

Article 32
Certificate of Origin

A claim that goods are eligible for preferential treatment under this Agreement shall be supported by a Certificate of Origin in the prescribed form in Annex 3, issued by the designated government authority of the exporting Party.

Article 33
Operational Certification Procedure

For the purposes of implementing the rules of origin under this Chapter, the Operational Certification Procedures as set out in Annex 4 shall apply.

CHAPTER 4
CUSTOMS PROCEDURES AND COOPERATION

Article 34
Definitions

For the purposes of this Chapter:

- (a) “customs authority” means the authority that according to the legislation of the country of each Party is responsible for the administration and enforcement of its customs laws:
 - (i) in the case of Malaysia, the Royal Malaysian Customs, and
 - (ii) in the case of Pakistan, the Central Board of Revenue;
- (b) “customs laws” means such laws and regulations administered and enforced by the customs authority of each Party concerning the importation, exportation, and transit of goods, relating 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;
- (c) “information” means any data, documents, reports and certified or authenticated copies thereof or other communications;
- (d) “persons” means both natural and legal persons;
- (e) “requesting authority” means the customs authority which requests assistance; and
- (f) “requested authority” means the customs authority from which assistance is requested.

Article 35 Objectives

The objectives of this Chapter are to:

- (a) simplify and harmonise customs procedures of the countries of the Parties;
- (b) ensure consistency, predictability and transparency in the application of customs laws and regulations of the country of the Parties;
- (c) ensure efficient and expeditious clearance of goods;
- (d) facilitate trade in goods between the countries of the Parties;
- (e) promote cooperation between the customs authorities; and
- (f) exchange information relating to all customs matters.

Article 36 Scope and Coverage

1. This Chapter shall apply to customs procedures required for the clearance of goods traded between the countries of the Parties.
2. This Chapter shall be implemented by the Parties in accordance with the laws and regulations in force in the country of each Party and within the competence and available resources of the customs authorities.

Article 37 Transparency

1. Each Party shall ensure that all relevant information pertaining to its customs laws is easily accessible to the other Party.
2. At the request of either Party, the other Party shall endeavour to provide information relating to a specific customs matter raised by the other Party. Either Party may also supply other pertinent information relating to such customs matter which it considers that the other Party should be made aware of.

Article 38 Customs Clearance

1. The Parties shall endeavour to apply customs procedures in a predictable, consistent and transparent manner.

2. For prompt customs clearance of goods traded between the countries of the Parties, each Party shall:

- (a) make use of information and communications technology;
- (b) simplify its customs procedures;
- (c) harmonise its customs procedures, as far as possible, with relevant international standards and best practices, such as those recommended by the World Customs Organization.

Article 39 **Temporary Admission of Goods**

1. Each Party shall facilitate temporary admission of goods in accordance with the international standards and practices.

2. For the purposes of this Article, the term “temporary admission” means customs procedures under which certain goods may be brought into a customs territory conditionally, relieved totally or partially from the payment of customs duties. Such goods shall be imported for a specific purpose, and shall be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

Article 40 **Cooperation and Capacity Building**

1. The Parties shall cooperate and exchange information with each other on customs matters.

2. Bilateral cooperation shall include capacity building, such as training, technical assistance, exchange of experts and any other forms of cooperation, as may be mutually agreed upon by the Parties, for trade facilitation.

3. To the extent permitted by their national laws and regulations, the customs authorities shall assist each other in relation to:

- (a) implementation and operation of this Chapter;
- (b) facilitation of trade in goods between countries of the Parties;
- (c) enforcement of prohibitions and restrictions on exports to and imports from their respective territories;
- (d) cooperation in any other areas as may be mutually agreed upon by the Parties; and
- (e) joint efforts to combat customs fraud.

Article 41
Mutual Assistance

1. The customs authority of a Party shall, to the extent possible, provide the customs authority of the other Party, upon request or on its own initiative, with information which helps to ensure proper application of customs laws and the prevention of violation or attempted violation of customs laws.
2. To the extent permitted by their customs laws, the customs authorities may provide each other with mutual assistance in order to prevent or investigate violations of customs law.
3. The request pursuant to paragraph 1 of this Article shall, wherever appropriate, specify:
 - (a) the verification procedures that the requesting authority has undertaken or attempted to undertake; and
 - (b) the specific information that the requesting authority requires, which may include:
 - (i) subject and reason for the request;
 - (ii) a brief description of the matter and the action requested; and
 - (iii) the names and addresses of the parties concerned with the proceedings, if known.

Article 42
Information on the Application and Enforcement of Customs Laws

The customs authorities shall exchange information on:

- (a) new enforcement techniques proven to be effective;
- (b) new trends, means or methods of committing violation or attempted violation of customs laws;
- (c) goods known to be associated with the violation or attempted violation of customs laws, as well as transport and storage methods used for such goods;
- (d) persons known to have committed or suspected of having violated or attempted violation of customs laws; and
- (e) any other information that can assist the customs authorities of the Parties in using risk management for the purposes of appropriate customs control and facilitation of customs clearance of goods traded between the countries of the Parties.

Article 43
Information Relating to Import and Export

1. The requested authority shall, on request by the requesting authority, provide the requesting authority with information relating to:

- (a) whether goods imported into the territory of the requesting authority have been lawfully exported from the territory of the requested authority; and
- (b) whether goods exported from the territory of the requesting authority have been lawfully imported into the territory of the requested authority and whether the goods have been placed under any customs procedures.

2. The customs authorities shall, by mutual consent, cooperate by exchange of personnel between them in order to share best practices in the enforcement of customs laws.

