



**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 <i>(For Secretariat's use)</i>	REPORTING COUNTRY	INVOLVING COUNTRY
C XXXX	INDONESIA	THAILAND
DATE OF REPORT SUBMISSION	HS CODE AND PRODUCT DESCRIPTION <i>(where applicable)</i>	
	BIRD'S NEST	
DESCRIPTION OF TRADE BARRIER FACED <i>Please provide a description of the situation</i>		
<p>Thailand authority unfairly and doubtfully declaring that Indonesia is still considered as an avian influenza outbreak country through Notification of the Department of livestock development Re; Suspension of Import into, or Transit through, the Kingdom, of Animals or Carcasses from Indonesia, B.E. 2559 (2016) announced on the 22nd of December 2016 and Notification of the Department of livestock development Re; Suspension of Import into, or Transit through, the Kingdom, of Animals or Carcasses from Indonesia, B.E. 2560 (2017) announced on the 2nd of May 2017 (attached).</p> <p>The company, however, have several times clarified to the competent authorities that the bird's nest in which imported from Indonesia has gone through heat treatment process at 100 degree celcius for at least 5-15 minutes which above the international standards as specified in the OIE Terrestrial Animal Health Code Chapter 10.4 (Infection with Avian Influenza Viruses) both in terms of core-temperature and time which can ensure that the processed raw bird's nest are definitely free from an avian influenza (Clarification letter from Ministry of Agriculture Agency for Agricultural Quarantine attached)</p> <p>The implication that causing this issues, that all Indonesia importation of bird nest which is originating from Indonesia is not allowed and suspended.</p> <p>Therefore Indonesia would like to seek thailand assiatnce to clarify on this issue.</p>		
REFERENCE TO ATIGA PROVISION <i>Please provide a reference to the ATIGA provision to support your case, where applicable</i>		
<p align="center">Article 40 Application of Non-Tariff Measures</p> <p>1. Each Member State shall not adopt or maintain any non-tariff measure on the importation of any good of any other Member State or on the exportation of any good destined for the</p>		

territory of any other Member State, except in accordance with its WTO rights and obligations or in accordance with this Agreement.

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.
3. Any new measure or modification to the existing measure shall be duly notified in accordance with Article 11.
4. The database on non-tariff measures applied in Member States shall be further developed and included in the ASEAN Trade Repository as referred in Article 13.

LIST OF SUPPORTING DOCUMENTS PROVIDED *(where applicable)*

Notification of the Department of livestock development Re; Suspension of Import into, or Transit through, the Kingdom, of Animals or Carcasses from Indonesia, B.E. 2559 (2016) announced on the 22nd of December 2016

Notification of the Department of livestock development Re; Suspension of Import into, or Transit through, the Kingdom, of Animals or Carcasses from Indonesia, B.E. 2560 (2017) announced on the 2nd of May 2017

Clarification letter from Ministry of Agriculture Agency for Agricultural Quarantine of Indonesia

Guidelines for the Matrix of Actual Cases on NTMs/Trade Barriers

1. The cases lodged in the Matrix of actual cases will be classified into 3 categories:

Category	Description
Category A: Resolved Cases	<ul style="list-style-type: none"> • Category A contains issues which have been resolved bilaterally/mutually by ASEAN Member States (AMSs). • Cases in other categories (on-going or new cases) which have been resolved bilaterally/mutually will be classified as Category A. • Cases justified/verified/agreed as NTB-free will be removed from the Matrix for simplifying and making the Matrix user-friendly^(VN)
Category B: On-going Cases	<ul style="list-style-type: none"> • Category B contains any previously raised cases that ASEAN Member States would like to discuss at CCA meetings.
Category C: New Cases	<ul style="list-style-type: none"> • Category C contains the newly lodged cases that ASEAN Member States wish to discuss at CCA meetings.

2. Submission of Category C: New cases:

2.1 At CCA Meeting^(VN) when ASEAN Member States raise new issues/case for discussions, such cases will be lodged into Category C: New cases.

2.2 Reporting country should^(PH) inform the ASEAN Secretariat of these new issues by submission of the submission form and all relevant documents at least 4 weeks before each CCA Meeting in order to allow the responding^(PH) country sufficient time to consult domestically. Should reporting country fail to raise a case within the time frame, such case will automatically be raised at the next CCA Meeting.

2.3 The responding^(PH) country should^(PH) provide the initial response at the CCA Meeting and should^(PH) provide a written response to the reporting country, copied to other ASEAN Member States^(KH) and the ASEAN Secretariat within 4^(PH) weeks after the CCA Meeting.

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2.4 After the new case is lodged into the Matrix under Category C: New cases, such case will be re-categorised into Category B: On-going cases at the next CCA meeting.

3. Addressing Category B: On-going cases:

3.1 Reporting and responding^(PH) country may raise any on-going case for discussion at CCA Meetings.

3.2 On-going cases will be re-categorised into re-solved cases once mutually agreed upon by the reporting and responding^(PH) country.

4. In case that the barrier element/NTBs effect is found in any case lodged, the CCA shall provide recommendations on how to address the issue to be submitted to the AFTA Council, through SEOM for endorsement. Should any case is justified/verified/agreed as NTB-free, it will be removed from the Matrix^(VN)

5. Recalling the decision of the 26th AFTA Council Meeting, to exercise the transparency and enhance the confidence of the private sectors on ASEAN process, the Matrix of actual cases will be uploaded onto the website of the ASEAN Secretariat within 1 month after each CCA Meeting. The information to be reflected in the Matrix of actual cases should be agreed upon by concerned parties (reporting and responding Member States)^(PH). The specific information on the Matrix of actual cases should not contain specific details on which companies are involved in the cases to protect business confidentiality.

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