

RESTRICTED



**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
	Thailand	Indonesia
DATE OF REPORT SUBMISSION	HS CODE AND PRODUCT DESCRIPTION (where applicable)	
03 February 2017	Tires – a part of vehicle made of natural and/or synthetic rubber, unmounted and/or mounted on a rim under classification HS 4011, 4013 and 8708.	
DESCRIPTION OF TRADE BARRIER FACED		
Please provide a description of the situation		
<p>Burdensome and unnecessary requirements on tire imports – Ministry of Trade of the Republic of Indonesia has enacted the Regulation of the Minister of Trade of the Republic of Indonesia No.77/M-DAG/PER/11/2016 on 9th November 2016 with the effective date on 1st January 2017, regarding import approval and preshipment inspection measures for the importation of tires into Indonesia, which imposes burdensome and unnecessary requirements on tire imports, and causes several concerns as follows;</p> <ol style="list-style-type: none"> 1) The regulation requires the application for the import approval which imposes a significant number of requirements and documents, as well as an import quantity. 2) To apply for the import approval, importers must provide an import plan (master list) 6 – 12 months in advance, specifying type of tires; HS code at 10 digits; quantity; country of origin; port of loading; and port of destination. In reality, such requirements will pose great difficulties to normal business practices in estimating future import quantities at varying ports of destination. Also, such requirements can be considered as a quantitative measure. 3) To apply for the import approval, apart from a national standard certification, importers must obtain a recommendation from the Director General of Chemical, Textiles and Various Industry, Ministry of Industry. However, the objective, criteria, and requirement for such recommendation are still not clear or available, which can pose obstacles to trade. 4) The import approval is valid for only 1 year for API-P holder, and 6 months for API-U holder. The validity may be extended for only 30 days subject to a redundant procedure and a submission of a significant number of documents. 5) To import the tires, a verification or technical inspection shall be first performed at the port of loading by a surveyor designated by the Ministry of Trade. However, such inspection is redundant, and overlaps with the customs procedures. Also, such inspection is a very new practice to our exporters and the list of surveyors is still not available. Thus, it is highly likely that our product export and delivery will be greatly delayed. 6) Such a short notice of the regulation, lack of practical details, and burdensome and unnecessary requirements could be considered as quantitative restriction, and severely impact our usual business operations and practices, as well as the regional supply chain. 		

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REFERENCE TO ATIGA PROVISION

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

Article 11

Notification Procedures

3. A Member State shall make a notification to SEOM and the ASEAN Secretariat before effecting such action or measure referred to in paragraph 1 of this Article. Unless otherwise provided in this Agreement, notification shall be made at least sixty (60) days before such an action or measure is to take effect. A Member State proposing to apply an action or measure shall provide adequate opportunity for prior discussion with those Member States having an interest in the action or measure concerned.

Article 40

Application of Non-Tariff Measures

2. Each Member State shall ensure the transparency of its non-tariff measures permitted in paragraph 1 of this Article in accordance with Article 12 and shall ensure that any such measures are not prepared, adopted or applied with the view to, or with the effect of, creating unnecessary obstacles in trade among the Member States.

Article 41

General Elimination of Quantitative Restrictions

Each Member State undertakes not to adopt or maintain any prohibition or quantitative restriction on the importation of any goods of the other Member States or on the exportation of any goods destined for the territory of the other Member States, except in accordance with its WTO rights and obligations or other provisions in this Agreement. To this end, Article XI of GATT 1994, shall be incorporated into and form part of this Agreement, *mutatis mutandis*.

Article 44

Import Licensing Procedures

1. Each Member State shall ensure that all automatic and non-automatic import licensing procedures are implemented in a transparent and predictable manner, and applied in accordance with the Agreement on Import Licensing Procedures as contained in Annex 1A to the WTO Agreement.

2. Promptly after entry into force of this Agreement, each Member State shall notify the other Member States of any existing import licensing procedures. Thereafter, each Member State shall notify the other Member States of any new import licensing procedures and any modification to its existing import licensing procedures, to the extent possible sixty (60) days before it takes effect, but in any case no later than the effective date of the licensing requirement.

LIST OF SUPPORTING DOCUMENTS PROVIDED

(where applicable)

- The Republic of Indonesia Minister of Trade Regulation No. 77/M-DAG/PER/11/2016 on Importation of Tires