

## Thailand Australia Free Trade Agreement (TAFTA)

### *Information Pack*

How to become a Registered Exporter and obtain Certificates of Origin

1. Read the "**Application Procedures**" document and follow instructions to ascertain whether your goods are considered originating goods and therefore eligible for preferential tariff treatment.

Before Certificates of Origin (CO) can be issued to businesses exporting to Thailand under the TAFTA, companies must become a Registered Exporter of specified products. Registered Exporters are companies that have established, through a rigorous investigation of the TAFTA Rules of Origin that their products meet the relevant Rules of Origin, and have officially stated their understanding.

NOTE: Alternately, exporters can obtain an ACCI Certificate of Australian Origin (CAO) from an authorised issuing Agent for exports to Thailand for any product, where such is required, for goods that do not attract preferences or concessions under the TAFTA, or where the exporter and their client do not wish to avail themselves of those preferences or concessions.

2. However, where you wish to export to Thailand under the TAFTA you will need to complete the Registered Exporter's **Deed of Declaration**
3. Complete the **Authorised Signatories Form**
4. Send the Deed of Declaration and Authorized Signatories Form to an Agent of the Australian Chamber who is authorized to issue TAFTA Certificates of Origin.

The term "ACCI", where it appears, refers to the Australian Chamber of Commerce and Industry, and member and allied organisations as determined by it as holding its delegated authorities to issue Certificates of Australian Origin.

5. Where a CO is issued under the terms and conditions of the TAFTA, the authorised issuing Agent will assess your documentation, and as stipulated in the TAFTA, can call for supporting documentary evidence or carry out any check considered appropriate. You will be notified if your Exporter Registration application is approved within five working days and provided with an "Exporters Registration Reference Number".
6. If your application is not approved, you will be provided with an explanation within five working days.
7. Once you have received your Exporters Registration Reference Number, you may apply to have Certificates of Origin certified. Please use the **Certificate of Origin for Thailand** template to produce Certificates and follow the **Completing Certificates of Origin for Thailand Instructions** to have them certified.

### Penalties

There are penalties that will be applied to those companies that claim origin, and obtain a duty preference, when their goods in fact do not qualify. Registered Exporters can be audited at any time, and must keep sufficient documentation to prove origin for five years after export.

Under the terms of TAFTA, Thai Customs could:

- Call up duty short-paid on past imports of the goods in question and deny preference to future imports of those goods (this would actually constitute action against the Thai importer but would have obvious ramifications on the Australian exporter).
- Dispute, at the time of entry, the duty payable on future imports of ANY goods from that exporter, or anyone associated with it, even if a Certificate of Origin exists for those goods (this could delay clearance of the goods through Customs, which would not normally be allowed under the agreement).
- Take additional action, such as the imposition of administrative penalties (once again, against the Thai importer, which would impact the business relationship).

Further, Australian Customs can:

- Impose penalties if TAFTA exporters or producers fail to answer Customs' questions, make false or misleading statements or fail to produce relevant documentation/records.



## *APPLICATION PROCEDURES - REGISTERED EXPORTER AND CERTIFICATE OF ORIGIN USER FOR THAILAND*

1. Companies must be registered, before applying for a Certificate of Origin (CO) for Thailand.
2. Registration must apply to specific products only, and not the corporate entity.
3. Products must be identified by their HS codes, verified by the exporter.
4. Applicants must follow the Department of Foreign Affairs and Trade (DFAT) rule of origin assessment procedure ("A Guide to Determining the Origin of Goods under TAFTA", which is appended to this document).
5. Applicants must undertake their own investigation and verification process to confirm compliance with the DFAT procedure with regard to the products for which they seek registration.
6. Complete the "Authorised Signatories" form.

(These signatories must be updated; the issuing Agent must be informed of any change to the delegated signatories as they occur. Please note if the signature on the CO does not match our record of Authorised Signatories, the CO will not be issued.)

7. Complete the Deed of Declaration.

(The Declaration will be required for all applicants and registered exporters as from 1 January 2005. The Declaration includes specific HS codes pertaining to products subject to export, and those codes must match the codes noted on any CO, otherwise the CO cannot be issued.

- The Declaration requires confirmation from the signatory that he/she has read and understood the DFAT information and complied with its requirements.
  - The Declaration also requires the ABN of the exporter, as well as the legal name.
  - The Declaration will include a statement by the exporter that there has been no material change in the basis for the registration of the goods described.
  - If there has been a material change in the basis for registration, this must be stated in full, and details provided in annexure to the Declaration.
  - The details provided in the Declaration and any other application materials related to the goods or the exporter are true and correct.)
8. Registered Exporters will be required to notify the issuing Agent of changes to the product, HS Codes and authorised signatories, or any other details contained in the application material, as soon as possible after the event of material change in the basis for the registration of the goods. Any changes not recorded will result in refusal to issue CO in relation to changed subject matter.
  9. Once the issuing Agent has confirmed successful registration of an exporter, exporters may complete CO on the relevant ACCI CO template, as per the attached instructions.
  10. Exporter Registration status will be reviewed from time to time.



