a reasonable period of time agreed between the Parties.

#### **Article 7.12 Dispute Settlement**

Neither Party may have recourse to the dispute settlement mechanism provided for in Chapter 12 (Dispute Settlement) for any disputes and differences arising from this Chapter.

**CHAPTER 8  
TRADE REMEDIES**

**SECTION 8-A  
BILATERAL SAFEGUARDS**

**Article 8.1  
Definitions**

For the purposes of this Section:

- (a) **domestic industry** means, with respect to an imported product, the producers as a whole of the like or directly competitive product or those producers whose collective production of the like or directly competitive product constitutes a major proportion of the total domestic production of such product;
- (b) **provisional measure** means a provisional bilateral safeguard measure described in Article 8.5 (Provisional Measures);
- (c) **safeguard measure or safeguard measures** means a transitional bilateral safeguard measure or measures described in Article 8.2 (Application of Safeguard Measures);
- (d) **serious injury** means a significant overall impairment in the position of a domestic industry;
- (e) **threat of serious injury** means serious injury that is clearly imminent and shall be determined on the basis of facts and not merely on allegation, conjecture or remote possibility; and
- (f) **transition period**, in relation to a particular product, means the period from the entry into force of this Agreement until two years after the date on which the customs duty on that product is to be eliminated in accordance with Annex 3-1.

**Article 8.2  
Application of Safeguard Measures**

During the transition period, if as a result of the reduction or elimination of a customs duty pursuant to this Agreement, an originating product of a Party is being imported into the other Party's territory in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the domestic industry producing like or directly competitive products, the other Party may, to the extent necessary to prevent or remedy serious injury and facilitate adjustment, apply a safeguard measure consisting of:

- (a) the suspension of the further reduction of any rate of customs duty provided for under this Agreement on the originating product from the date on which the action to apply the safeguard measure is taken; or
- (b) an increase of the rate of customs duty on the originating product to a level

not to exceed the lesser of:

- (i) the MFN applied rate of customs duty in effect on the date on which the action to apply the safeguard measure is taken; or
- (ii) the MFN applied rate of customs duty in effect on the day immediately preceding the date of entry into force of this Agreement.

### **Article 8.3**

#### **Scope and Duration of Safeguard Measures**

1. A Party shall apply a safeguard measure for such period of time as may be necessary to prevent or remedy serious injury and to facilitate adjustment. A Party may apply a safeguard measure for an initial period of no longer than two years. The period of a safeguard measure may be extended by up to one year provided that the conditions of this Chapter are met and that the safeguard measure continues to be applied to the extent necessary to prevent or remedy serious injury and that there is evidence that the industry is adjusting. The total period of a safeguard measure, including any extensions thereof, shall not exceed three years.

2. Regardless of its duration or whether it has been subject to extension, a safeguard measure on a product shall terminate at the end of the transition period for such product. No new safeguard measure may be applied to a product after the end of the transition period.

3. In order to facilitate adjustment in a situation where the proposed duration of a safeguard measure is over one year, the Party applying the safeguard measure shall progressively liberalise it at regular intervals during the application of the safeguard measure, including at the time of any extension.

4. A Party shall not apply a safeguard or provisional measure again on the same originating product.

5. An investigation shall be promptly terminated without any bilateral safeguard measure being applied if imports of the originating good represent less than eight % of total imports.

6. A Party shall not apply a safeguard or provisional measure on an originating product that is subject to a measure that the Party has applied pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards (hereinafter referred to as the "Safeguards Agreement"), or the WTO Agreement on Agriculture or Article VI of GATT 1994 and the WTO Agreement on Implementation of Article VI of GATT 1994 (hereinafter referred to as the "Anti-dumping Agreement").

7. When a Party intends to apply, pursuant to Article XIX of GATT 1994 and the Safeguards Agreement, or the WTO Agreement on Agriculture or Article VI of GATT 1994 and the Anti-dumping Agreement, a measure on a product to which a safeguard measure is being applied, it shall terminate the safeguard measure prior to the imposition of the action to be applied pursuant to Article XIX of GATT 1994 and the Safeguards Agreement, or the WTO Agreement on Agriculture or Article VI of GATT 1994 and the Anti-dumping Agreement.

8. On the termination of a safeguard measure, the Party that applied the measure shall apply the rate of customs duty in effect as set out in its Tariff Schedule as specified in Annex 3-1 on the date of termination as if the safeguard measure had never been applied.

#### **Article 8.4 Investigation**

1. A Party may apply or extend a safeguard measure only following an investigation by the Party's competent authorities in accordance with the same procedures as those provided for in Articles 3 and 4.2 of the Safeguards Agreement.

2. The investigation shall include reasonable public notice to all interested parties and public hearings or other appropriate means in which importers, exporters and other interested parties could present evidence and their views, including the opportunity to respond to the presentations of other parties and to submit their views, *inter alia*, as to whether or not the application of a safeguard measure would be in the public interest.

3. An investigation shall as far as possible be completed within 180 days after being initiated but in no case shall exceed one year. A Party shall prior to the 180th day notify the other Party of the expected duration of the investigation, if the investigation is likely to take more than 180 days to complete. Upon completion of an investigation, the competent authorities shall promptly publish a report setting forth their findings and reasoned conclusions reached on all pertinent issues of fact and law.

4. Each Party shall ensure the consistent, impartial and reasonable administration of its laws, regulations, decisions and rulings relating to all safeguard investigation proceedings.

5. Each Party shall adopt or maintain equitable, timely, transparent and effective procedures for safeguard investigation proceedings.

#### **Article 8.5 Provisional Measures**

1. In critical circumstances where delay would cause damage which would be difficult to repair, a Party may apply a provisional measure, which shall take the form of the measure set out in paragraphs (a) or (b) of Article 8.2 (Application of Safeguard Measures), pursuant to a preliminary determination that there is clear evidence that increased imports of an originating product of the other Party as a result of the reduction or elimination of a duty pursuant to this Agreement have caused or are threatening to cause serious injury.

2. The duration of a provisional measure shall as far as possible not exceed 120 days, but shall not extend beyond 200 days, during which period the pertinent requirements of Articles 8.1 (Definitions) to 8.4 (Investigation) shall be met. The duration of any such provisional measure shall be counted as part of the total period referred to in Article 8.3 (Scope and Duration of Safeguard Measures).

3. Any additional customs duties collected as a result of such provisional measure

shall be promptly refunded if the subsequent investigation referred to in Article 8.4 (Investigation) does not determine that increased imports of an originating product of the other Party have caused or threatened to cause serious injury to a domestic industry. In such a case, the Party that applied the provisional measure shall apply the rate of customs duty set out in its Tariff Schedule in Annex 3-1 as if the provisional measure had never applied.

### **Article 8.6 Notification and Consultation**

1. A Party shall promptly notify the other Party, in writing, upon:
  - (a) initiating an investigation under Article 8.4 (Investigation);
  - (b) making a finding of serious injury or threat thereof caused by increased imports of an originating product of the other Party as a result of the reduction or elimination of a customs duty on the product pursuant to this Agreement;
  - (c) taking a decision to apply or extend a safeguard measure, or to apply a provisional measure; and
  - (d) taking a decision to progressively liberalise a safeguard measure previously applied.
2. A Party shall provide to the other Party a copy of the public version of the report of its competent authorities required under paragraph 1 of Article 8.4 (Investigation) immediately after it is available.
3. In the written notice referred to in paragraph 1(a), the reason for the initiation of the investigation, a precise description of an originating product subject to the investigation and its subheading or more detailed level of the HS, the period subject to the investigation and the date of initiation of the investigation shall be included.
4. In notifying under paragraphs 1(b) and (c), the Party applying or extending a safeguard measure shall also provide evidence of serious injury or threat thereof caused by increased imports of an originating product of the other Party as a result of the reduction or elimination of a customs duty pursuant to this Agreement; a precise description of the product involved and its subheading or more detailed level of the HS; the details of the proposed safeguard measure; and the date of introduction, duration and timetable for progressive liberalisation of the measure, if such timetable is applicable. In the case of an extension of a safeguard measure, evidence that the domestic industry concerned is adjusting shall also be provided. Upon request, the Party applying or extending a safeguard measure shall to the extent possible provide additional information as the other Party may consider necessary.
5. A Party proposing to apply or extend a safeguard measure shall provide adequate opportunity for prior consultations with the other Party, with a view to, *inter alia*, reviewing the information provided under paragraph 4, exchanging views on the safeguard measure and reaching an agreement on compensation as set forth in paragraph 1 of Article 8.7 (Compensation).

6. Where a Party applies a provisional measure referred to in Article 8.5 (Provisional Measures), on request of the other Party, consultations shall be initiated immediately after such application.

7. The provisions on notification in this Article shall not require a Party to disclose confidential information, the disclosure of which would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of particular enterprises, public or private.

### **Article 8.7 Compensation**

1. A Party proposing to apply a safeguard measure shall, in consultation with the other Party, provide to the other Party mutually agreed trade compensation in the form of substantially equivalent concessions during the period of application of the safeguard measure. Such consultations shall begin within 30 days of the decision to apply the safeguard measure and, in accordance with paragraph 5 of Article 8.6 (Notification and Consultation), shall take place prior to the application of the safeguard measure.

2. If the Parties are unable to reach agreement on compensation within 30 days of the commencement of the consultations, the exporting Party shall be free to suspend the application of substantially equivalent concessions to the trade of the Party applying the safeguard measure.

3. A Party shall notify the other Party in writing at least 30 days before suspending concessions under paragraph 2.

4. The right of suspension referred to in paragraph 2 shall not be exercised for the first two years during which a bilateral safeguard measure is in effect, provided that the measure has been taken as a result of an absolute increase in imports.

### **Article 8.8 Dispute Settlement**

1. Neither Party may have recourse to the dispute settlement mechanism provided for in Chapter 12 (Dispute Settlement). Any issue, difference or dispute between the Parties concerning the interpretation, implementation or application of any of the provisions of this Section shall be settled amicably through consultation and negotiation between the Parties pursuant to Article 8.6 (Notification and Consultation).

2. Any issue, difference or dispute between the Parties in respect of this Section, which cannot be resolved by the Parties pursuant to paragraph 1, shall be referred to the Joint Committee.

## **SECTION 8-B GLOBAL SAFEGUARDS**

### **Article 8.9**

## **Global Safeguards**

1. Each Party retains its rights and obligations under Article XIX of GATT 1994 and the Safeguards Agreement, and any other relevant provisions in the WTO Agreement, and their successors.
2. This Agreement does not confer any additional rights or obligations on the Parties with regard to actions taken pursuant to Article XIX of GATT 1994 and the Safeguards Agreement, and their successors.
3. Chapter 11 (Institutional Provisions) and Chapter 12 (Dispute Settlement) shall not apply to this Section.

### **SECTION 8-C ANTI-DUMPING MEASURES**

#### **Article 8.10 General Provisions**

1. The Parties maintain their rights and obligations under Article VI of GATT 1994 and the Anti-Dumping Agreement.
2. Except otherwise stipulated in this Section, this Agreement does not confer any additional rights or obligations on the Parties with regard to the initiation and conduct of dumping investigations as well as the application of anti-dumping measures, referred to in paragraph 1.

#### **Article 8.11 Lesser Duty**

If a Party takes a decision to impose anti-dumping duties on the condition that the level of anti-dumping duty is sufficient to remove the injury, that Party is expected to impose a duty lesser than the dumping margin.

#### **Article 8.12 Recommendations of the WTO Committee on Anti-Dumping Practices**

Each Party may, in all investigations conducted against goods from the other Party, take into account the recommendations of the WTO Committee on Anti-Dumping Practices.

#### **Article 8.13 Notification**

1. After the initiation of an anti-dumping investigation, the initiating Party shall provide the notification required by Article 12.1.1 of Anti-Dumping Agreement in writing as soon as possible to the other Party.
2. The Parties shall make the notifications under Article 5.5 of Anti-Dumping Agreement and cover letters related to mentioned notifications in English.

**Article 8.14**  
**Contact Point**

1. Both Parties shall make the required notifications referred to under Article 8.13 (Notification) to investigating authorities in addition to the Embassies.
2. In case of any dispute regarding the date of the notification related to paragraph 1, the notification date sent to the Embassies is deemed as binding.

**Article 8.15**  
**Dispute Settlement**

Chapter 11 (Institutional Provisions) and Chapter 12 (Dispute Settlement) shall not apply to this Section.

**SECTION 8-D**  
**COOPERATION IN PREVENTING CIRCUMVENTION**

**Article 8.16**  
**Areas of Cooperation**

1. The Parties shall endeavour to cooperate in preventing circumvention of trade remedies. The areas of cooperation are as follows:
  - (a) forwarding questionnaires and other documents to interested parties;
  - (b) exchanging information about firms and whole sector;
  - (c) exchanging trade data and similar information regarding products under circumvention investigation; and
  - (d) any other possible areas to be mutually agreed by the Parties.
2. Nothing in this Section shall be construed to require the other Party to furnish or allow access to confidential information pursuant to this Chapter the disclosure of which it considers would:
  - (a) be contrary to the public interest as determined by its laws;
  - (b) be contrary to any of its laws, including but not limited to, to those protecting personal data or financial affairs and accounts of individual customers of financial institution;
  - (c) impede law enforcement; and
  - (d) prejudice legitimate commercial interests, which may include competitive position of particular enterprises, public or private.
3. Where a Party provides information to the other Party in accordance with this Section and designates the information as confidential, the Party receiving the information shall maintain the confidentiality of the information, use it only for the

purposes specified by the Party providing the information, and not disclose it without specific written permission of the Party providing the information.

4. Chapter 11 (Institutional Provisions) and Chapter 12 (Dispute Settlement) shall not apply to this Section.

## **SECTION 8-E COUNTERVAILING MEASURES**

### **Article 8.17 Countervailing Measures**

1. Each Party shall retain its rights and obligations under the WTO Agreement on Subsidies and Countervailing Measures.

2. Chapter 11 (Institutional Provisions) and Chapter 12 (Dispute Settlement) shall not apply to this Section.

## **SECTION 8-F COOPERATION**

### **Article 8.18 Cooperation**

1. The Parties shall explore opportunities for cooperation, collaboration and information exchange which is of mutual interest, consistent with the provisions of this Chapter. Such opportunities include technical assistance, capacity building and development of training programmes related to the administration of the trade remedy laws.

2. The Parties agree to cooperate to facilitate the implementation of this Chapter.

## **CHAPTER 9 ECONOMIC AND TECHNICAL COOPERATION**

### **Article 9.1 Objectives**

1. Without prejudice to the provisions of the existing agreements between the Parties in the fields of the trade, economic and technical cooperation, the Parties agree to establish a framework for cooperation as a means to expand and enhance the benefits of this Agreement to promote capacity building activities in areas of mutual interest.
  
2. The Parties will establish close cooperation, *inter alia*, at:
  - (a) promoting and enhancing economic and technical cooperation in accordance with the applicable laws and regulations between them;
  - (b) complementing existing and building new cooperative relationships between them;
  - (c) advancing human resources development, creating new opportunities for trade and investment, promoting competitiveness and innovation including the involvement, where appropriate, of their private sectors;
  - (d) contributing to the important role of their private sectors in promoting and building strategic alliances to encourage mutual economic growth and development;
  - (e) encouraging the presence of each other's goods, services and investments in their respective markets; and
  - (f) increasing and deepening the level of cooperation activities between them in areas of mutual interest.

### **Article 9.2 Scope**

1. The Parties shall exert their best efforts to:
  - (a) focus on areas likely to bring the economies of the Parties closer;
  - (b) encourage capacity building and training programmes, which would assist in creating the necessary institutions and human resources for implementation of this Agreement;
  - (c) encourage joint-ventures, joint-investments and other forms of collaboration amongst their private sectors;
  - (d) promote joint marketing and promotion of the Parties' products and services in both countries' markets and third countries' markets.

2. The cooperation under the scope of this Agreement shall primarily involve, but not limited to the following areas referred in detail between Articles 9.3 to 9.17 of this Chapter:

- (a) services;
- (b) investment promotion;
- (c) small and medium-sized enterprises (SMEs);
- (d) trade development;
- (e) agriculture and food industry;
- (f) transportation;
- (g) tourism;
- (h) environment;
- (i) research, development and innovation;
- (j) intellectual property;
- (k) health;
- (l) energy;
- (m) halal related areas;
- (n) electronic commerce; and
- (o) automotive.

