



**THE COORDINATING COMMITTEE ON THE IMPLEMENTATION OF THE ATIGA
SUBMISSION FORM FOR CASES OF THE 'MATRIX OF ACTUAL CASES'
ON TRADE BARRIERS**

CASE REFERENCE ID (For Secretariat's use)	REPORTING COUNTRY	INVOLVING COUNTRY
C XXXX	MALAYSIA SINGAPORE	VIET NAM
DATE OF REPORT SUBMISSION	HS CODE AND PRODUCT DESCRIPTION (where applicable)	
15 FEBRUARY 2012	Food Products – HS 1905 Tea – HS 0902	
DESCRIPTION OF TRADE BARRIER FACED <i>Please provide a description of the situation</i>		
<p><u>Measure: Requirement of documents for registration of food products</u></p> <ol style="list-style-type: none"> Documents such as Manufacturing Process Chart, Ingredient List, Formulation List, Batch Numbering System, Product Ability Test, and Certificate of Analysis (COA) for raw materials and packaging materials may be required during the registration process. Such document requirement is burdensome to the exporters of the food products. Vietnam's regulation on "<u>Food Safety Control for Imported Stuffs of Plant Origin</u>" also requires that imported products of plant origin must be produced by countries recognized by the Vietnamese competent authorities, as part of Vietnam's food safety requirements. However, to qualify as a recognized food exporting country to Vietnam, countries must submit a stringent list of documents/information to the authorities, such as: (i) Information on food safety control system and capability of competent authorities; (ii) list of pesticides, plant growth regulators, preservatives used in production, storage and trade of foodstuffs; (iii) annually-updated food safety monitoring program of exporting countries for foodstuffs during production, domestic circulation and export, etc. Such requirements are burdensome to both exporting countries as well as food exporters. The requirement for registration of food products is being discussed at the Prepared Foodstuff Product Working Group (PFPWG) Meeting under the ASEAN Consultative Committee on Standards and Quality (ACCSQ) and the issue on requirement of documents will be addressed as soon as the MRA for Prepared Foodstuff Sector is finalized. The MRA is intended to have a better understanding of the food inspection and certification system of member states since each member states is adopting its own national requirements. <p><u>Implication</u></p> <ol style="list-style-type: none"> Delays in shipping of food products from Malaysia and Singapore. 		

2. Additional cost for the exporters and importers.

- Even after meet the requirements for food safety, the exporter still have to apply for other certification such as FDA number, ML number, etc. which may take up to 4 months to approve. *"claim from the private sector & subject to verification"*.

REFERENCE TO ATIGA PROVISION

Please provide a reference to the ATIGA provision to support your case, where applicable

Article 75
(Technical Regulations)

1. In adopting technical regulations, Member States shall ensure that:
 - a) these are not adopted with a view, to or with the effect of, creating technical barriers to trade;
 - b) these are based on international or national standards that are harmonised to international standards, except where legitimate reasons for deviations exist;
 - c) alternative means that are least trade restrictive to achieve the desired objectives are considered before a decision is taken on the adoption of technical regulations;
 - d) the adoption of prescriptive standards is avoided to ensure that unnecessary obstacles to trade are not introduced, to enhance fair competition in the market or that it does not lead to a reduction of business flexibility;and
 - e) treatment accorded to products imported from Member States is no less favourable than that accorded to like products of national origin and to like products originatingfrom any other Member State.
2. Member States shall ensure that only those parts of a standardthat represent minimum requirements to fulfil the desired objectives arereferred to in the technical regulations.
3. Member States shall also ensure that, wherever applicable, thepreparation, adoption and application of technical regulations are tofacilitate the implementation of the respective ASEAN Sectoral Mutual Recognition Arrangements.
4. Whenever the need for technical regulations is urgent forovercoming problems that arise or threaten to arise within the territoryof a Member State and the available time does not allow such MemberState to harmonise the relevant national standards, that Member Stateshall consider using the appropriate international standards or therelevant parts of them as the first alternative.
5. Member States shall comply with the notification procedures as stipulated in Article 11. However, in the case of technical regulationsunder this Article, other Member States shall present their comments, if any, within sixty (60) days of the notification. Member States shall, upon request, provide to other Member States the draft of the technical regulation and other information

regarding the deviations from the relevant international standards and the applicable pre-market conformity assessment procedure.

6. Except in urgent circumstances, Member States shall allow at least six (6) months between the publication of technical regulations and their entry into force in order to provide sufficient time for producers in exporting Member States to adapt their products or methods of production to the requirements of importing Member States.

LIST OF SUPPORTING DOCUMENTS PROVIDED (*where applicable*)