## *DEED OF DECLARATION - EXPORTER REGISTRATION - THAILAND*

- I. The undersigned exporter (the EXPORTER) hereby agrees and declares to THE AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY, being the recognized authorized body for the purposes of registration of exporters and issuing of certificates of origin in respect of goods to be exported to THAILAND, that the following information is true and correct and that the Exporter will immediately notify ACCI in writing in the event that:
  - a. any of the following statements becomes inaccurate, incorrect or incomplete and
  - b. there is any material change to the basis of the EXPORTER'S registration in relation to the goods referred to in the Schedule (GOODS); and
  - c. any of the authorized representatives of the EXPORTER as listed in the attachment marked "Signatories" (SIGNATORIES) ceases to be authorized by the EXPORTER for the purposes of this Deed or there are any additions or deletions to the attachment.
- II. The EXPORTER hereby applies for registration as an exporter of the goods described in the Schedule (GOODS) in respect of the export or proposed export to THAILAND and declares that the information set out below is true and correct and accurate in all respects and that the GOODS and each of them satisfies the requirements of the Free Trade Agreement between Australia and Thailand (2004) (FTA) with respect to the rules of origin set out in Chapter 4 of the FTA.
- III. The EXPORTER hereby declares and confirms
  - a. The full name, address and Australian Business Number of the EXPORTER are as set out in the Schedule.
  - b. Upon registration as an exporter of the GOODS to Thailand, the GOODS the subject of each Certificate of Origin (Thailand) (prepared by the EXPORTER for the purposes of consideration and authorization by ACCI) will comply with and satisfy the requirements of the FTA Chapter 4 in respect of the rules of origin for those GOODS.
  - c. The details relating to the consignee, its name and address (if stipulated in the Certificate of Origin), the buyer (if applicable), the purchase order numbers or invoice numbers, the dates of any such invoices or orders, and the details concerning the shipping and destination of the goods as set out in each Certificate of Origin for such GOODS will at all times be true and correct.
  - d. The detailed description of the goods the subject of each such Certificate of Origin in respect of the GOODS (or any of them) including their harmonised system code, their product and brand identifiers and such other information contained therein to properly describe and identify the goods, including whether the origin criterion is a Wholly Obtained rule or Product Specific rule, are, and will be, true and correct and accurate and complete in all particulars.
  - e. Unless the EXPORTER notifies ACCI in writing to the contrary, the GOODS the subject of each Certificate of Origin will continue to satisfy the rules of origin as mentioned and there has been and will be no material change in the basis for registration of those

GOODS.

f. If, at any time while the EXPORTER is a registered exporter for Thailand, a material change in the basis for registration of those GOODS occurs, the full description of the material change and a declaration in the same terms as this Deed in respect of the GOODS the subject of the material change will be provided to ACCI as soon as practicable and before any Certificate of Origin is requested by the EXPORTER in relation to those GOODS.

g. (i) If, either as a result of a material change in the basis of registration of registered GOODS or as a consequence of a change in the description or identity of the GOODS which are required to be the subject of registration, the registration of the EXPORTER is suspended or altered or terminated, then the EXPORTER agrees to notify ACCI immediately in writing.

(ii) In such an event, the EXPORTER agrees and confirms that it will neither represent or hold out that it is registered as an exporter of the GOODS or that ACCI has authorized its registration for those GOODS or any other GOODS unless and until ACCI or another authorized body (as described in the FTA) has so registered the EXPORTER for those GOODS.

IV. The EXPORTER further confirms and acknowledges that by applying for registration as an exporter to Thailand of certain GOODS, the EXPORTER has conducted its own investigation and enquiries and undertaken its own due diligence to ensure that the GOODS satisfy the rules of origin in respect of those GOODS and it has not relied on any representation or statement made or implied by ACCI in relation to those GOODS or their qualification for registration under Chapter 4 of the FTA, and the EXPORTER FURTHER ACKNOWLEDGES that a misleading, misrepresentative or fraudulent statement in relation to the GOODS may be subject to a penalty or fine or other administrative order being applied in relation to those GOODS, and the EXPORTER releases and holds harmless ACCI (and each of its officers, employees and contractors) from and against any claim demand or proceeding (actual or threatened) and any loss or damage or expense incurred or suffered by the EXPORTER (including any loss of profits, economic loss, consequential loss or damages, and any loss or damage arising from the refusal of Thailand authorities to grant any concession or reduction in tariff or customs duties) as a result of the GOODS failing to satisfy the rules of origin as so specified in the FTA or the EXPORTER breaching any of the provisions of this Deed or any of the requirements relating to registration as an exporter, whether arising under this Deed, the FTA or any regulation practice note or law of the Commonwealth of Australia in force from time to time.

SIGNED by and on behalf of  
the EXPORTER by its authorized officer

.....  
(signature of authorized officer)

.....  
(designation of authorized officer)

.....  
(date)

in the presence of

.....  
(witness)

.....  
(date)

**SCHEDULE**

Legal Name of **EXPORTER**: .....

ABN:.....

Postal address: .....Post Code:.....

Street Address: .....Post Code:.....

Tel: .....Fax: ..... Email:.....

Description of originating **GOODS\***

<b>HS Code</b> (6 digits)	<b>Origin Criterion</b> (Wholly Obtained or Product Specific)	<b>Description of Goods</b>



CERTIFICATE OF ORIGIN AUTHORISED SIGNATORIES

Exporter's full legal name.....

ABN:..... ACN:.....

Postal Address.....

Street/site Address.....

General Tel:..... General Fax:..... Website:.....

General Contact (must be an authorized officer, partner or general manager)

..... (Name) (Title) .....

Contact Tel:..... Contact Fax:..... Contact email

I hereby authorize the following persons to sign the declaration and to verify all information relating to the content or otherwise of products being exported, for which a Certificate of Origin is issued by THE AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY, at the request of the exporter named above. I further agree to notify THE AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY of any changes to the details listed and declare that THE AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY is not required to undertake any independent verification of any document which purports to be signed by the above mentioned exporter if such documentation is signed by any of the persons so listed, on behalf of the exporter.

(1).....

Full Name: Signature
Position:.....

(2).....

Full Name: Signature
Position:.....

(3).....

Full Name: Signature
Position:.....

(4).....

Full Name: Signature
Position:.....