3. The Parties may extend cooperation to other areas not covered by the provisions of this Chapter such as but not limited to education and human capital development, communications, science and technology.

4. Cooperation activities may include but not limited to:

- (a) exchange of information;
- (b) dialogues, conferences and seminars;
- (c) development of joint research programs;
- (d) encouraging private sector cooperation;
- (e) technical, administrative and regulatory assistance; and
- (f) encouragement of reciprocal participation in fairs and exhibitions.

5. Areas of cooperation may be developed through existing or new arrangements.

**Article 9.3**  
**Cooperation in Services**

1. Recognizing the growing importance of services in the development and growth of their economies, and in compliance with the WTO General Agreement on Trade in Services (the "GATS") and within the bounds of their own fields of competence, the Parties will encourage the cooperation with each other in services sectors.
2. The Parties will determine the mutually beneficial sectors on which cooperation will concentrate. Cooperation will be aimed at promoting the productivity and competitiveness in services sector.
3. The Parties, considering the potential and capacities of their respective construction and construction related services shall explore opportunities of cooperation between their companies in Turkey and Malaysia, as well as in the third countries.
4. The Parties will encourage exchange of information on markets and activities in the respective fields between their private sectors.

**Article 9.4**  
**Cooperation in Investment Promotion between the Parties**

The Parties recognise the importance of promoting investment and technology flows as a means of achieving economic growth and development. Without prejudice to the provisions of "Agreement between the Government of the Republic of Turkey and the Government of Malaysia for Reciprocal Promotion and Protection of Investments", the Parties agree to cooperate on, *inter alia*:

- (a) discussing effective ways on investment promotion activities and capacity building;
- (b) facilitating the provision and exchange of investment information including laws, regulations and policies to increase awareness of investment opportunities;
- (c) encouraging and supporting investment promotion activities of each Party or their business sectors; and
- (d) encouraging the establishment of joint ventures or any form of collaborations between their private sectors with a view to promote investment in third countries.

**Article 9.5**  
**Cooperation between Small and Medium-Sized Enterprises**

With the view to further enhance trade and economic activities, the Parties shall give priority to promoting business and investment opportunities as well as joint ventures between their SMEs. Within this context, the Parties shall, *inter alia*:

- (a) establish networking opportunities for Malaysian and Turkish SMEs to facilitate collaboration and exchange of experience, such as in the field of technology transfers, product quality improvements, supply chain linkages, access to financing for SMEs and technical assistance;
- (b) facilitate investments between Malaysia and Turkey;
- (c) share experience and improve understanding of each other's policies and operations through visits and discussions by government officials and professionals from Malaysia and Turkey;
- (d) collaborate in assisting capacity building of high skilled workers and technicians such as in construction and construction related services, innovation, research and development, IT and manufacturing sectors;
- (e) exchange expertise on entrepreneurship, management, research and management centres, quality and production standards;
- (f) encourage relevant agencies to discuss and cooperate closely, especially in promoting the skills and development of workers and strengthen the dialogue between relevant institutions; and
- (g) promote entrepreneurial networks of SMEs of respective countries, support cooperation between respective Chambers/Unions of Commerce/Industry and encourage establishment of networks among their appropriate entities that provide assistance to SMEs.

#### **Article 9.6 Cooperation in Trade Development**

Cooperation in trade development shall primarily focus on:

- (a) developing, diversifying and increasing trade between the Parties and improving their competitiveness on domestic, regional and international markets;
- (b) enhancing cooperation in customs and origin matters including vocational training in the customs field;
- (c) promoting cooperation between business associations in both countries and encouraging their business circles to participate in fairs and exhibitions;
- (d) developing capacity building, human resources and professional skills in the field of trade and related services in both public and private sectors;
- (e) exchanging experts and information on:
  - (i) laws, regulations and best practices in relation to bilateral trade and investment;

- (ii) best practices and methodologies for the development of manufacturing industries and free trade zone practices of the Parties; and
- (iii) standardisation, conformity assessment, metrology and accreditation;
- (f) promoting and facilitating the participation of consulting and contracting engineering companies, construction and construction related services in each other's development projects; and
- (g) encouraging regional cooperation for the development of trade and trade-related infrastructure and services in third countries.

**Article 9.7**  
**Cooperation in Agriculture and Food Industry**

Taking into account the importance of cooperation in agriculture and food industry for enhancement of bilateral economic and commercial relations, the Parties shall cooperate on, *inter alia*, the following fields:

- (a) exchange of information, expertise and experts relating to agriculture and food industry;
- (b) organisation of trainings, seminars, conferences and meetings;
- (c) encouragement of establishment of joint activities;
- (d) encouragement of trade and marketing of agricultural products as well as the investment on production and processing of agricultural products in both countries and third countries; and
- (e) promotion of transfer of technology and know-how in agro-industry and food industry.

**Article 9.8**  
**Cooperation in Transportation**

1. The Parties shall, to the extent possible, promote cooperation between enterprises, organisations and authorities, operating in the fields of land, maritime and air transport for the purposes of enhancing bilateral trade.

2. The Parties shall exchange information and expertise on logistics related to international trade.

**Article 9.9**  
**Cooperation in Tourism**

The Parties shall cooperate on:

- (a) encouraging cooperation between private and public tourism organisations, associations or unions;
- (b) sharing of information on tourism opportunities, exhibitions, conventions and publications;
- (c) exchanging of expertise and best practices in the field of tourism; and
- (d) strengthening cooperation on tourism training.

**Article 9.10**  
**Cooperation in Environment**

1. The work programme for environmental cooperation in areas of common global or domestic concern may include, among others:

- (a) climate change;
- (b) biodiversity and conservation of natural resources;
- (c) management of hazardous chemicals;
- (d) air quality;
- (e) water management;
- (f) waste management;
- (g) marine and coastal ecological conservation and pollution control;
- (h) strategic environmental impact assessment;
- (i) management of water and sewerage systems;
- (j) mining practices and mines rehabilitation; and
- (k) improvement of environmental awareness.

2. The Parties agree to designate contact points for better implementation of this Article.

**Article 9.11**  
**Cooperation in Research, Development and Innovation**

Cooperation in research, development and innovation will be realized through cooperation activities in sectors where mutual and complementary interests exist. Where possible, the Parties shall also encourage partnerships to develop innovative products and services as well as activities to promote linkage, innovation and technology exchange.

**Article 9.12**  
**Cooperation in Intellectual Property**

1. The Parties agree to cooperate, according to their own capabilities and subject to the laws, regulations and policies on matters related to the practice, promotion, dissemination, management, protection and effective application of intellectual property rights, the prevention of abuse of such rights, the fight against counterfeiting and piracy, and the establishment and strengthening of national organisations for control and protection of such rights.

2. For the purposes of this Chapter, intellectual property rights refer to copyright and related rights, rights in trademarks, geographical indications, industrial designs, patents, layout designs of integrated circuits, and rights in plant varieties as defined and described in the Agreement on Trade Related Aspects of Intellectual Property Rights.

**Article 9.13**  
**Cooperation in Health**

1. The Parties shall, to the extent possible, cooperate on:

- (a) maternal and child health and reproductive healthcare services;
- (b) sharing information on pharmaceuticals;
- (c) sharing information on medicine training and practices and communication channel building between relevant drug regulatory authorities of the Parties;
- (d) sharing information on food safety;
- (e) sharing information and exchange of expertise in nutrition; and
- (f) sharing information, expertise and best practices on healthcare travel.

2. The Parties will determine to work on any other areas or forms of cooperation in health and medicine to be mutually agreed upon.

**Article 9.14**  
**Cooperation in Energy**

1. The Parties confirm that energy constitutes one of the possible fields of cooperation between the two countries. Therefore, the Parties agree on:

- (a) exchanging information on improvement in energy use effectiveness;
- (b) encouraging public and private sector cooperation; and
- (c) promoting the use of alternate energy sources and renewable energy.

2. The Parties, considering the potential and capacities of their energy sectors, shall explore opportunities of cooperation between their companies in Turkey and Malaysia, as well as in third countries.

3. The Parties may explore cooperation opportunities in the fields of mining and mineral fuels.

**Article 9.15**  
**Cooperation in Halal Related Areas**

The Parties shall cooperate to encourage promotion of Halal best practices. To this end, the Parties shall:

- (a) share and exchange information, experience and expertise in relation to Halal best practices, methodologies, reference materials and research findings; and
- (b) cooperate in specialized Halal related activities, trade events, conferences and seminars.

**Article 9.16**  
**Cooperation on Electronic Commerce**

1. The Parties recognise the importance of electronic commerce to facilitate trade opportunities in various sectors. The private sector of both Parties should lead in the development of electronic commerce and in establishing business practices.

2. The Parties should avoid imposing unnecessary restrictions on electronic commerce. Government actions, when needed, should be transparent.

3. The Parties, according to their own capabilities shall work together to support the development of electronic commerce in the future through:

- (a) encouraging bilateral discussions at experts level on issues regarding electronic commerce; and
- (b) exchanging experiences and sharing best practices on electronic commerce related issues.

**Article 9.17**  
**Cooperation in Automotive**

The Parties shall encourage cooperation between enterprises in the automotive sector to enhance, *inter alia*, the exchange of technical experts and sharing of knowledge and technology. The areas and forms of cooperation shall be determined by the enterprises and related organisations.

**Article 9.18**  
**Sub-Committee on Economic and Technical Cooperation**

1. For the purposes of this Chapter, the Parties hereby establish the Sub-Committee on Economic and Technical Cooperation.

2. The Sub-Committee on Economic and Technical Cooperation shall be:

- (a) comprised of representatives of the Parties and may, by consensus, invite representatives of relevant entities other than the Governments with the necessary expertise relevant to the issues to be discussed; and
  - (b) co-chaired by officials of the Parties.
- 3. The Sub-Committee on Economic and Technical Cooperation shall be coordinated by:
  - (a) in the case of Malaysia, the Ministry of International Trade and Industry or its successor; and
  - (b) in the case of Turkey, Ministry of Economy or its successor.
- 4. In order to ensure the proper functioning of the Sub-Committee on Economic and Technical Cooperation, each Party shall designate a contact point no later than one month from the date of entry into force of this Agreement. Each Party will notify the other Party promptly of any change of contact point.
- 5. The Sub-Committee on Economic and Technical Cooperation shall:
  - (a) establish its working procedures;
  - (b) establish its work programme within four months from the date of entry into force of this Agreement;
  - (c) identify and discuss cooperative activities which might be undertaken under this Chapter;
  - (d) review and monitor the implementation and operation of this Chapter;
  - (e) exchange information on the field of cooperation;
  - (f) undertake any other functions within the context of this Chapter to foster cooperation including establishing working groups as the Parties may agree; and
  - (g) report periodically to the Joint Committee the results of its meetings.
- 6. The Sub-Committee on Economic and Technical Cooperation shall convene its inaugural meeting within one year after the entry into force of this Agreement and subsequently meet at a venue and time to be agreed by the Parties.
- 7. The Sub-Committee on Economic and Technical Cooperation may establish a working group for each field of cooperation under the Sub-Committee. The working groups shall meet at a venue and time to be agreed by the working groups.

**Article 9.19**  
**Financial Provisions**

Any cooperation activity envisaged or undertaken under this Chapter shall be subject to the availability of resources and to the laws, regulations and policies of the Parties. Costs of cooperation activities shall be borne in such manner as may be mutually determined by the Parties.

**Article 9.20**  
**Dispute Settlement**

Neither Party may have recourse to the dispute settlement mechanism provided for in Chapter 12 (Dispute Settlement) for any disputes or differences arising from this Chapter.

## **CHAPTER 10 TRANSPARENCY**

### **Article 10.1 Definitions**

For the purposes of this Chapter:

**Administrative ruling of general application** means an administrative ruling or interpretation that applies to all persons and fact situations and that is relevant to the implementation of this Agreement but does not include:

- (a) a determination or ruling made in administrative or quasi-judicial proceedings that applies to a particular person, good, or service of the other Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

### **Article 10.2 Publication**

1. Each Party shall exert its best efforts to ensure, wherever possible in electronic form, that its laws, regulations, procedures and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable interested persons of the other Party to become acquainted with them.

2. Where possible, each Party shall, in accordance with its domestic law:
- (a) publish in advance any measure referred to in paragraph 1 that it proposes to adopt; and
  - (b) provide, where appropriate, interested persons and parties with a reasonable opportunity to comment on such proposed measures on their request.

### **Article 10.3 Administrative Proceedings**

With a view to administering in a consistent, impartial and reasonable manner all measures affecting matters covered by this Agreement and without prejudice to its domestic law, each Party shall ensure in its administrative proceedings applying measures referred in paragraph 1 of Article 10.2 (Publication) to particular persons, goods, or services of the other Party in specific cases that:

- (a) wherever possible, persons of the other Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in question;

- (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and
- (c) its procedures are in accordance with domestic law.

#### **Article 10.4 Review and Appeal**

1. Each Party shall, where warranted, establish or maintain judicial, quasi-judicial, or administrative tribunals, or procedures for the purposes of the prompt review and correction of final administrative actions regarding matters covered by this Agreement, other than those taken for prudential reasons. Such tribunals shall be independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.
2. Each Party shall, in accordance with its domestic law, ensure that in any such tribunals or procedures, the parties to the proceedings are provided with the right to:
  - (a) a reasonable opportunity to support or defend their respective positions; and
  - (b) a decision based on the evidence and submissions of record.
3. Each Party shall ensure, subject to appeal or further review as provided for in its domestic law that such decision shall be implemented by, and shall govern the practice of, the offices or authorities with respect to the administrative action at issue.

#### **Article 10.5 Exchange of Information**

1. Upon request and to the extent possible, each Party shall promptly provide information and reply to any question from the other Party of any proposed or actual measure that materially affects the operation of this Agreement or otherwise substantially affects the other Party's interests under this Agreement.
2. Any request or information under this Article shall be conveyed to the other Party through contact points.
3. Any information provided under this Article shall be provided normally within 60 days and shall be without prejudice as to whether the measure is consistent with this Agreement.
4. In the case of any inconsistency between the provisions of this Article and provisions relating to transparency in other Chapters, the latter shall prevail to the extent of the inconsistency.

**Article 10.6**  
**Contact Points**

1. In order to facilitate communication between the Parties on any trade matter covered by this Agreement, the Parties hereby establish the following contact points:

(a) for the Republic of Turkey: Ministry of Economy, or its successor; and

(b) for Malaysia: Ministry of International Trade and Industry, or its successor.

2. On the request of either Party, the contact point of the other Party shall indicate the office or official responsible for the matter and provide the required support to facilitate communication with the requesting Party. Each Party shall notify the other Party of any changes of its contact point in due time.

## **CHAPTER 11 INSTITUTIONAL PROVISIONS**

### **Article 11.1 Joint Economic and Trade Council**

A Joint Economic and Trade Council is hereby established which shall be co-chaired by Ministers in charge of foreign trade and meet at least once in every two years in accordance with the conditions laid down in its rules of procedure.

### **Article 11.2 Duties of the Joint Economic and Trade Council**

The Joint Economic and Trade Council shall review the progress made in the implementation of this Agreement. It shall also examine any major issues arising within the framework of this Agreement including its economic and social impact and any other bilateral or international issues of mutual interest.

### **Article 11.3 Procedures of the Joint Economic and Trade Council**

1. The Joint Economic and Trade Council shall consist of senior officials of the Parties. The Joint Economic and Trade Council may invite private sector representatives to its meetings upon its approval.
2. The Joint Economic and Trade Council shall establish its rules of procedures and financial arrangements.
3. The Joint Economic and Trade Council may take decisions on any matter related to this Agreement subject to the respective internal legal procedures of the Parties. The Joint Economic and Trade Council may also make recommendations on matters related to this Agreement.
4. The Joint Economic and Trade Council shall take decisions and make recommendations by the consensus of the Parties.