Article 44
Assistance in the Assessment of Import or Export Duties and Taxes

1. The requested authority shall, on request by the requesting authority having reasons to believe that a customs offence has been committed in its territory, communicate available information which may help to ensure the proper assessment of import or export duties and taxes:

- (a) in respect of the value of goods for customs purposes:
 - (i) the commercial invoices presented to the customs authority of the exporting or importing Party or copies of such invoices, whether certified or not by the customs authority, as the circumstances may require; and
 - (ii) a copy of the declaration of value made on exportation or importation of the goods in the country of the exporting or importing Party;
- (b) in respect of the tariff classification of goods:
 - (i) analyses carried out by official authorities or laboratory services, if conducted in relation thereto, to enable the customs authorities to determine the tariff classification of the goods; and
 - (ii) the tariff description declared on importation or exportation; and
- (c) in respect of the origin of goods, the declaration of origin made to the customs authorities at the time of importation or exportation.

Article 45
Information and Communications Technology

1. The Parties shall endeavour to establish an electronic data interchange to provide for bilateral exchange of information on trade between them or any customs matter.
2. The customs authorities of the Parties shall exchange information, including best practices, on the use of information and communications technology for the purpose of improving customs procedures.

Article 46
Risk Management

1. In order to facilitate customs clearance of goods traded between the countries of the Parties, the customs authorities shall continue to use risk management methodology.
2. The customs authorities shall exchange information, including best practices, on risk management techniques and other enforcement techniques.

Article 47
Enforcement against Illicit Trafficking

The customs authorities shall, wherever possible, cooperate and exchange information in their enforcement against the trafficking of illicit drugs and other prohibited goods in their respective territories.

Article 48
Intellectual Property Rights

The customs authorities shall, wherever possible, cooperate and exchange information in their enforcement against importation and exportation of goods suspected of infringing intellectual property rights.

Article 49
Exchange of Information

1. Any information communicated under this Chapter shall be treated as confidential unless the requested authority consents in writing to the disclosure of such information.
2. The requested authority may limit the information communicated under this Chapter if the requesting authority is unable to give the assurance that the information is used solely for the purpose it was requested for.
3. If a requesting authority would be unable to comply with a similar request in case such a request was made by the requested authority, the requesting authority shall draw attention to that fact in its request. Execution of such a request shall be at the discretion of the requested authority.

4. Any information communicated under this Chapter shall be used only by the requesting authority, solely for the purpose of administrative assistance according to the terms set out in this Chapter.

5. Any information communicated under this Chapter, if required for use in criminal proceedings, shall be requested through the diplomatic channel or any other channel established in accordance with the laws and regulations of the country of the requested authority. The requested authority shall make its best efforts to respond promptly and favourably to meet any reasonable deadlines indicated by the requesting authority.

6. Notwithstanding the provisions of this Chapter, if the communication of any information requested under this Chapter is prohibited by the laws or regulations, considered to be incompatible or prejudicial to the national interest or national security of the country of the requested authority, the requested authority shall not be required to provide such information or may provide such information subject to any terms, conditions or limitations it may prescribe.

7. In the event of termination of this Agreement, the provisions of this Article, with the exception of paragraphs 2 and 3, shall continue to apply unless otherwise agreed by the Parties.

Article 50

Sub-Committee on Customs Procedures

1. For the purposes of the effective implementation and cooperation of this Chapter, the functions of the Sub-Committee on Customs Procedures (hereinafter referred to in this Chapter as “the Sub-Committee”) established in accordance with Article 9 shall be to:

- (a) review the implementation and operation of this Chapter;
- (b) identify areas to be improved for facilitating trade between the countries of the Parties;
- (c) report the outcome of discussions of the Sub-Committee to the Joint Committee;
- (d) implement decisions or proposals approved by the Joint Committee, in accordance with paragraph (c) or otherwise; and
- (e) carry out other functions as may be delegated by the Joint Committee.

2. The Sub-Committee shall be co-chaired by officials from the customs authorities of the Parties.

3. The Sub-Committee shall comprise officials from the customs authorities of the Parties. Other government officials of either Party with

the necessary expertise relevant to the issues to be discussed may be included on an ad hoc basis.

4. The Sub-Committee may, by consensus, invite representatives of relevant entities other than the Parties with the necessary expertise relevant to the issues to be discussed to participate in the meetings of the Sub-Committee.

5. The Sub-Committee shall meet at such place and number of times as may be mutually agreed upon by the Parties.

Article 51

Publication and Enquiry Points

For the purposes of this Chapter, each Party shall:

- (a) publish on the internet or in print form all statutory and regulatory provisions and procedures applicable or enforced by its customs authority; and
- (b) designate one or more enquiry points to address enquiries from the other Party concerning customs matters, and shall make available on the Internet, or print form, information concerning procedures for making such enquiries.

CHAPTER 5

TRADE REMEDIES

Article 52

Anti-Dumping

Each Party shall retain its rights and obligations under Article VI of the GATT 1994 and the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement, as set out in the national legislations of both Parties.

Article 53

Subsidies and Countervailing Measures

Each Party shall retain its rights and obligations under Articles VI and XVI of the GATT 1994 and the Agreement on Subsidies and Countervailing Measures in Annex 1A to the WTO Agreement, as set out in the national legislations of the countries of the Parties.

Article 54

Bilateral Safeguard Measures

1. A Party (hereinafter referred to in this Article as “the affected Party”) shall have the right to apply bilateral safeguard measures on an originating good of the country of the other Party if, as a result of the reduction or elimination of a customs duty in accordance with Article 14,