### **Article 11.4 Joint Committee**

1. Subject to the powers of the Joint Economic and Trade Council, a Joint Committee is hereby established, in which each Party shall be represented by its senior officials. The Joint Economic and Trade Council may delegate to the Joint Committee, in full or in part, any of its powers.
2. For the objective of the proper implementation of this Agreement, the functions of the Joint Committee shall include, but not be limited to:
  - (a) review the implementation and operation of this Agreement;
  - (b) explore ways to enhance trade between the Parties and to further the objectives of this Agreement, including the possibility of further removal of restrictions to trade;

- (c) establish sub-committees or working groups as it considers necessary to assist it in accomplishing its tasks and address specific issues;
- (d) review, consider and, as appropriate, decide on specific matters related to the operation and implementation of this Agreement, including matters reported by sub-committees and working groups;
- (e) supervise and coordinate the work of sub-committees and working groups established under this Agreement and call on technical experts on any matter falling within its functions;
- (f) take decisions in the matters related to this Agreement, including decisions to adopt any amendment to this Agreement. The Joint Committee may also make recommendations to matters related to this Agreement. The Joint Committee shall take decisions and make recommendations by the consensus of the Parties. The decisions taken by the Joint Committee, including on any amendment to this Agreement shall be subject to the completion of the respective internal legal ratification procedures of the Parties;
- (g) adopt any decisions and recommendations of the sub-committees where necessary;
- (h) facilitate, as appropriate, the avoidance and settlement of disputes arising under this Agreement; and
- (i) carry out any other functions as the Parties may agree.

3. The Joint Committee shall establish its rules and procedures.

4. The Joint Committee shall convene its inaugural meeting within one year after the entry into force of this Agreement. Its subsequent meetings shall be held at such frequency as the Parties may agree upon. Special meetings of the Joint Committee may be convened, as mutually agreed by both Parties, within 30 days upon the request of either Party. The Joint Committee shall convene alternately in Malaysia and Turkey, unless the Parties agree otherwise.

#### **Article 11.5 Sub-Committees**

1. The following sub-committees established under this Agreement are subject to the powers of the Joint Committee:

- (a) Sub-Committee on Trade in Goods;
- (b) Sub-Committee on Rules of Origin;
- (c) Sub-Committee on Sanitary and Phytosanitary Measures;

- (d) Sub-Committee on Standards, Technical Regulations and Conformity Assessment Procedures; and
- (e) Sub-Committee on Economic and Technical Cooperation.

2. The sub-committees may set up *ad hoc* working groups to deal with specific issues referred to them by the Joint Committee. Other procedures and functions of the sub-committees are to be specified in the individual Chapters where they are established.

## **CHAPTER 12 DISPUTE SETTLEMENT**

### **Article 12.1 Objective**

The objective of this Chapter is to provide an effective and efficient process for consultations and settlement of disputes arising under this Agreement and to arrive at, where possible, a mutually agreed solution.

### **Article 12.2 Scope and Coverage**

1. Except as otherwise provided in this Agreement, this Chapter shall apply to the settlement of disputes between the Parties regarding the interpretation and application of this Agreement.
2. Subject to Article 12.3 (Choice of Forum), this Chapter is without prejudice to the rights of the Parties to have recourse to dispute settlement procedures available under other agreements to which they are Parties.

### **Article 12.3 Choice of Forum**

1. Where a dispute regarding the same matter arises under this Agreement and under another agreement to which the disputing Parties are party, the complaining Party may select the dispute settlement procedure in which to settle the dispute.
2. The complaining Party shall notify the other Party in writing of its intention to select a particular forum before doing so.
3. Once the complaining Party has requested a Panel under an agreement referred to in paragraph 1, the forum selected shall be used to the exclusion of the other.

### **Article 12.4 Consultations**

1. Each Party shall accord adequate opportunity for consultations with the other Party with respect to any matter affecting the interpretation and application of this Agreement. Such matters shall as far as possible be settled through consultation between the Parties.
2. The request for consultations shall be in writing. The request shall include the reasons for the request, including the identification of the measure at issue and an indication of the legal basis for the complaint, and provide sufficient information to enable an examination of the matter. A copy of the request for consultations shall be delivered to the Joint Committee. The Party to which the request is made shall reply to the request in writing within 10 days after the date of its receipt, and shall enter into consultations within a period of no more than:

- (a) 15 days after the date of receipt of the request for matters concerning

perishable goods; or

(b) 30 days after the date of receipt of the request for all other matters.

3. The Parties shall make every effort to reach a mutually satisfactory resolution of any matter through consultations. Upon initiation of consultations, the Parties shall:

(a) provide sufficient information to enable a full examination of how the matter might affect the operation and application of this Agreement; and

(b) treat any confidential information designated as such by the other Party providing the information.

4. The complaining Party may request the Party complained against to make available for the consultations personnel of its government agencies or other regulatory bodies who have expertise in the matter under consultations. Consultations shall take place in the territory of the Party complained against, unless the Parties agree otherwise.

5. Consultations shall be confidential and without prejudice to the rights of either Party in any further proceedings.

#### **Article 12.5 Good Offices, Conciliation and Mediation**

1. The Parties may at any time agree to good offices, conciliation or mediation. They may begin and be terminated at any time.

2. If the Parties agree; good offices, conciliation or mediation may continue while the dispute proceeds for resolution before an Arbitration Panel.

3. Proceedings involving good offices, conciliation and mediation and positions taken by the Parties during these proceedings shall be confidential and without prejudice to the rights of either Parties in any further proceedings.

#### **Article 12.6 Request for the Establishment of an Arbitration Panel**

1. The Complaining Party may request in writing for the establishment of an Arbitration Panel, if:

(a) the Party complained against does not enter into consultations within 30 days after the date of its receipt of the request for consultations under Article 12.4 (Consultations);

(b) the Parties fail to resolve a dispute 30 days after the date of receipt of the request for consultations regarding a matter concerning perishable goods; or

(c) the Parties fail to resolve a dispute 60 days after the date of receipt of the request for consultations regarding any other matter.

2. The request to establish an Arbitration Panel shall identify:
  - (a) the specific measures at issue;
  - (b) the legal basis of the complaint including the provisions of this Agreement alleged to have been breached or any other relevant provisions; and
  - (c) the factual basis for the complaint.
3. The establishment of an Arbitration Panel shall not be requested on any matter relating to a proposed measure.

### **Article 12.7 Terms of Reference**

Unless the Parties otherwise agree within 20 days from the date of receipt of the request for the establishment of the Arbitration Panel, the terms of reference of the Arbitration Panel shall be:

“To examine, in the light of the relevant provisions of this Agreement, the matter referred to in the request for the establishment of an Arbitration Panel pursuant to Article 12.6 (Request for the Establishment of an Arbitration Panel), to make findings of law and fact and determinations on whether the measure is not in conformity with the Agreement and to issue a written report for the resolution of the dispute. If the Parties agree, the Arbitration Panel may make recommendations for resolution of the dispute.”

### **Article 12.8 Composition and Establishment of Arbitration Panel**

1. An Arbitration Panel shall consist of three arbitrators. Each Party shall appoint one arbitrator, who may be its national, within 30 days of the date of the receipt of the request for the establishment of the Arbitration Panel.
2. The Parties shall agree on and appoint the third arbitrator, who shall be the chairperson of the Arbitration Panel, within 45 days of the date of receipt of the request for the establishment of the Arbitration Panel. If the chair of the Arbitration Panel has not been designated by the Parties within 15 days of the appointment of the second arbitrator, the two arbitrators appointed in accordance with paragraph 1 shall designate by common agreement the third arbitrator who shall chair the Panel. If the chair of the Arbitration Panel has not been designated by the arbitrators within 30 days of the appointment of the second arbitrator, either Party may request the Director General of the WTO to appoint the third arbitrator to chair the Arbitration Panel. In the event where the Director General of the WTO is not able to appoint the third arbitrator, for any reason, within 45 days, the Parties to the dispute shall consult each other in order to jointly appoint the third arbitrator within a further period of 30 days. During this consultation, the Parties shall take into consideration the indicative list of governmental and non-governmental panellists established by the WTO.
3. The date of establishment of an Arbitration Panel shall be the date on which the last arbitrator is appointed.

4. All arbitrators shall have specialized knowledge or experience in law, international trade or other matters relating to this Agreement or in the resolution of disputes arising under international trade agreements. They shall be independent, serve in their individual capacities and not be affiliated with, nor take instructions from any Party or organisation related to this dispute and shall comply with Annex 12-1 of this Agreement.

5. The chair of the Arbitration Panel shall not be a national of a Party, nor have his or her usual place of residence in the territory of a Party and not be employed by either Party or have dealt with the matter in any capacity.

6. Where a Party considers that an arbitrator does not comply with the requirements of Code of Conduct, the Parties shall consult and, if so agreed, they shall replace that arbitrator in accordance with paragraph 7.

7. If an arbitrator appointed under this Article becomes unable to participate in the proceeding or resigns or is to be replaced according to paragraph 6, a successor shall be selected within 10 days in the same manner as prescribed for the appointment of the original arbitrator and the successor shall have all the powers and duties of the original arbitrator. The work of the Arbitration Panel shall be suspended for a period beginning on the date the arbitrator becomes unable to participate in the proceeding, resigns, or is to be replaced according to paragraph 6. The work of the Arbitration Panel shall resume on the date the successor is appointed.

### **Article 12.9** **Functions and Proceedings of the Arbitration Panel**

1. The function of an Arbitration Panel is to make an objective assessment of the matter before it, including an examination of the facts of the case and the applicability of and conformity with this Agreement, and make such other findings and rulings necessary for the resolution of the dispute referred to it.

2. Arbitration Panels shall interpret this Agreement in accordance with customary rules of interpretation of public international law.

3. Arbitration Panel meetings shall be closed to the public, unless the Parties decide otherwise.

4. The Parties shall be given the opportunity to provide at least one written submission and to attend any of the presentations, statements or rebuttals in the proceedings. All information or written submissions submitted by a Party to the Arbitration Panel, including any comments on the interim report and responses to questions put by the Arbitration Panel, shall be made available to the other Party.

5. A Party asserting that a measure of the other Party is inconsistent with this Agreement shall have the burden of establishing such inconsistency. A Party asserting that a measure is subject to an exception under this Agreement shall have the burden of establishing that the exception applies.

6. The Arbitration Panel should consult with the Parties as appropriate and provide adequate opportunities for the development of a mutually satisfactory resolution.

7. The Arbitration Panel shall take its decisions by consensus. In the event where the Arbitration Panel is unable to reach a consensus, it may take its decisions by majority vote.

8. On request of a Party or on its own initiative and subject to such terms and conditions as the Parties may agree within 10 days of the date of establishment of the Arbitration Panel, the Arbitration Panel may seek information from any relevant source and may consult experts to obtain their opinion or advice on certain aspects of the matter. The Arbitration Panel shall provide the Parties with a copy of any advice or opinion obtained and an opportunity to provide comments. Where the Arbitration Panel takes the information or technical advice into account in the preparation of its report, it shall also address any comments by the Parties on the information or technical advice.

9. The deliberations of the Arbitration Panel and the documents submitted to it shall be kept confidential.

10. Notwithstanding paragraph 9, either Party may make public statements as to its own position or submissions regarding the dispute, but shall treat as confidential, information and written submissions submitted by the other Party to the Arbitration Panel which the other Party has designated as confidential. Where a Party has provided information or written submissions designated to be confidential, that Party shall, within 30 days of a request of the other Party, provide a non-confidential summary of the information or written submissions which may be disclosed to the public.

#### **Article 12.10 Expenses**

Each Party shall bear the cost of its appointed arbitrator and its own expenses. The cost of the chairperson of an Arbitration Panel and other expenses associated with the conduct of the proceedings shall be borne by the Parties in equal shares.

#### **Article 12.11 Arbitration Panel Report**

1. The reports of the Arbitration Panel shall be drafted without the presence of the Parties. The Arbitration Panel shall base its reports on the relevant provisions of this Agreement and the submissions and arguments of the Parties, and may take into account any other relevant information provided to the Arbitration Panel in accordance with paragraph 8 of Article 12.9 (Functions and Proceedings of the Arbitration Panel).

2. The Arbitration Panel shall issue to the Parties an initial report setting out the findings of facts, the applicability of the relevant provisions, the basic rationale behind any findings and its conclusions within 90 days of the date of establishment of the Arbitration Panel. Where the Arbitration Panel considers it cannot issue its initial report within 90 days, it shall inform the Parties in writing of the reasons for the delay together with an estimate of the period within which it will issue its report. Under no circumstances should the initial report be issued later than 120 days after the date of the establishment of the Arbitration Panel.

3. Any Party may submit written comments to the Arbitration Panel on its initial report within 14 days of its issuance. After considering any written comments by the Parties on the initial report, the Arbitration Panel may reconsider its report and make any further examination it considers appropriate.

4. The Arbitration Panel shall issue its final report to the Parties within 120 days of the date of the establishment of the Arbitration Panel. Where the Arbitration Panel considers it cannot issue its final report within 120 days, it shall inform the Parties in writing of the reasons for the delay together with an estimate of the period within which it will issue its report. Under no circumstances should the ruling be issued later than 150 days after the date of the establishment of the Arbitration Panel.

5. The final report shall contain:

- (a) the descriptive part summarising the submissions and arguments of the Parties;
- (b) the findings of the fact;
- (c) the applicability of relevant provisions and the basic rationale behind any findings;
- (d) recommendation that the Party complained against bring the measure into conformity with the obligations under this Agreement; and
- (e) recommendations, if the Parties agree, on the means to resolve the dispute.

6. The report of the Arbitration Panel shall be final and binding on the Parties.

7. The findings and determinations of the Arbitration Panel and, if applicable, any recommendations cannot add to or diminish the rights and obligations of the Parties provided in this Agreement.

8. On matters of urgency, including those regarding perishable goods, the Arbitration Panel shall make every effort to issue its interim and final reports to the Parties within half of the respective time periods under paragraphs 2 and 4. The Arbitration Panel may give a preliminary report on whether a case is urgent.

#### **Article 12.12**

#### **Suspension or Termination of Proceedings**

1. The Parties may agree that the Arbitration Panel suspend its work at any time for a period not exceeding 12 months from the date of such agreement. In the event of such a suspension, the time-frames regarding the work of the Arbitration Panel shall be extended by the amount of time that the work was suspended. If the work of the Arbitration Panel has been suspended for more than 12 months, the authority for establishment of the Arbitration Panel shall lapse unless the Parties agree otherwise. This shall not prejudice the rights of the complaining Party to request at a later stage, the establishment of an Arbitration Panel on the same subject matter.

2. The Parties may agree to terminate the proceedings of the Arbitration Panel by

jointly so notifying the chairperson of the Arbitration Panel at any time before the issuance of the report to the Parties.

### **Article 12.13 Implementation**

1. The Party complained against shall promptly comply with the findings and rulings of the Arbitration Panel. Where it is not practicable to comply immediately, the Party complained against shall comply with the findings and rulings within a reasonable period of time. The reasonable period of time shall be mutually determined by the Parties, or where the Parties fail to agree on the reasonable period of time within 45 days of the release of the final report of the Arbitration Panel referred to in Article 12.11 (Arbitration Panel Report), either Party may refer the matter to an Arbitration Panel, which shall determine the reasonable period of time following consultation with the Parties.

2. The Party complained against shall notify to the complaining Party the implementing measures that it has taken to comply with the determinations and recommendations, if any, of the Arbitration Panel, before the expiry of the reasonable period of time agreed by the Parties or determined in accordance with paragraph 1.

3. Where there is disagreement between the Parties as to whether the Party complained against eliminated the non-conformity as determined in the report of the Arbitration Panel within the reasonable period of time as determined pursuant to paragraph 2, either Party may refer the matter to an Arbitration Panel.

4. The Arbitration Panel for the purpose of this Article shall be the Arbitration Panel as established under paragraph 2 of Article 12.15 (Review).

### **Article 12.14 Compensation and Suspension of Benefits**

1. If the Party complained against fails to notify the implementing measures before the expiry of the reasonable period of time, or notifies the complaining Party that it is impracticable, or the Arbitration Panel to which the matter is referred pursuant to paragraph 3 of Article 12.13 (Implementation) rules that the Party complained against has failed to eliminate the non-conformity within the reasonable period of time, the Party complained against shall, if so requested by the complaining Party, enter into negotiations with the complaining Party with a view to reaching mutually satisfactory compensation.

2. If there is no agreement on satisfactory compensation within 20 days of the date of receipt of the request mentioned in paragraph 1, the complaining Party may, by giving notification, suspend benefits conferred on the other Party under this Agreement. Such suspension shall only take effect after 30 days of the notification.

3. The compensation referred to in paragraph 1 and the suspension referred to in paragraph 2 shall be temporary measures. Neither compensation nor suspension is preferred to full elimination of the non-conformity as determined in the report of the Arbitration Panel referred to in Article 12.11 (Arbitration Panel Report). The suspension shall only be applied until such time as the non-conformity is fully eliminated or a mutually satisfactory solution is reached.

4. In considering what concessions or other obligations to suspend pursuant to paragraph 2:

- (a) the complaining Party should first seek to suspend benefits with respect to the same sector(s) as that affected by the measure or other matter that the Arbitration Panel referred to in Article 12.11 (Arbitration Panel Report) has found to be inconsistent with this Agreement;
- (b) if the complaining Party considers that it is not practicable or effective to suspend concessions or other obligations with respect to the same sector(s), it may suspend concessions or other obligations with respect to other sectors. The notification of such suspension pursuant to paragraph 2 shall indicate the reasons on which it is based; and
- (c) the level of suspension referred to in paragraph 2 shall be equivalent to the level of benefits that have been impaired.

#### **Article 12.15 Review**

1. Without prejudice to the procedures in Article 12.14 (Compensation and Suspension of Benefits), the Party complained against may request an Arbitration Panel to determine whether the requirements for the suspension of benefits set out in paragraph 2, 3 or 4 of Article 12.14 (Compensation and Suspension of Benefits), have not been met.

2. The Arbitration Panel that is established for the purposes of this Article or Article 12.13 (Implementation) shall have, to the extent possible, as its arbitrators, the arbitrators of the original Arbitration Panel. If this is not possible, then the arbitrators to the Arbitration Panel that is established for the purposes of this Article or Article 12.13 (Implementation) shall be appointed pursuant to Article 12.8 (Composition and Establishment of Arbitration Panel). The Arbitration Panel established under this Article or Article 12.13 (Implementation) shall issue its report to the Parties within 20 days on the reasonable period of time and 45 days on the other issues after the date when the matter is referred to it. When the Arbitration Panel considers that it cannot issue its report within the aforementioned periods, it may extend that period for a maximum of 30 days with the consent of the Parties. The report shall be final and binding on the Parties.

3. If the Arbitration Panel decides that the Party complained against has eliminated the non-conformity, the complaining Party shall promptly reinstate any benefits it has suspended under Article 12.14 (Compensation and Suspension of Benefits). If the Arbitration Panel decides that the level of benefits suspended by the complaining Party is excessive, the complaining Party shall modify the level of suspension of concessions accordingly.

**Article 12.16**  
**Rules of Procedure**

1. Dispute settlement procedures under this Chapter shall be governed by Annex 12-2 of this Agreement. Arbitration Panels may, after consulting the Parties, adopt additional rules of procedure not inconsistent with this Agreement.
  
2. Any time period or other rules and procedures for Arbitration Panels provided for in this Chapter may be modified by mutual consent of the Parties. The Parties may also agree at any time not to apply any provision of this Chapter.

**CHAPTER 13  
GENERAL EXCEPTIONS**

**Article 13.1  
General Exceptions**

For the purposes of this Agreement, Article XX of GATT 1994 and its interpretive notes (including its footnotes) are incorporated into and made part of this Agreement, *mutatis mutandis*.

**Article 13.2  
Security Exceptions**

1. Nothing in this Agreement shall be construed:
  - (a) to require a Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests; or
  - (b) to prevent a Party from taking any actions which it considers necessary for the protection of its essential security interests:
    - (i) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials or relating to the supply of services as carried on, directly or indirectly, for the purpose of supplying or provisioning a military establishment;
    - (ii) taken in time of war or other emergency in international relations;
    - (iii) relating to fissionable and fusionable materials or the materials from which they are derived; or
  - (c) to prevent a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.
2. The Joint Committee shall be informed to the fullest extent possible of measures taken under subparagraphs 1(b) and (c) and of their termination.

**Article 13.3  
Disclosure of Information**

Nothing in this Agreement shall be construed to require either Party to furnish or allow access to information the disclosure of which it considers:

- (a) would be contrary to the public interest as determined by its legislation;
- (b) is contrary to any of its legislation, including but not limited to those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;
- (c) would impede law enforcement; or

- (d) would prejudice legitimate commercial interests of particular enterprises, public or private.

**Article 13.4**  
**Balance-of-Payments Exceptions on Trade in Goods**

1. Should a Party decide to impose measures for balance-of-payments purposes, it shall do so, only in accordance with its rights and obligations under GATT 1994, including the Declaration on Trade Measures Taken for Balance of Payments Purposes and the Understanding on the Balance of Payments Provisions of the GATT 1994.
2. Any restrictive measures adopted or maintained by a Party or any changes therein, shall be promptly notified to the other Party from the date such measures are taken. The Party adopting or maintaining any restrictive measures under paragraph 1 shall promptly commence consultations with the other Party in order to review the measures adopted or maintained by it.
3. The Parties shall endeavour to avoid the application of the restrictive measures referred to in paragraph 1.
4. Nothing in this Agreement shall be regarded as altering the rights enjoyed and obligations undertaken by a Party, as a party to the Articles of Agreement of the International Monetary Fund, as may be amended.

**Article 13.5**  
**Taxation Measures**

1. Unless otherwise provided for in this Agreement, the provisions of this Agreement shall not apply to any taxation measures.
2. For the purposes of this Agreement, "taxation measures" means any measures levying direct or indirect taxes, including excise duties and sales tax, as defined by the national laws and regulations of the Parties as long as these taxes are not used for the purpose of protecting the domestic industry of the Party levying the duties.
3. This Agreement shall only grant rights or impose obligations with respect to taxation measures where corresponding rights or obligations are also granted or imposed under the WTO Agreement.
4. Nothing in this Agreement shall affect the rights and obligations of either Party under any other agreement on taxation measures. In the event of any inconsistency between this Agreement and any such agreement on taxation measures, the latter shall prevail to the extent of the inconsistency.

## **CHAPTER 14 FINAL PROVISIONS**

### **Article 14.1 Annexes, Appendices, Notes and Footnotes**

The Annexes, Appendices, Notes and Footnotes to this Agreement shall constitute an integral part of this Agreement.

### **Article 14.2 Succession of Treaties or International Agreements**

Any reference in this Agreement to any other treaty or international agreement shall be made in the same terms to its successor treaty or international agreement to which a Party is party.

### **Article 14.3 Evolutionary Clause**

1. The Parties may mutually agree to extend this Agreement with the aim of broadening and supplementing its scope to specific sectors or activities in the light of the experience gained during its implementation.
2. The Parties agree to begin negotiations on trade in services one year after the entry into force of this Agreement with a view to progressively liberalize trade in services between them in conformity with Article V of GATS. They also agree to begin exploratory talks on investment one year after the entry into force of this Agreement with a view to include a Chapter on Investment to this Agreement, on a mutually advantageous basis.

### **Article 14.4 Confidentiality**

Where a Party provides information to the other Party in accordance with this Agreement and designates the information as confidential, the other Party shall maintain the confidentiality of the information. Such information shall be used only for the purposes specified, and shall not be otherwise disclosed without the specific permission of the Party providing the information, except to the extent that it may be required to be disclosed in the context of judicial proceedings.

### **Article 14.5 Amendments**

1. This Agreement may be amended in writing by agreement between the Parties.
2. Notwithstanding paragraph 1, amendments relating only to the Annexes to this Agreement may be made through diplomatic notes exchanged between the Parties.
3. Amendments to this Agreement shall be approved by the Parties in accordance with their respective legal procedures, and shall enter into force on the first day of the

second month following the date on which the Parties exchange written notification that such procedures have been completed, or on a date to be agreed upon by the Parties.

4. Amendments shall not affect the rights and obligations of the Parties provided for under this Agreement until the amendments enter into force.

#### **Article 14.6 General Review**

The Parties shall undertake a general review of the Agreement, with a view to furthering its objectives, within two years of the entry into force of this Agreement and at least every five years thereafter.

#### **Article 14.7 Termination of Existing Agreements**

The following Agreements shall be terminated on the date of entry into force of this Agreement:

- (a) Trade Agreement between the Republic of Turkey and Malaysia (signed on 13 February 1977); and
- (b) Economic and Technical Cooperation Agreement between the Government of the Republic of Turkey and the Government of Malaysia (signed on 13 February 1977).

#### **Article 14.8 Duration and Termination**

1. This Agreement shall be valid unless it is terminated.
2. Either Party may give written notice to the other Party of its intention to terminate this Agreement. Termination shall take effect on the first day of the seventh month after the date of the notice of termination.
3. The other Party may request in writing consultations concerning any matter that would arise from the termination within 45 days after the date of receipt of the notice referred to in paragraph 2.
4. The requested Party shall enter into consultations in good faith with a view to reaching an equitable agreement within 30 days after the date of receipt of the request referred to in paragraph 3.

#### **Article 14.9 Entry into Force**

1. The Parties shall ratify this Agreement in accordance with their domestic legal procedures. The Parties shall exchange written notification upon completion of such procedures.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Parties exchange written notification that such procedures have been completed.

**Article 14.10  
Authentic Texts**

This Agreement shall be done in Turkish and English languages, both being equally authentic. In case of divergence, the English text shall prevail.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

**DONE** at Ankara, in two originals, this seventeenth day of April, 2014.

**FOR THE GOVERNMENT  
OF MALAYSIA:**

:

**Dato' Sri Mustapa MOHAMED  
Minister of International of Trade and  
Industry**

**FOR THE GOVERNMENT  
OF THE REPUBLIC OF TURKEY**

**Nihat ZEYBEKCI  
Minister of Economy**

## ANNEX 3-1

### REDUCTION OR ELIMINATION OF CUSTOMS DUTIES

1. The Tariff Schedules in this Annex contain the following five columns:
  - (a) **HS Code**: the code used in the nomenclature of the Harmonised System (HS) 2007;
  - (b) **Description**: description of the product;
  - (c) **Base Rate**: the MFN applied customs duty in respect of the other Party on 1 January 2010 from which the tariff reduction or elimination starts;
  - (d) **Treatment**: the category under which the product concerned falls for the purposes of tariff reduction or elimination; and
  - (e) **Explanation**: the explanation regarding the Treatment where necessary.
  
2. Except as otherwise provided in a Party's Tariff Schedule, the following **treatments** shall apply to the reduction or elimination of customs duties by each Party:
  - (a) customs duties on originating goods under "**Fast Track**" (**FT**) shall be eliminated on the date of entry into force of this Agreement;
  - (b) customs duties on originating goods under "**Normal Track**" (**NT**) shall be reduced and ultimately eliminated in four equal annual stages beginning on the date of entry into force of this Agreement;
  - (c) customs duties on originating goods under "**Sensitive Track**" (**ST**) shall be reduced and ultimately eliminated in six equal annual stages beginning on the date of entry into force of this Agreement;
  - (d) customs duties on originating goods under "**Highly Sensitive Track**" (**HST**) shall be reduced and ultimately eliminated in nine equal annual stages beginning on the date of entry into force of this Agreement;
  - (e) customs duties on originating goods under "**Standstill**" (**SS**) shall remain at the Base Rates;
  - (f) no obligations relating to customs duties shall apply in respect of goods under "**Exclusion List**" (**EL**);
  - (g) customs duties on originating goods under "**Reduced Duty**" (**RD**) shall be reduced from the Base Rate to the mutually agreed reduced duty on

the date of entry into force of this Agreement as indicated in the “Explanation” column; and

- (h) customs duties on originating goods under the category of “**Tariff Quota**” (**TQ**) shall be subject to tariff-rate quotas as set out in Appendix 3-B-2.

3. For the purposes of this Annex and the Parties’ Tariff Schedules, **year one** means the year of entry into force of this Agreement as provided in Article 14.9 (Entry into Force).

4. Reductions or eliminations shall start upon entry into force of this Agreement and thereafter, shall be made on 1 January of each year, in accordance with the treatment provided for in the Parties’ Tariff Schedules set out in Section 3-A and Section 3-B, respectively.

## **ANNEX 4-1**

### **Introductory notes to Annex 4-2**

#### **Note 1:**

The list sets out the conditions required for all products to be considered as sufficiently worked or processed within the meaning of Article 4.5 (Sufficiently Worked or Processed Products) of Chapter 4 (Rules of Origin).

#### **Note 2:**

- 2.1 The first two columns in the list describe the product obtained. The first column gives the subheading number, heading number or chapter number used in the Harmonized System and the second column gives the description of goods used in that system for that subheading, heading or chapter. For each entry in the first two columns, a rule is specified in column 3. Where, in some cases, the entry in the first column is preceded by an 'ex', this signifies that the rules in column 3 apply only to the part of that subheading or heading as described in column 2.
- 2.2 Where several subheading or heading numbers are grouped together in column 1 or a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rules in column 3 apply to all products which, under the Harmonized System, are classified in subheadings or headings of the chapter or in any of the subheadings or headings grouped together in column 1.
- 2.3 Where there are different rules in the list applying to different products within a subheading or heading, each indent contains the description of that part of the subheading or heading covered by the adjacent rules in column 3.

#### **Note 3:**

- 3.1 The provisions of Article 4.5 (Sufficiently Worked or Processed Products) of Chapter 4 (Rules of Origin), concerning products having acquired originating status which are used in the manufacture of other products, shall apply, regardless of whether this status has been acquired inside the factory where these products are used or in another factory in Turkey or in Malaysia.

Example:

An engine of heading 8407, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed

50% of the ex-works price, is made from "other alloy steel roughly shaped by forging" of heading ex 7224.

If this forging has been forged in Turkey from a non-originating ingot, it has already acquired originating status by virtue of the rule for heading ex 7224 in the list. The forging can then count as originating in the value-calculation for the engine, regardless of whether it was produced in the same factory or in another factory in Turkey concerned. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

- 3.2 The rule in the list represents the minimum amount of working or processing required, and the carrying-out of more working or processing also confers originating status; conversely, the carrying-out of less working or processing cannot confer originating status. Thus, if a rule provides that non-originating material, at a certain level of manufacture, may be used, the use of such material at an earlier stage of manufacture is allowed, and the use of such material at a later stage is not.
- 3.3 Without prejudice to Note 3.2, where a rule uses the expression "Manufacture from materials of any heading", then materials of any heading(s) (even materials of the same description and heading as the product) may be used, subject, however, to any specific limitations which may also be contained in the rule.

However, the expression "Manufacture from materials of any heading, including other materials of heading ..." or "Manufacture from materials of any heading, including other materials of the same heading as the product" means that materials of any heading(s) may be used, except those of the same description as the product as given in column 2 of the list.

- 3.4 When a rule in the list specifies that a product may be manufactured from more than one material, this means that one or more materials may be used. It does not require that all be used.

Example:

The rule for fabrics of headings 5208 to 5212 provides that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used; it is possible to use one or the other, or both.

- 3.5 Where a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule. (See also Note 7.2 below in relation to textiles).

Example:

The rule for prepared foods of heading 1904, which specifically excludes the use of cereals and their derivatives, does not prevent the use of mineral salts, chemicals and other additives which are not products from cereals.

However, this does not apply to products which, although they cannot be manufactured from the particular materials specified in the list, can be produced from a material of the same nature at an earlier stage of manufacture.

Example:

In the case of an article of apparel of ex Chapter 62 made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth - even if non-woven cloths cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn - that is, the fibre stage.

- 3.6 Where, in a rule in the list, two percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. In other words, the maximum value of all the non-originating materials used may never exceed the higher of the percentages given. Furthermore, the individual percentages must not be exceeded, in relation to the particular materials to which they apply.

**Note 4:**

- 4.1. Agricultural goods falling within Chapters 6, 7, 8, 9, 10, 12 and heading 2401 which are grown or harvested in the territory of a beneficiary country shall be treated as originating in the territory of that country, even if grown from seeds, bulbs, rootstock, cuttings, grafts, shoots, buds, or other live parts of plants imported from another country.
- 4.2. In cases where the content of non originating sugar in a given product is subject to limitations, the weight of sugars of headings 1701 (sucrose) and 1702 (e.g., fructose, glucose, lactose, maltose, isoglucose or invert sugar) used in the manufacture of the final product and used in the manufacture of the non-originating products incorporated in the final product is taken into account for the calculation of such limitations.

**Note 5:**

- 5.1 The term "natural fibres" is used in the list to refer to fibres other than artificial or synthetic fibres. It is restricted to the stages before spinning

takes place, including waste, and, unless otherwise specified, includes fibres that have been carded, combed or otherwise processed but not spun.

- 5.2 The term "natural fibres" includes horsehair of heading 0503, silk of headings 5002 and 5003 as well as the wool-fibres and fine or coarse animal hair of headings 5101 to 5105, the cotton fibres of headings 5201 to 5203, and the other vegetable fibres of headings 5301 to 5305.
- 5.3 The terms "textile pulp", "chemical materials" and "paper-making materials" are used in the list to describe the materials, not classified in Chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.
- 5.4 The term "man-made staple fibres" is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of headings 5501 to 5507.

**Note 6:**

- 6.1 Where, for a given product in the list, a reference is made to this Note, the conditions set out in column 3 shall not be applied to any basic textile materials used in the manufacture of this product and which, taken together, represent 10% or less of the total weight of all the basic textile materials used. (See also Notes 6.3 and 6.4 below).
- 6.2 However, the tolerance mentioned in Note 6.1 may be applied only to mixed products which have been made from two or more basic textile materials.

The following are the basic textile materials:

- silk,
- wool,
- coarse animal hair,
- fine animal hair,
- horsehair,
- cotton,
- paper-making materials and paper,
- flax,
- true hemp,
- jute and other textile bast fibres,
- sisal and other textile fibres of the genus Agave,
- coconut, abaca, ramie and other vegetable textile fibres,
- synthetic man-made filaments,

- artificial man-made filaments,
- current-conducting filaments,
- synthetic man-made staple fibres of polypropylene,
- synthetic man-made staple fibres of polyester,
- synthetic man-made staple fibres of polyamide,
- synthetic man-made staple fibres of polyacrylonitrile,
- synthetic man-made staple fibres of polyimide,
- synthetic man-made staple fibres of polytetrafluoroethylene,
- synthetic man-made staple fibres of poly(phenylene sulphide),
- synthetic man-made staple fibres of poly(vinyl chloride),
- other synthetic man-made staple fibres,
- artificial man-made staple fibres of viscose,
- other artificial man-made staple fibres,
- yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped,
- yarn made of polyurethane segmented with flexible segments of polyester, whether or not gimped,
- products of heading 5605 (metallised yarn) incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film,
- other products of heading 5605.

Example:

A yarn, of heading 5205, made from cotton fibres of heading 5203 and synthetic staple fibres of heading 5506, is a mixed yarn. Therefore, non-originating synthetic staple fibres which do not satisfy the origin-rules (which require manufacture from chemical materials or textile pulp) may be used, provided that their total weight does not exceed 10% of the weight of the yarn.

Example:

A woollen fabric, of heading 5112, made from woollen yarn of heading 5107 and synthetic yarn of staple fibres of heading 5509, is a mixed fabric. Therefore, synthetic yarn which does not satisfy the origin rules (which require manufacture from chemical materials or textile pulp), or woollen yarn which does not satisfy the origin rules (which require manufacture from natural fibres, not carded or combed or otherwise prepared for spinning), or a combination of the two, may be used, provided their total weight does not exceed 10% of the weight of the fabric.

Example:

Tufted textile fabric, of heading 5802, made from cotton yarn of heading 5205 and cotton fabric of heading 5210, is only mixed product if the cotton fabric is itself a mixed fabric made from yarns classified in two separate headings, or if the cotton yarns used are themselves mixtures.

Example:

If the tufted textile fabric concerned had been made from cotton yarn of heading 5205 and synthetic fabric of heading 5407, then, obviously, the yarns used are two separate basic textile materials and the tufted textile fabric is, accordingly, a mixed product.

- 6.3 In the case of products incorporating "yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped", this tolerance is 20% in respect of this yarn.
- 6.4 In the case of products incorporating "strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film", this tolerance is 30% in respect of this strip.

**Note 7:**

- 7.1 Where, in the list, reference is made to this Note, textile materials (with the exception of linings and interlinings), which do not satisfy the rule set out in the list in column 3 for the made-up product concerned, may be used, provided that they are classified in a heading other than that of the product and that their value does not exceed 8% of the ex-works price of the product.
- 7.2 Without prejudice to Note 7.3, materials, which are not classified within Chapters 50 to 63, may be used freely in the manufacture of textile products, whether or not they contain textiles.

Example:

If a rule in the list provides that, for a particular textile item (such as trousers), yarn must be used, this does not prevent the use of metal items, such as buttons, because buttons are not classified within Chapters 50 to 63. For the same reason, it does not prevent the use of slide-fasteners, even though slide-fasteners normally contain textiles.

- 7.3 Where a percentage-rule applies, the value of materials which are not classified within Chapters 50 to 63 must be taken into account when calculating the value of the non-originating materials incorporated.

## Note 8

8.1 For the purposes of headings ex 2707 and 2713, the "specific processes" are the following:

- (a) vacuum distillation;
- (b) redistillation by a very thorough fractionation process;
- (c) cracking;
- (d) reforming;
- (e) extraction by means of selective solvents;
- (f) the process comprising all of the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralisation with alkaline agents; decolorisation and purification with naturally active earth, activated earth, activated charcoal or bauxite;
- (g) polymerisation;
- (h) alkylation;
- (i) isomerisation.

8.2 For the purposes of headings 2710, 2711 and 2712, the "specific processes" are the following:

- (a) vacuum distillation;
- (b) redistillation by a very thorough fractionation process;
- (c) cracking;
- (d) reforming;
- (e) extraction by means of selective solvents;
- (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralisation with alkaline agents; decolorisation and purification with naturally-active earth, activated earth, activated charcoal or bauxite;
- (g) polymerisation;
- (h) alkylation;

- (i) isomerisation;
- (j) in respect of heavy oils of heading ex 2710 only, desulphurisation with hydrogen, resulting in a reduction of at least 85% of the sulphur-content of the products processed (ASTM D 1266-59 T method);
- (k) in respect of products of heading 2710 only, deparaffining by a process other than filtering;
- (l) in respect of heavy oils of heading ex 2710 only, treatment with hydrogen, at a pressure of more than 20 bar and a temperature of more than 250°C, with the use of a catalyst, other than to effect desulphurisation, when the hydrogen constitutes an active element in a chemical reaction. The further treatment, with hydrogen, of lubricating oils of heading ex 2710 (e.g. hydrofinishing or decolourisation), in order, more especially, to improve colour or stability shall not, however, be deemed to be a specific process;
- (m) in respect of fuel oils of heading ex 2710 only, atmospheric distillation, on condition that less than 30% of these products distils, by volume, including losses, at 300°C by the ASTM D 86 method;
- (n) in respect of heavy oils other than gas oils and fuel oils of heading ex 2710 only, treatment by means of a high-frequency electrical brush-discharge;

8.3 For the purposes of headings ex 2707 and 2713, simple operations, such as cleaning, decanting, desalting, water-separation, filtering, colouring, marking, obtaining a sulphur-content as a result of mixing products with different sulphur contents, any combination of these operations or like operations, do not confer origin.

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**ANNEX 4-2**

**List of working or processing required to be carried out  
on non-originating materials in order that the product  
manufactured can obtain originating status**

The products mentioned in the list may not all be covered by this Agreement. It is therefore necessary to consult the other parts of this Agreement.

<b>Harmonized System Heading (1)</b>	<b>Description of Product (2)</b>	<b>Working or processing carried out on non-originating materials that confers originating status (3)</b>
Chapter 1	Live animals	All the animals of Chapter 1 are wholly obtained
Chapter 2	Meat and edible meat offal	Manufacture in which all the meat and edible meat offal in the products of this chapter is wholly obtained
ex Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates, except for:	All fish and crustaceans, molluscs and other aquatic invertebrates are wholly obtained
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen	Manufacture in which all the materials of Chapter 3 used are wholly obtained
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption	Manufacture in which all the materials of Chapter 3 used are wholly obtained
ex 0306	Crustaceans, whether in shell or not, dried, salted or in	Manufacture in which all the materials of Chapter 3 used are wholly obtained

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption	
ex 0307	Molluscs, whether in shell or not, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption	Manufacture in which all the materials of Chapter 3 used are wholly obtained
Chapter 4	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included;	Manufacture in which:  all the materials of Chapter 4 used are wholly obtained; and the weight of sugar(1) used does not exceed 40 % of the weight of the final product
ex Chapter 5	Products of animal origin, not elsewhere specified or included, except for:	Manufacture from materials of any heading
ex 0511 91	Inedible fish eggs and roes	All the eggs and roes are wholly obtained
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	Manufacture in which all the materials of Chapter 6 used are wholly obtained
Chapter 7	Edible vegetables and certain roots and tubers	Manufacture in which all the materials of Chapter 7 used are wholly obtained
Chapter 8	Edible fruit and nuts; peel of citrus fruits or melons	Manufacture in which:  all the fruit, nuts and peels of citrus fruits or melons of Chapter 8 used are wholly obtained, and  the weight of sugar(1) used does not exceed 40 % of the weight of the final product
Chapter 9	Coffee, tea, maté and spices;	Manufacture from materials of any heading

<b>Harmonized System Heading (1)</b>	<b>Description of Product (2)</b>	<b>Working or processing carried out on non-originating materials that confers originating status (3)</b>
Chapter 10	Cereals	Manufacture in which all the materials of Chapter 10 used are wholly obtained
ex Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten; except for:	Manufacture in which all the materials of Chapters 10 and 11, headings 0701 and 2303, and sub-heading 0710 10 used are wholly obtained
ex 1106	Flour, meal and powder of the dried, shelled leguminous vegetables of heading 0713	Drying and milling of leguminous vegetables of heading 0708
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder	Manufacture from materials of any heading, except that of the product
Chapter 13	Lac; gums, resins and other vegetable saps and extracts	Manufacture from materials of any heading, in which the weight of sugar(1) used does not exceed 40 % of the weight of the final product
Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included	Manufacture from materials of any heading
ex Chapter 15	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes; except for:	Manufacture from materials of any sub-heading, except that of the product
1501 to 1504	Fats from pig, poultry, bovine, sheep or goat, fish, etc	Manufacture from materials of any heading except that of the product
1505, 1506 and 1520	Wool grease and fatty substances derived therefrom (including lanolin). Other animal fats and oils and their fractions, whether or not refined, but not chemically modified. Glycerol, crude; glycerol waters and glycerol lyes.	Manufacture from materials of any heading
1509 and 1510	Olive oil and its fractions	Manufacture in which all the vegetable materials used are wholly obtained
1511 10	Palm oil and its fraction, whether or not refined but not chemically modified	Wholly obtained

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	- crude oil	
1511 90	Palm oil and its fraction, whether or not refined but not chemically modified: -other	Manufacture from materials of any sub-heading, except that of the product
1513 21	Palm kernel and fractions thereof - crude oil	Wholly obtained
1513 29	Palm kernel and fractions thereof -other	Manufacture from materials of any sub-heading, except that of the product
1516 and 1517	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re- esterified or elaidinised, whether or not refined, but not further prepared  Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading 1516	Manufacture from materials of any heading, except that of the product, in which the weight of all the materials of Chapter 4 used does not exceed 40 % of the weight of the final product
Chapter 16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates	Manufacture:  from materials of any heading, except meat and edible meat offal of Chapter 2 and materials of Chapter 16 obtained from meat and edible meat offal of Chapter 2, and  in which all the materials of Chapter 3 and materials of Chapter 16 obtained from fish and crustaceans, molluscs and other aquatic invertebrates of Chapter 3 used are wholly obtained
ex Chapter 17	Sugars and sugar confectionery; except for:	Manufacture from materials of any heading, except that of the product
ex 1702	Other sugars, including chemically pure lactose and glucose, in solid form; sugar syrups; artificial honey, whether or not mixed with natural honey; caramel	Manufacture from materials of any heading, except that of the product, in which the weight of the materials of headings 1101 to 1108, 1701 and 1703 used does not exceed 30 % of the weight of the final product

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
ex 1702	Chemically pure maltose and fructose	Manufacture from materials of any heading including other materials of heading 1702
1704	Sugar confectionery (including white chocolate), not containing cocoa	<p>Manufacture from materials of any heading, except that of the product, in which:</p> <p>the individual weight of sugar(1) and of the materials of Chapter 4 used does not exceed 40 % of the weight of the final product, and</p> <p>the total combined weight of sugar(1) and the materials of Chapter 4 used does not exceed 60 % of the weight of the final product</p>
Chapter 18	Cocoa and cocoa preparations	<p>Manufacture from materials of any heading, except that of the product, in which</p> <p>the individual weight of sugar(1) and of the materials of Chapter 4 used does not exceed 40 % of the weight of the final product, and</p> <p>the total combined weight of sugar(1) and the materials of Chapter 4 used does not exceed 60 % of the weight of the final product</p>
Chapter 19	Preparations of cereals, flour, starch or milk; pastrycooks' products	<p>Manufacture from materials of any heading, except that of the product, in which:</p> <p>the weight of the materials of Chapters 2, 3 and 16 used does not exceed 20 % of the weight of the final product, and</p> <p>the weight of the materials of headings 1006 and 1101 to 1108 used does not exceed 20 % of the weight of the final product, and</p> <p>the individual weight of sugar(1) and of the materials of Chapter 4 used does not exceed 40 % of the weight of the final product, and</p> <p>the total combined weight of sugar(1) and the materials of Chapter 4 used does not exceed 60 % of the weight of the final product</p>

<b>Harmonized System Heading (1)</b>	<b>Description of Product (2)</b>	<b>Working or processing carried out on non-originating materials that confers originating status (3)</b>
ex Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants; except for:	Manufacture from materials of any heading, except that of the product, in which the weight of sugar(1) used does not exceed 40 % of the weight of the final product
2002 and 2003	Tomatoes, mushrooms and truffles prepared or preserved otherwise than by vinegar of acetic acid	Manufacture in which all the materials of Chapters 7 and 8 used are wholly obtained
ex Chapter 21	Miscellaneous edible preparations; except for:	Manufacture from materials of any heading, except that of the product, in which:  the individual weight of sugar(1) and of the materials of Chapter 4 used does not exceed 40 % of the weight of the final product, and  the total combined weight of sugar(1) and the materials of Chapter 4 used does not exceed 60 % of the weight of the final product
2103	Sauces and preparations therefore; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:	
	– Sauces and preparations therefore; mixed condiments and mixed seasonings	Manufacture from materials of any heading, except that of the product. However, mustard flour or meal or prepared mustard may be used
	– Mustard flour and meal and prepared mustard	Manufacture from materials of any heading
Chapter 22	Beverages, spirits and vinegar	Manufacture from materials of any heading, except that of the product and headings 2207 and 2208, in which:  all the materials of sub-headings 0806 10, 2009 61, 2009 69 used are wholly obtained, and  the individual weight of sugar(1) and of the materials of Chapter 4 used does not exceed 40 % of the weight of the final product, and  the total combined weight of sugar(1) and the materials of Chapter 4 used does not exceed

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		60 % of the weight of final product
ex Chapter 23	Residues and waste from the food industries; prepared animal fodder; except for:	Manufacture from materials of any heading, except that of the product
ex 2303	Residues of starch manufacture	Manufacture from materials of any heading, except that of the product, in which the weight of the materials of Chapter 10 used does not exceed 20 % of the weight of the final product
2309	Preparations of a kind used in animal feeding	<p>Manufacture from materials of any heading, except that of the product, in which:</p> <p>all the materials of Chapters 2 and 3 used are wholly obtained, and</p> <p>the weight of materials of Chapter 10 and 11 and headings 2302 and 2303 used does not exceed 20 % of the weight of the final product, and</p> <p>the individual weight of sugar(1) and of the materials of Chapter 4 used does not exceed 40 % of the weight of the final product, and</p> <p>the total combined weight of sugar and the materials of Chapter 4 used does not exceed 60 % of the weight of final product</p>
ex Chapter 24	Tobacco and manufactured tobacco substitutes; except for:	Manufacture from materials of any heading in which the weight of materials of Chapter 24 used does not exceed 30 % of the total weight of materials of Chapter 24 used
2401	Unmanufactured tobacco; tobacco refuse	All unmanufactured tobacco and tobacco refuse of Chapter 24 is wholly obtained
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	Manufacture from materials of any heading, except that of the product and of heading 2403, and in which the weight of materials of heading 2401 used does not exceed 50 % of the total weight of materials of heading 2401 used
ex Chapter 25	Salt; sulphur; earths and stone; plastering materials, lime and cement; except for:	<p>Manufacture from materials of any heading, except that of the product</p> <p><i>or</i></p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically-sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia	Manufacture from materials of any heading, except that of the product. However, natural magnesium carbonate (magnesite) may be used
Chapter 26	Ores, slag and ash	Manufacture from materials of any heading, except that of the product
ex Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, except for:	Manufacture from materials of any heading, except that of the product <i>or</i> Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	Operations of refining and/or one or more specific process(es) (2) <i>or</i> Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product
2710	Petroleum oils and oils obtained from bituminous materials, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations; waste oils	Operations of refining and/or one or more specific process(es) (3) <i>or</i> Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
2711	Petroleum gases and other gaseous hydrocarbons	<p>Operations of refining and/or one or more specific process(es) (3)</p> <p>or</p> <p>Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product</p>
2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured	<p>Operations of refining and/or one or more specific process(es) (3)</p> <p>or</p> <p>Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product</p>
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials	<p>Operations of refining and/or one or more specific process(es) (2)</p> <p>or</p> <p>Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product</p>
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes; except for:	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 2811	Sulphur trioxide	Manufacture from sulphur dioxide

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 2840	Sodium perborate	<p>Manufacture from disodium tetra-borate pentahydrate</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2843	Colloidal precious metals; inorganic or organic compounds of precious metals, whether or not chemically defined; amalgams of precious metals	Manufacture from materials of any heading, including other materials of heading 2843
ex 2852	– Mercury compounds of internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading. However, the value of all the materials of heading 2909 used shall not exceed 20 % of the ex- works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
	– Mercury compounds of nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2852, 2932, 2933 and 2934 used shall not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex Chapter 29	Organic chemicals; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol; except for:	<p>Manufacture from materials of any heading, including other materials of heading 2905. However, metal alcoholates of this heading may be used, provided that their total value does not exceed 20 % of the ex- works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2905 16	- Saturated Monohydric Alcohols: Octanol (Octyl Alcohol) And Isomers Thereof	<p>Manufacture from materials of any heading, including other materials of heading 2905. However, metal alcoholates of this heading may be used, provided that their total value does not exceed 20 % of the ex- works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2905 17	- Saturated Monohydric Alcohols: Dodecan-1-OI (Lauryl Alcohol), Hexadecan-1-OI (Cetyl Alcohol) And Octadecan-1-OI (Stearyl Alcohol)	<p>Manufacture from materials of any heading, including other materials of heading 2905. However, metal alcoholates of this heading may be used, provided that their total value does not exceed 20 % of the ex- works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2905 19	- Saturated Monohydric Alcohols: Other	Manufacture from materials of any heading, including other materials of heading 2905.

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p>However, metal alcoholates of this heading may be used, provided that their total value does not exceed 20 % of the ex- works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2905.43 2905.44 2905.45	Mannitol; D-glucitol(sorbitol); Glycerol	<p>Manufacture from materials of any sub-heading, except that of the product. However, materials of the same sub-heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2915 and 2916 used shall not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2916	Unsaturated acyclic monocarboxylic acids cyclic monocarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading except that of the product, however, materials of the same heading maybe used provide that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
2917	Unsaturated acyclic monocarboxylic acids cyclic monocarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading except that of the product, however, materials of the same heading maybe used provide that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 2932	– Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading. However, the value of all the materials of heading 2909 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
	– Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2933	Heterocyclic compounds with nitrogen hetero- atom(s) only	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2932 and 2933 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2934	Nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2932, 2933 and 2934 used shall not exceed 20 % of the ex-works price of the product</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
2936.21	-Vitamins and their derivatives, unmixed: vitamins A and their derivatives	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
Chapter 30	Pharmaceutical products	Manufacture from materials of any heading
Chapter 31	Fertilisers	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 %

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p>of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deter-penation of essential oils; aqueous distillates and aqueous solutions of essential oils	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster, except for:	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
3401 11	For toilet use	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 60 % of the ex-works price of the product</p>
3401 20	Soap in other forms	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p>% of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 60 % of the ex-works price of the product</p>
3402 13	- Organic surface-active agents, whether or not put up for retail sale: non-ionic	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 60 % of the ex-works price of the product</p>
ex 3404	<p>Artificial waxes and prepared waxes:</p> <p>— With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax</p>	Manufacture from materials of any heading
Chapter 35	Albuminoidal substances; modified starches; glues; enzymes	Manufacture from materials of any heading, except that of the product, in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
Chapter 36	Explosives; pyrotechnic products; matches; pyro-phoric alloys; certain combustible preparations	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
Chapter 37	Photographic or cinematographic goods	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 %

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p>of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex Chapter 38	Miscellaneous chemical products; except for:	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 3803	Refined tall oil	<p>Refining of crude tall oil</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 3805	Spirits of sulphate turpentine, purified	<p>Purification by distillation or refining of raw spirits of sulphate turpentine</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 3806	Ester gums	<p>Manufacture from resin acids</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		price of the product
ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar  <i>or</i>  Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
3809 10	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included: With a basis of amylaceous substances	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols	Manufacture from materials of any heading, including other materials of heading 3823  <i>or</i>  Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
3824 60	Sorbitol other than that of sub-heading 2905 44	Manufacture from materials of any sub-heading, except that of the product and except materials of sub-heading 2905 44. However, materials of the same sub-heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product  <i>or</i>  Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
ex Chapter 39	Plastics and articles thereof; except for:	Manufacture from materials of any heading, except that of the product.  <i>or</i>  Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		price of the product
ex 3907	– Copolymer, made from polycarbonate and acrylonitrile-butadiene-styrene copolymer (ABS)	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product(4)</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
	– Polyester	<p>Manufacture from materials of any heading, except that of the product</p> <p><i>or</i></p> <p>Manufacture from polycarbonate of tetrabromo-(bisphenol A)</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 3920	Ionomer sheet or film	<p>Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralised with metal ions, mainly zinc and sodium</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex 3921	Foil of plastic, metallised	<p>Manufacture from highly-transparent polyester-foils with a thickness of less than 23 micron(5)</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		price of the product
ex Chapter 40	Rubber and articles thereof; except for:	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
4012	<p>Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, tyre treads and tyre flaps, of rubber:</p> <p>– Retreaded pneumatic, solid or cushion tyres, of rubber</p> <p>– Other</p>	<p>Retreading of used tyres</p> <p>Manufacture from materials of any heading, except those of headings 4011 and 4012</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex Chapter 41	Raw hides and skins (other than furskins) and leather; except for:	Manufacture from materials of any heading, except that of the product
4101 to 4103	Raw hides and skins of bovine (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not dehaired or split; raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not with wool on or split, other than those excluded by note 1(c) to Chapter 41; other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not dehaired or split, other than those excluded by note 1(b) or 1(c) to Chapter 41	Manufacture from materials of any heading

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
4104 to 4106	Tanned or crust hides and skins, without wool or hair on, whether or not split, but not further prepared	Re-tanning of tanned or pre-tanned hides and skins of sub-headings 4104 11, 4104 19, 4105 10, 4106 21, 4106 31 or 4106 91,  or  Manufacture from materials of any heading, except that of the product
4107, 4112, 4113	Leather further prepared after tanning or crusting	Manufacture from materials of any heading, except that of the product. However, materials of sub-headings 4104 41, 4104 49, 4105 30, 4106 22, 4106 32 and 4106 92 may be used only if a re-tanning operation of the tanned or crust hides and skins in the dry state takes place
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk worm gut)	Manufacture from materials of any heading, except that of the product  <i>or</i>  Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 43	Furskins and artificial fur; manufactures thereof; except for:	Manufacture from materials of any heading, except that of the product  <i>or</i>  Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
4301	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furrier's use), other than raw hides and skins of heading 4101, 4102 or 4103	Manufacture from materials of any heading
ex 4302	Tanned or dressed furskins, assembled: – Plates, crosses and similar forms	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	– Other	Manufacture from non-assembled, tanned or dressed furskins
4303	Articles of apparel, clothing accessories and other articles of furskin	Manufacture from non-assembled tanned or dressed furskins of heading 4302
ex Chapter 44	Wood and articles of wood; wood charcoal; except for:	Manufacture from materials of any heading, except that of the product  <i>or</i> Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or end-jointed	Planing, sanding or end-jointing
ex 4408	Sheets for veneering (including those obtained by slicing laminated wood) and for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled of a thickness not exceeding 6 mm, planed, sanded or end-jointed	Splicing, planing, sanding or endjointing
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Manufacture from materials of any heading, except that of the product  <i>or</i> Beading or moulding
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size
ex 4418	– Builders' joinery and carpentry of wood	Manufacture from materials of any heading, except that of the product. However, cellular wood panels, shingles and shakes may be used
	– Beadings and mouldings	Beading or moulding

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading, except drawn wood of heading 4409
Chapter 45	Cork and articles of cork	<p>Manufacture from materials of any heading, except that of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 46	Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork	<p>Manufacture from materials of any heading, except that of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 47	Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard	<p>Manufacture from materials of any heading, except that of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard	<p>Manufacture from materials of any heading, except that of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 49	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, type- scripts and plans	<p>Manufacture from materials of any heading, except that of the product</p> <p><i>or</i></p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		works price of the product
ex Chapter 50	Silk; except for:	Manufacture from materials of any heading, except that of the product
ex 5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed	Carding or combing of silk waste
5004 to ex 5006	Silk yarn and yarn spun from silk waste	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning or twisting(6)
5007	Woven fabrics of silk or of silk waste:	<p>Spinning of natural and/or man- made staple fibres or extrusion of man-made filament yarn or twisting, in each case accompanied by weaving</p> <p><i>or</i></p> <p>Weaving accompanied by dyeing</p> <p><i>or</i></p> <p>Yarn dyeing accompanied by weaving</p> <p><i>or</i></p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6)</p>
ex Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric; except for:	Manufacture from materials of any heading, except that of the product
5106 to 5110	Yarn of wool, of fine or coarse animal hair or of horsehair	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning(6)
5111 to 5113	Woven fabrics of wool, of fine or coarse animal hair or of horsehair:	Spinning of natural and/or man- made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p><i>or</i></p> <p>Weaving accompanied by dyeing</p> <p><i>or</i></p> <p>Yarn dyeing accompanied by weaving</p> <p><i>or</i></p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6)</p>
Ex Chapter 52	Cotton; except for:	Manufacture from materials of any heading, except that of the product
5204 to 5207	Yarn and thread of cotton	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning(6)
5208 to 5212	Woven fabrics of cotton:	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving</p> <p><i>or</i></p> <p>Weaving accompanied by dyeing or by coating</p> <p><i>or</i></p> <p>Yarn dyeing accompanied by weaving</p> <p><i>or</i></p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6)
ex Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; except for:	Manufacture from materials of any heading, except that of the product
5306 to 5308	Yarn of other vegetable textile fibres; paper yarn	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning(6)
5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn:	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving</p> <p><i>or</i></p> <p>Weaving accompanied by dyeing or by coating</p> <p><i>or</i></p> <p>Yarn dyeing accompanied by weaving</p> <p><i>or</i></p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6)</p>
5401 to 5406	Yarn, monofilament and thread of man-made filaments	Extrusion of man-made fibres accompanied by spinning <i>or</i> spinning of natural fibres(6)
5407 and 5408	Woven fabrics of man-made filament yarn:	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving</p> <p><i>or</i></p> <p>Weaving accompanied by dyeing or by coating</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p><i>or</i></p> <p>Twisting or texturing accompanied by weaving provided that the value of the non-twisted/non-textured yarns used does not exceed 47,5 % of the ex-works price of the product</p> <p><i>or</i></p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6)</p>
5501 to 5507	Man-made staple fibres	Extrusion of man-made fibres
5508 to 5511	Yarn and sewing thread of man-made staple fibres	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning(6)
5512 to 5516	Woven fabrics of man-made staple fibres:	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving</p> <p><i>or</i></p> <p>Weaving accompanied by dyeing or by coating</p> <p><i>or</i></p> <p>Yarn dyeing accompanied by weaving</p> <p><i>or</i></p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6)</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
ex Chapter 56	Wadding, felt and non-wovens; special yarns; twine, cordage, ropes and cables and articles thereof; except for:	Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres or Flocking accompanied by dyeing or printing(6)
5602	Felt, whether or not impregnated, coated, covered or laminated:	
	– Needleloom felt	Extrusion of man-made fibres accompanied by fabric formation, However: - polypropylene filament of heading 5402, - polypropylene fibres of heading 5503 or 5506, or - polypropylene filament tow of heading 5501,  of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 % of the ex-works price of the product  or Fabric formation alone in the case of felt made from natural fibres(6)
	– Other	Extrusion of man-made fibres accompanied by fabric formation,  or Fabric formation alone in the case of other felt made from natural fibres(6)
5603	Nonwovens, whether or not impregnated, coated, covered or laminated	Extrusion of man-made fibres, or use of natural fibres, accompanied by nonwoven techniques including needle punching
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:	
	– Rubber thread and cord, textile covered	Manufacture from rubber thread or cord, not textile covered

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	– Other	Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres(6)
5605	Metallised yarn, whether or not gimped, being textile yarn, or strip or the like of heading 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal	Extrusion of man-made fibres accompanied by spinning or spinning of natural and/or man-made staple fibres(6)
5606	Gimped yarn, and strip and the like of heading 5404 or 5405, gimped (other than those of heading 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn	Extrusion of man-made fibres accompanied by spinning or spinning of natural and/or man-made staple fibres or Spinning accompanied with flocking or Flocking accompanied by dyeing(6)
Chapter 57	Carpets and other textile floor coverings:	Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving or Manufacture from coir yarn or sisal yarn or jute yarn or Flocking accompanied by dyeing or by printing or Tufting accompanied by dyeing or by printing Extrusion of man-made fibres accompanied by non-woven techniques including needle punching(6)

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p>However:</p> <ul style="list-style-type: none"> <li>- polypropylene filament of heading 5402,</li> <li>- polypropylene fibres of heading 5503 or 5506, or</li> <li>- polypropylene filament tow of heading 5501,</li> </ul> <p>of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 % of the ex-works price of the product</p> <p>Jute fabric may be used as a backing</p>
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for:	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving</p> <p>or</p> <p>Weaving accompanied by dyeing or flocking or coating</p> <p>or</p> <p>Flocking accompanied by dyeing or by printing</p> <p>or</p> <p>Yarn dyeing accompanied by weaving</p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6)</p>
5805	Hand-woven tapestries of the types Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked	Manufacture from materials of any heading, except that of the product

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	tapestries (for example, petit point, cross stitch), whether or not made up	
5810	Embroidery in the piece, in strips or in motifs	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Weaving accompanied by dyeing or by flocking or by coating or Flocking accompanied by dyeing or by printing
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:	
	– Containing not more than 90 % by weight of textile materials	Weaving
	– Other	Extrusion of man-made fibres accompanied by weaving
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 5902	Weaving accompanied by dyeing or by coating or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Weaving accompanied by dyeing or by coating(6)
5905	Textile wall coverings:	
	– Impregnated, coated, covered or laminated with rubber,	Weaving accompanied by dyeing or by coating

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	plastics or other materials	
	– Other	<p>Spinning of natural and/or man-made staple fibres or extrusion of man- made filament yarn, in each case accompanied by weaving</p> <p>or</p> <p>Weaving accompanied by dyeing or by coating</p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6)</p>
5906	<p>Rubberised textile fabrics, other than those of heading 5902:</p> <p>– Knitted or crocheted fabrics</p>	<p>Spinning of natural and/or man-made staple fibres or extrusion of man- made filament yarn, in each case accompanied by knitting</p> <p>or</p> <p>Knitting accompanied by dyeing or by coating</p> <p>or</p> <p>Dyeing of yarn of natural fibres accompanied by knitting(6)</p>
	– Other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials	Extrusion of man-made fibres accompanied by weaving
	– Other	<p>Weaving accompanied by dyeing or by coating</p> <p>or</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		Dyeing of yarn of natural fibres accompanied by weaving
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like	Weaving accompanied by dyeing or by flocking or by coating or Flocking accompanied by dyeing or by printing or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated:  – Incandescent gas mantles, impregnated	Manufacture from tubular knitted gas mantle fabric
	– Other	Manufacture from materials of any heading, except that of the product
5909 to 5911	Textile articles of a kind suitable for industrial use:  – Polishing discs or rings other than of felt of heading 5911  – Woven fabrics, of a kind commonly used in paper-making or other technical uses, felted or not, whether or not impregnated or coated, tubular or endless with single or multiple warp and/or weft, or flat woven with multiple warp and/or weft of heading 5911	Weaving  Extrusion of man-made fibres or Spinning of natural and/or of man-made staple fibres, in each case accompanied by weaving or Weaving accompanied by dyeing or by coating

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p>Only the following fibres may be used:</p> <ul style="list-style-type: none"> <li>– coir yarn</li> <li>– yarn of polytetrafluoro- ethylene(7),</li> <li>– yarn, multiple, of polyamide, coated impregnated or covered with a phenolic resin,</li> <li>– yarn of synthetic textile fibres of aromatic polyamides, obtained by polycondensation of m-phenylenediamine and isoph- thalic acid,</li> <li>– monofil of polytetrafluoro- ethylene(7),</li> <li>– yarn of synthetic textile fibres of poly(p-phenylene terephtha- lamide),</li> <li>– glass fibre yarn, coated with phenol resin and gimped with acrylic yarn(7),</li> <li>– copolyester monofilaments of a polyester and a resin of tereph- thalic acid and 1,4-cyclohex- anediethanol and isophthalic acid</li> </ul>
	– Other	<p>Extrusion of man-made filament yarn or spinning of natural or man-made staple fibres, accompanied by weaving(6),</p> <p>or</p> <p>Weaving accompanied by dyeing or by coating</p>
Chapter 60	Knitted or crocheted fabrics	<p>Spinning of natural and/or man-made staple fibres or extrusion of man- made filament yarn, in each case accompanied by knitting</p> <p>or</p> <p>Knitting accompanied by dyeing or by flocking or by coating</p> <p>or</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		Flocking accompanied by dyeing or by printing or Dyeing of yarn of natural fibres accompanied by knitting or Twisting or texturing accompanied by knitting provided that the value of the non-twisted/non-textured yarns used does not exceed 47,5 % of the ex-works price of the product
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted:  – Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form  – Other	  Knitting and making-up (including cutting) (6) (8)  Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting (knitted to shape products)  or  Dyeing of yarn of natural fibres accompanied by knitting (knitted to shape products) (6)
ex Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted; except for:	Weaving accompanied by making-up (including cutting)  or  Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product (6) (8)
ex 6202, ex	Women's, girls' and babies' clothing and clothing accessories	Weaving accompanied by making-up (including cutting)

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
6204, ex 6206, ex 6209 and ex 6211	for babies, embroidered	or  Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product(8)
ex 6210 and ex 6216	Fire-resistant equipment of fabric covered with foil of aluminised polyester	Weaving accompanied by making-up (including cutting)  or  Coating provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product accompanied by making-up (including cutting) (8)
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like:  – Embroidered	Weaving accompanied by making-up (including cutting)  or  Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product(8)  or  Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6) (8)
	– Other	Weaving accompanied by making-up (including cutting)  or  Making-up preceded by printing accompanied by at least two preparatory finishing operations

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		(such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product(6) (8)
6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading 6212:	
	– Embroidered	Weaving accompanied by making-up (including cutting)  or  Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product(8)
	– Fire-resistant equipment of fabric covered with foil of aluminised polyester	Weaving accompanied by making-up (including cutting)  or  Coating provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product accompanied by making-up (including cutting) (8)
	– Interlinings for collars and cuffs, cut out	Manufacture from materials of any heading, except that of the product, and in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
	– Other	Weaving accompanied by making-up (including cutting)
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags; except for:	Manufacture from materials of any heading, except that of the product
6301 to 6304	Blankets, travelling rugs, bed linen etc.; curtains etc.; other furnishing articles:	
	– Of felt, of nonwovens	Extrusion of man-made fibres or use of natural fibres in each case accompanied by non-woven process including needle punching and making-up (including cutting) (6)

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	– Other: – – Embroidered	Weaving or knitting accompanied by making-up (including cutting) or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product (8) (9)
	– – Other	Weaving or knitting accompanied by making-up (including cutting)
6305	Sacks and bags, of a kind used for the packing of goods	Extrusion of man-made fibres or spinning of natural and/or man-made staple fibres accompanied by weaving or knitting and making-up (including cutting) (6)
6306	Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods:	
	– Of nonwovens	Extrusion of man-made fibres or natural fibres in each case accompanied by any non-woven techniques including needle punching
	– Other	Weaving accompanied by making-up (including cutting) (6) (8) or Coating provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product accompanied by making-up (including cutting)
6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	table cloths or serviettes, or similar textile articles, put up in packings for retail sale	exceed 15 % of the ex-works price of the set
ex Chapter 64	Footwear, gaiters and the like; parts of such articles; except for:	Manufacture from materials of any heading, except from assemblies of uppers affixed to inner soles or to other sole components of heading 6406
6406	Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof	Manufacture from materials of any heading, except that of the product
Chapter 65	Headgear and parts thereof	Manufacture from materials of any heading, except that of the product
Chapter 66	Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops, and parts thereof:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
Chapter 67	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair	Manufacture from materials of any heading, except that of the product
ex Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate
ex 6812	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture from materials of any heading
ex 6814	Articles of mica, including agglomerated or reconstituted	Manufacture from worked mica (including agglomerated or reconstituted mica)

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	mica, on a support of paper, paperboard or other materials	
Chapter 69	Ceramic products	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>
ex Chapter 70	Glass and glassware, except for:	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
7006	Glass of heading 7003, 7004 or 7005, bent, edge- worked, engraved, drilled,	
	– Glass-plate substrates, coated with a dielectric thin film, and of a semiconductor grade in accordance with SEMII-standards(10)	Manufacture from non-coated glass-plate substrate of heading 7006
	– Other	Manufacture from materials of heading 7001
7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Cutting of glassware, provided that the total value of the uncut glassware used does not exceed 50 % of the ex-works price of the product</p>
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018)	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Cutting of glassware, provided that the total value of the uncut glassware used does not exceed 50 % of the ex-works price of the product</p>

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p>or</p> <p>Hand-decoration (except silk-screen printing) of hand-blown glassware, provided that the total value of the hand-blown glassware used does not exceed 50 % of the ex-works price of the product</p>
ex 7019	Articles (other than yarn) of glass fibres	<p>Manufacture from:</p> <p>uncoloured slivers, rovings, yarn or chopped strands, or glass wool</p>
ex Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin, except for:	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
7106, 7108 and 7110	<p>Precious metals:</p> <p>– Unwrought</p>	<p>Manufacture from materials of any heading, except those of headings 7106, 7108 and 7110</p> <p>or</p> <p>Electrolytic, thermal or chemical separation of precious metals of heading 7106, 7108 or 7110</p> <p>or</p> <p>Fusion and/or alloying of precious metals of heading 7106, 7108 or 7110 with each other or with base metals</p>
	– Semi-manufactured or in powder form	Manufacture from unwrought precious metals
ex 7107, ex 7109 and ex 7111	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought
7115	Other articles of precious metal or of metal clad with precious metal	Manufacture from materials of any heading, except that of the product

<b>Harmonized System Heading (1)</b>	<b>Description of Product (2)</b>	<b>Working or processing carried out on non-originating materials that confers originating status (3)</b>
7117	Imitation jewellery	Manufacture from materials of any heading, except that of the product or Manufacture from base metal parts, not plated or covered with precious metals, provided that the value of all the materials used does not exceed 50 % of the ex-works price of the product
ex Chapter 72	Iron and steel; except for:	Manufacture from materials of any heading, except that of the product
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of headings 7201, 7202, 7203, 7204, 7205 or 7206
7208 to 7216	Flat-rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms or semi-finished materials of heading 7206 or 7207
7217	Wire of iron or non-alloy steel	Manufacture from semi-finished materials of heading 7207
7218 91 and 7218 99	Semi-finished products	Manufacture from materials of headings 7201, 7202, 7203, 7204, 7205 or sub-heading 7218 10
7219 to 7222	Flat-rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms or semi-finished materials of heading 7218
7223	Wire of stainless steel	Manufacture from semi-finished materials of heading 7218
7224 90	Semi-finished products	Manufacture from materials of headings 7201, 7202, 7203, 7204, 7205 or sub-heading 7224 10
7225 to 7228	Flat-rolled products, hot-rolled bars and rods, in irregularly wound coils; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms or semi-finished materials of headings 7206, 7207, 7218 or 7224
7229	Wire of other alloy steel	Manufacture from semi-finished materials of heading 7224
ex Chapter 73	Articles of iron or steel; except for:	Manufacture from materials of any heading, except that of the product
ex 7301	Sheet piling	Manufacture from materials of heading 7207
7302	Railway or tramway track construction material of iron or steel, the following: rails, check-rails and rack rails, switch	Manufacture from materials of heading 7206

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish- plates, chairs, chair wedges, sole pates (base plates), rail clips, bedplates, ties and other material specialised for jointing or fixing rails	
7304, 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of headings 7206, 7207, 7208, 7209, 7210, 7211, 7212, 7218, 7219, 7220 or 7224
ex 7307	Tube or pipe fittings of stainless steel	Turning, drilling, reaming, threading, deburring and sandblasting of forged blanks, provided that the total value of the forged blanks used does not exceed 35 % of the ex-works price of the product
7308	Structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture from materials of any heading, except that of the product. However, welded angles, shapes and sections of heading 7301 may not be used
ex 7315	Skid chain	Manufacture in which the value of all the materials of heading 7315 used does not exceed 50 % of the ex-works price of the product
ex Chapter 74	Copper and articles thereof; except for:	Manufacture from materials of any heading, except that of the product
7403	Refined copper and copper alloys, unwrought	Manufacture from materials of any heading
Chapter 75	Nickel and articles thereof	Manufacture from materials of any heading, except that of the product
ex Chapter 76	Aluminium and articles thereof; except for:	Manufacture from materials of any heading, except that of the product
7601	Unwrought aluminium	Manufacture from materials of any heading
7607	Aluminium foil (whether or not printed or backed with paper, paperboard, plastics or similar backing materials) of a	Manufacture from materials of any heading, except that of the product and heading 7606

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	thickness (excluding any backing) not exceeding 0,2 mm	
ex Chapter 78	Lead and articles thereof, except for:	Manufacture from materials of any heading, except that of the product
7801	Unwrought lead:	
	– Refined lead	Manufacture from materials of any heading
	– Other	Manufacture from materials of any heading, except that of the product. However, waste and scrap of heading 7802 may not be used
	Zinc and articles thereof	Manufacture from materials of any heading, except that of the product
Chapter 79	Zinc and articles thereof	Manufacture from materials of any heading, except that of the product
Chapter 80	Tin and articles thereof	Manufacture from materials of any heading, except that of the product
Chapter 81	Other base metals; cermets; articles thereof	Manufacture from materials of any heading
ex Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal; except for:	Manufacture from materials of any heading, except that of the product  or  Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8206	Tools of two or more of the headings 8202 to 8205, put up in sets for retail sale	Manufacture from materials of any heading, except those of headings 8202 to 8205. However, tools of headings 8202 to 8205 may be incorporated into the set, provided that their total value does not exceed 15 % of the ex-works price of the set
8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading 8208, and blades therefor	Manufacture from materials of any heading, except that of the product. However, knife blades and handles of base metal may be used
8214	Other articles of cutlery (for example; hair clippers, butchers'	Manufacture from materials of any heading, except that of the product. However, handles of base

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	metal may be used
8215	Spoons, forks, ladles, skimmers, cake-servers, fish- knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture from materials of any heading, except that of the product. However, handles of base metal may be used
ex Chapter 83	Miscellaneous articles of base metal; except for:	Manufacture from materials of any heading, except that of the product  or  Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 8302	Other mountings, fittings and similar articles suitable for buildings, and automatic door closers	Manufacture from materials of any heading, except that of the product. However, other materials of heading 8302 may be used, provided that their total value does not exceed 20 % of the ex-works price of the product
ex 8306	Statuettes and other ornaments, of base metal	Manufacture from materials of any heading, except that of the product. However, other materials of heading 8306 may be used, provided that their total value does not exceed 30 % of the ex-works price of the product
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for:	Manufacture from materials of any heading, except that of the product  or  Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8401	Nuclear reactors; fuel elements (cartridges), non- irradiated, for nuclear reactors; machinery and apparatus for isotopic separation	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product

<b>Harmonized System Heading (1)</b>	<b>Description of Product (2)</b>	<b>Working or processing carried out on non-originating materials that confers originating status (3)</b>
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8427	Fork-lift trucks; other works trucks fitted with lifting or handling equipment	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8482	Ball or roller bearings	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8501, 8502	Electric motors and generators; Electric generating sets and rotary converters	Manufacture from materials of any heading, except that of the product and of heading 8503 or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8513	Portable electric lamps designed to function by their own source of energy (for example, dry batteries, accumulators, magnetos), other than lighting equipment of heading 8512	Manufacture from materials of any heading, except that of the product. or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8519	Sound recording and sound reproducing apparatus	Manufacture from materials of any heading, except that of the product and of heading 8522 or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		price of the product
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner	Manufacture from materials of any heading, except that of the product and of heading 8522 or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8523	Discs, tapes, solid-state non-volatile storage devices, “smart cards” and other media for the recording of sound or of other phenomena, whether or not recorded, including matrices and masters for the production of discs, but excluding products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8525	Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras and other video camera recorders	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
8528	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio- broadcast receivers or sound or video recording or reproducing apparatus	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8535 to 8537	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits; connectors for optical fibres, optical fibre bundles or cables; boards, panels, consoles, desks, cabinets and other bases for electric control or the distribution of electricity	Manufacture from materials of any heading, except that of the product and of heading 8538 or Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8540 11 and 8540 12	Cathode ray television picture tubes, including video monitor cathode ray tubes	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8542 31 to 8542 33 and 8542 39	Monolithic integrated circuits	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product or The operation of diffusion, in which integrated circuits are formed on a semi-conductor substrate by the selective introduction of an appropriate dopant, whether or not assembled and/or tested in a non-party
8544	Insulated (including enamelled or anodised) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	without metal, of a kind used for electrical purposes	
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly, other than insulators of heading 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof; except for:	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars	Manufacture from materials of any heading, except that of the product  or  Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
ex Chapter 88	Aircraft, spacecraft, and parts thereof, except for:	Manufacture from materials of any heading, except that of the product

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
		<p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex 8804	Rotochutes	<p>Manufacture from materials of any heading, including other materials of heading 8804</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 89	Ships, boats and floating structures	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof, except for:	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
Chapter 91	Clocks and watches and parts thereof	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
Chapter 92	Musical instruments; parts and accessories of such articles	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
Chapter 93	Arms and ammunition; parts and accessories thereof	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 95	Toys, games and sports requisites; parts and accessories thereof, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 9506	Golf clubs and parts thereof	Manufacture from materials of any heading, except that of the product. However, roughly-shaped blocks for making golf-club heads may be used
ex Chapter 96	Miscellaneous manufactured articles, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9601 and 9602	Worked ivory, bone, tortoiseshell, horn, antlers, coral, mother-of-pearl and other animal carving material, and articles of these materials (including articles obtained by moulding).	Manufacture from materials of any heading

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	Worked vegetable or mineral carving material and articles of these materials; moulded or carved articles of wax, of stearin, of natural gums or natural resins or of modelling pastes, and other moulded or carved articles, not elsewhere specified or included; worked, unhardened gelatine (except gelatine of heading 3503) and articles of unhardened gelatin	
9603	Brooms, brushes (including brushes constituting parts of machines, appliances or vehicles), hand- operated mechanical floor sweepers, not motorized, mops and feather dusters; prepared knots and tufts for broom or brush making; paint pads and rollers, squeegees (other than roller squeegees)	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 15 % of the ex-works price of the set
9606	Buttons, press-fasteners, snap-fasteners and press- studs, button moulds and other parts of these articles; button blanks	Manufacture: <ul style="list-style-type: none"> <li>- from materials of any heading, except that of the product, and</li> <li>- in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</li> </ul>
9608	Ball-point pens; felt-tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencilholders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading 9609	Manufacture from materials of any heading, except that of the product. However, nibs or nib-points of the same heading as the product may be used
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in	Manufacture:

Harmonized System Heading (1)	Description of Product (2)	Working or processing carried out on non-originating materials that confers originating status (3)
	cartridges; ink-pads, whether or not inked, with or without boxes	<ul style="list-style-type: none"> <li>- from materials of any heading, except that of the product, and</li> <li>- in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</li> </ul>
9613 20	Pocket lighters, gas fuelled, refillable	Manufacture in which the total value of the materials of heading 9613 used does not exceed 30 % of the ex-works price of the product
9614	Smoking pipes (including pipe bowls) and cigar or cigarette holders, and parts thereof	Manufacture from materials of any heading
Chapter 97	Works of art, collectors' pieces and antiques	Manufacture from materials of any heading, except that of the product

(1) See Introductory Note 4.2.

(2) For the special conditions relating to “specific processes”, see Introductory Notes 8.1 and 8.3.

(3) For the special conditions relating to “specific processes”, see Introductory Note 8.2.

(4) In the case of the products composed of materials classified within both headings 3901 to 3906, on the one hand, and within headings 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

(5) The following foils shall be considered as highly transparent: foils, the optical dimming of which, measured according to ASTM-D 1003-16 by Gardner Hazemeter (i.e. Hazefactor), is less than 2 %.

(6) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(7) The use of this material is restricted to the manufacture of woven fabrics of a kind used in paper-making machinery.

(8) See Introductory Note 7.

(9) For knitted or crocheted articles, not elastic or rubberised, obtained by sewing or assembling pieces of knitted or crocheted fabrics (cut out or knitted directly to shape), see Introductory Note 7.

(10) SEMII – Semiconductor Equipment and Materials Institute Incorporated.

## ANNEX 4-3

### SPECIMEN OF CERTIFICATE OF ORIGIN

#### Printing instructions

1. The form shall measure 210 x 297 mm; a tolerance of up to minus 5 mm or plus 8 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25 g/m<sup>2</sup>. It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
2. The competent authorities of Turkey and of Malaysia may reserve the right to print the form themselves or may have it printed by approved printers. In the latter case, the form must include a reference to such approval. The form must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

**CERTIFICATE OF ORIGIN**

<b>1. Exporter</b> (Name, full address, country)	No <b>A</b> 000.000		
	See notes overleaf before completing this form.		
<b>3. Consignee</b> (Name, full address, country) (Optional)	<b>2. Certificate used in preferential trade between</b> ..... And ..... (Insert appropriate countries, groups of countries or territories)		
	<b>4. Country, group of countries or territory in which the products are considered as originating</b>	<b>5. Country, group of countries or territory of destination</b>	
<b>6. Transport details</b> (Optional)	<b>7. Remarks</b>		
<b>8. Item number; Marks and numbers; Number and kind of packages <sup>(1)</sup>; Description of goods</b>	<b>9. Gross mass (kg) or other measure (litres, m<sup>3</sup>, etc.)</b>	<b>10. Invoices</b> (Optional)	
<b>11. ENDORSEMENT</b> <i>Declaration certified</i> Export document <sup>(2)</sup> Form .....No ..... Of ..... Issuing authority ..... Issuing country or territory ..... ..... Place and date ..... ..... ..... (Signature)	<b>12. DECLARATION BY THE EXPORTER</b> I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.  Place and date .....  ..... (Signature)		

<sup>(1)</sup> If goods are not packed, indicate number of articles or state « in bulk » as appropriate.

<sup>(2)</sup> Complete only where the regulations of the exporting country or territory require.

<p><b>13. REQUEST FOR VERIFICATION, to</b></p>	<p><b>14. RESULT OF VERIFICATION</b></p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p>..... (Place and date)</p> <p>Stamp</p> <p>..... (Signature)</p>	<p>Verification carried out shows that this certificate <sup>(1)</sup></p> <p><input type="checkbox"/> was issued by the Issuing authority indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p>..... (Place and date)</p> <p>Stamp</p> <p>..... (Signature)</p> <p>(1) Insert X in the appropriate box.</p>

**NOTES**

1. Certificate must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the Issuing authority of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

**DECLARATION BY THE EXPORTER**

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....  
.....  
.....  
.....

SUBMIT the following supporting documents <sup>(1)</sup>:

.....  
.....  
.....  
.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....  
(Place and date)

.....  
(Signature)

---

<sup>1</sup> For example: import documents, certificates of origin, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state.

## ANNEX 4-4

### Text of the invoice declaration

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

#### Turkish version

İşbu belge (gümrük onay No: ... <sup>(1)</sup>) kapsamındaki maddelerin ihracatçısı aksi açıkça belirtilmedikçe, bu maddelerin ... tercihli menşeli <sup>(2)</sup> maddeler olduğunu beyan eder.

#### English version

The exporter of the products covered by this document (customs authorization No ... <sup>(1)</sup>) declares that, except where otherwise clearly indicated, these products are of ... <sup>(2)</sup> preferential origin.

.....  
(3)

(Place and date)

.....  
(4)

(Signature of the exporter, in addition the name of the person signing the declaration has to be indicated in clear script)

---

<sup>1</sup> When the invoice declaration is made out by an approved exporter, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

<sup>2</sup> Origin of products to be indicated.

<sup>3</sup> These indications may be omitted if the information is contained on the document itself.

<sup>4</sup> In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

**ANNEX 6-1**  
**COMPETENT AUTHORITIES AND CONTACT POINTS FOR SANITARY AND**  
**PHYTOSANITARY MEASURES**

**For Malaysia:**

**1. Competent Authorities**

- (a) For matters concerning plants and plants products:  
Department of Agriculture Malaysia or its successor;
- (b) For matters concerning live animals and animal products:  
Department of Veterinary Services Malaysia or its successor;
- (c) For matters concerning live fish:  
Department of Fishery Malaysia or its successor; and
- (d) For matters concerning food products:  
Food Safety and Quality Division, Ministry of Health Malaysia or its  
successor.

**2. Contact Points**

International Section of Strategic Planning and International Division, Ministry  
of Agriculture and Agro-Based Industry Malaysia or its successor.

**For Turkey:**

**1. Competent Authorities**

Ministry of Food, Agriculture and Livestock or its successor.

**2. Contact Points**

Ministry of Food, Agriculture and Livestock or its successor.

**ANNEX 12-1**  
**CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS**

*Definitions*

1. For the purposes of Chapter 12 (Dispute Settlement):

**proceeding**, unless otherwise specified, means an Arbitration Panel proceeding under Chapter 12 (Dispute Settlement); and

**staff**, in respect of an arbitrator, means persons under the direction and control of the arbitrator.

*Responsibilities to the Process*

2. Every arbitrator shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process are preserved. Former arbitrators must comply with the obligations established in paragraphs 16, 17, 18 and 19.

*Disclosure Obligations*

3. Prior to confirmation of his or her selection as an arbitrator under Article 12.8 (Composition and Establishment of the Arbitration Panel), the arbitrator shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, the arbitrator shall make all reasonable efforts to become aware of any such interests, relationships and matters.

4. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 3 of this Annex and shall disclose them. The obligation to disclose is a continuing duty which requires an arbitrator to disclose any such interests, relationships and matters that may arise during any stage of the proceeding. The arbitrator shall disclose such interests, relationships and matters by communicating them in writing to the Joint Committee for consideration by the Parties.

*Duties*

5. Upon selection, an arbitrator shall perform an arbitrator's duties thoroughly and expeditiously throughout the course of the proceeding.
6. An arbitrator shall carry out all duties fairly and diligently.
7. An arbitrator shall consider only those issues raised in the proceeding and necessary for a decision and shall not delegate the duty to decide to any other person.
8. An arbitrator shall take all reasonable steps to ensure that the arbitrator's staff comply with paragraphs 2, 3, 4, 17, 18 and 19 of this Annex.

9. An arbitrator shall not engage in *ex parte* contacts concerning the proceeding.

10. An arbitrator shall not communicate matters concerning actual or potential violations of this Annex unless the communication is made to the Joint Committee in order to ascertain whether that arbitrator has violated or may violate this Annex.

#### *Independence and Impartiality of Arbitrators*

11. An arbitrator shall be independent and impartial. An arbitrator shall act in a fair manner and shall avoid creating an appearance of impropriety or bias and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, and loyalty to a Party or fear of criticism.

12. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of the arbitrator's duties.

13. An arbitrator shall not use his or her position on the Arbitration Panel to advance any personal or private interests. An arbitrator shall avoid actions that may create the impression that others are in a special position to influence the arbitrator.

14. An arbitrator shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence the arbitrator's conduct or judgement.

15. An arbitrator shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator's impartiality or that might reasonably create an appearance of impropriety or bias.

#### *Obligations of Former Arbitrators*

16. All former arbitrators must avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decision or ruling of the Arbitration Panel.

#### *Confidentiality*

17. An arbitrator or former arbitrator shall not at any time disclose or use any confidential or non-public information concerning the proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of others.

18. An arbitrator shall not disclose an Arbitration Panel ruling or parts thereof prior to its publication.

19. An arbitrator or former arbitrator shall not at any time disclose the deliberations of an Arbitration Panel, or any arbitrator's view.

#### *Responsibilities of Staff*

20. Paragraphs 2, 3, 4, 16, 17, 18 and 19 of this Annex shall apply also, *mutatis mutandis*, to staff.

## ANNEX 12-2 RULES OF PROCEDURE FOR ARBITRATION

### *Definitions*

1. For the purposes of Chapter 12 (Dispute Settlement):

**advisor** means a person retained by a Party to advise or assist that Party in connection with the Arbitration Panel proceeding;

**Arbitration Panel** means a panel established under Article 12.8 (Composition and Establishment of Arbitration Panel);

**arbitrator** means a member of an Arbitration Panel established under Article 12.8 (Composition and Establishment of Arbitration Panel);

**complaining Party** means a Party that requests consultation under Article 12.4 (Consultations);

**Party complained against** means the Party to which a request for consultation is made under Article 12.4 (Consultations); and

**representative of a Party** means any person appointed by a Party.

### *Logistical Administration*

2. The Party complained against shall be in charge of the logistical administration of dispute settlement proceedings, in particular the organisation of hearings, unless otherwise agreed.

### *Notifications*

3. Any request, notice, written submission or other document delivered by either Party or the Arbitration Panel shall be transmitted by delivery against acknowledgment of receipt, registered post, courier, facsimile transmission or any other means of telecommunication that provides a record of the sending thereof.

4. A Party shall provide a copy of each of its written submissions to the other Party and to each of the arbitrators. A copy of the document shall also be provided in electronic format.

5. All notifications shall be made and delivered to the Ministry of Economy of the Republic of Turkey or its successor and to the Ministry of International Trade and Industry of Malaysia or its successor, respectively.

6. Minor errors of a clerical nature in any request, notice, written submission or other document related to the Arbitration Panel proceeding may be corrected by delivery of a new document clearly indicating the changes.

7. If the last day for delivery of a document falls on a legal holiday of either Party, the document may be delivered on the next business day.

### *Preliminary Session*

8. Unless the Parties otherwise agree, they shall meet with the Arbitration Panel within seven days of the date of the establishment of the Arbitration Panel in order to determine such matters that the Parties or the Arbitration Panel deem appropriate, including the remuneration and expenses that shall be paid to the arbitrators.

9. In this session, at the request of either Party, the Arbitration Panel shall decide, whether the matter is urgent.

### *First Submissions*

10. Unless Parties otherwise agree, the complaining Party shall deliver its first written submission no later than 21 days after the date of establishment of the Arbitration Panel. The Party complained against shall deliver its written counter-submission no later than 25 days after the date of delivery of the first written submission.

### *Operation of Arbitration Panels*

1. The chairperson of the Arbitration Panel shall preside at all of its meetings. An Arbitration Panel may delegate to the chairperson authority to make administrative and procedural decisions.
2. Except as otherwise provided in this Agreement, the Arbitration Panel may conduct its activities by any means, including telephone, facsimile transmissions or computer links.
3. Only arbitrators may take part in the deliberations of the Arbitration Panel. The drafting of any decision and ruling shall remain the exclusive responsibility of the Arbitration Panel and shall not be delegated.
4. Where a procedural question arises that is not covered by this Agreement, the Arbitration Panel may adopt an appropriate procedure, in consultation with the Parties, that is not inconsistent with this Agreement.
5. When the Arbitration Panel considers that there is a need to modify any time period applicable in the proceeding, or to make any other procedural or administrative adjustment in the proceeding, it shall inform the Parties in writing of the reasons for the modification or adjustment with the indication of the period or adjustment needed.

### *Hearings*

6. Unless the Parties otherwise agree, at least one hearing but not more than two shall be held. The chairperson shall fix the date and time of the hearing in consultation with the Parties and the other members of the Arbitration Panel. It shall notify in writing to the Parties of the date, time and location of the hearing. That information shall also be made publicly available by the Party in charge of the logistical administration of the proceeding, when the hearing is open to the public.
7. Unless the Parties otherwise agree, the hearing shall be held in Kuala Lumpur

where the complaining Party is the Republic of Turkey, or in Ankara, where the complaining Party is Malaysia.

8. All arbitrators shall be present during the entirety of any hearing.
9. Representatives of a Party, advisors to a Party, administration staff, interpreters, translators and rapporteurs may attend the hearing(s), irrespective of whether the hearings are open to the public or not. Only the representative(s) and advisor(s) of a Party may address the Arbitration Panel.
10. No later than five days before the date of a hearing, each Party shall deliver to the Arbitration Panel a list of the names of those persons who will make oral arguments or presentations at the hearing on behalf of that Party and of other representatives or advisors who will be attending the hearing.
11. The hearings of the Arbitration Panels shall be closed to the public. The Parties may decide to open the hearings partially or completely to the public. The Arbitration Panel shall meet in closed sessions when the submissions and arguments of a Party contain business confidential information.
12. The Arbitration Panel shall conduct the hearing in the following manner, ensuring that the complaining Party and the Party complained against are afforded equal time:

*argument*

- (a) argument of the complaining Party; and
- (b) argument of the Party complained against.

*rebuttal argument*

- (a) reply of the complaining Party; and
- (b) counter-reply of the Party complained against.

13. The Arbitration Panel may direct questions to either Party at any time during a hearing.
14. The Arbitration Panel shall arrange for a transcript of each hearing to be prepared and shall, as soon as possible after it is prepared, deliver a copy of the transcript to the Parties.
15. Within 10 days of the date of the hearing, each Party may deliver a supplementary written submission responding to any matter that arises during the hearing.

*Questions in Writing*

16. The Arbitration Panel may at any time during the proceedings address questions in writing to a Party or both Parties. The Arbitration Panel shall deliver the written questions to the Party whom the questions are addressed and shall send a copy of them to the other Party.

17. A Party to whom the Arbitration Panel addresses written questions shall deliver a copy of any written reply to the other Party and to the Arbitration Panel. Each Party shall be given the opportunity to provide written comments on the reply within five days of the date of delivery.

#### *Ex Parte Contacts*

18. The Arbitration Panel shall not meet or contact a Party in the absence of the other Party.

19. No arbitrator may discuss an aspect of the subject matter of the proceeding with a Party or both Parties in the absence of the other arbitrators.

#### *Suspension of Time Periods on Request of Technical Advice*

20. The Arbitration Panel, consulting with the Parties and technical experts determine the time period that the technical experts are to submit their opinion or advice. If the technical experts cannot submit their opinions or advice within the period established pursuant to the first sentence of this paragraph, the Arbitration Panel, consulting with the Parties may give additional time to technical experts. In no case this additional period exceeds the half of the period established pursuant to the first sentence of this paragraph.

21. When a request is made for a written report of an expert, any time period applicable to the Arbitration Panel proceeding shall be suspended for a period beginning on the date of delivery of the request and ending on the date the report is delivered to the Arbitration Panel.

#### *Translation and Interpretation*

22. The common working language for the proceedings of the Arbitration Panel shall be English. If a Party decides to use interpretation during the proceedings, the arrangement and the cost shall be borne by that Party.

23. Any document submitted for use in any proceedings pursuant to this Chapter shall be in English. If any original document is not in English, the Party submitting it for use in the proceedings shall provide a translation of that document.

#### *Computation of Time*

24. All time periods laid down in this Chapter shall be counted in calendar days, the first day being the day following the act or fact to which they refer.

25. Where, by reason of the operation of paragraph 7 of this Annex, a Party receives a document on a date other than the date on which the same document is received by the other Party, any period of time the calculation of which is dependent on such receipt shall be calculated from the date of receipt of the last such document.

#### *Other Proceedings*

26. If an Arbitration Panel is established for the purposes of Articles 12.13

(Implementation) and 12.15 (Review), the Party making a request under these Articles shall deliver its first written submission within 10 days of the date the request is submitted, and the responding Party shall deliver its written counter-submission within 15 days of the date of delivery of the first written submission.

27. If appropriate, the Arbitration Panel shall fix the time limit for delivering any further written submissions, including rebuttal written submissions, so as to provide each Party with the opportunity to make an equal number of written submissions subject to the time limits for Arbitration Panel proceedings set out in Articles 12.13 (Implementation) and 12.15 (Review) and this Annex.

28. Unless otherwise provided, this Annex is also applicable to procedures established under Articles 12.13 (Implementation) and 12.15 (Review).