

INTRODUCTION TO PREFERENTIAL CERTIFICATE OF ORIGIN (PCO)

**Trade Cooperation & Industry
Coordination Section
Trade Cooperation Division
MITI**



Presentation Outline

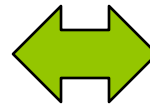
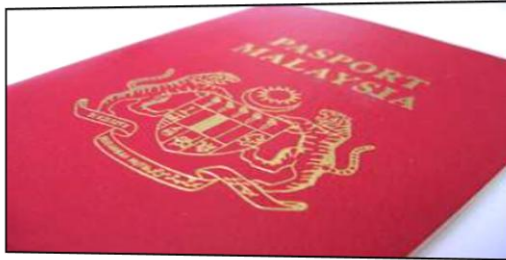
**Free Trade Agreement
(FTA)**

**Preferential Certificate
of origin (PCO)**

**Application
Procedure**



Concept of Preferential Certificate of Origin (PCO)



Human

ANNEX 7
Original (Duplicate/Triplicate)

1. Goods consigned from (Exporter's business name, address, country)		Reference No. ASEAN TRADE IN GOODS AGREEMENT/ ASEAN INDUSTRIAL COOPERATION SCHEME CERTIFICATE OF ORIGIN (Combined Declaration and Certificate) FORM O			
3. Goods consigned to (Consignee's name, address, country)		Issued in: (Country) See Overhaul notes			
3. Means of transport and route (as known)		4. For Official Use			
Departure date		<input type="checkbox"/> Preferential Treatment Given Under ASEAN Trade in Goods Agreement <input type="checkbox"/> Preferential Treatment Given Under ASEAN Industrial Cooperation Scheme <input type="checkbox"/> Preferential Treatment Not Given Please state reasons			
Voyager's name/Aircraft etc.		Signature of Authorized Signatory of the Issuing Country			
Port of Discharge					
5. Item number	6. Marks and numbers on packages	7. Number and type of packages; description of goods (including quantity, metric, imperial and US units, of the issuing country)	8. Origin criterion (see Overhaul notes)	9. Gross weight or other quantity (kg and other units)	10. Number and date of invoices
11. Declaration by the exporter The undersigned hereby declares that the above details and statements are correct; that all the goods were produced in _____ (Country) and that they conform with the origin requirements specified for these goods in the ASEAN Trade in Goods Agreement for the goods exported to _____ (Importing Country) Place and date, signature of authorized signatory			12. Certification It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct. Place and date, signature and stamp of certifying authority		
13. Third Country Invoiceing <input type="checkbox"/> Subsidies <input type="checkbox"/> Accumulation <input type="checkbox"/> De Minimis <input type="checkbox"/> Back-to-Back CD <input type="checkbox"/> Partial Cumulation <input type="checkbox"/> Issued Retrospectively					

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Product





Preferential Certificate of Origin (PCO)

A document to **prove the origin status** of a product.

and

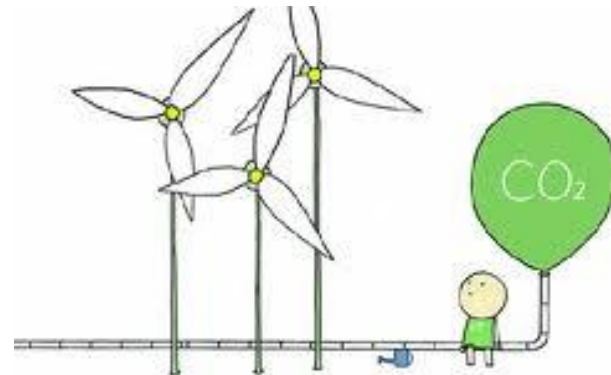
Presented as an import document to the customs of importing country for a product to **enjoy tariff concession.**



Rules of Origin (ROO)

To determine the **country of origin** of a product for purpose of international trade.

Vary from **different FTA agreements**.



Ensure that **only FTA partners** will **benefit** from the tariff concessions or preferential treatment.



What is FTA?

A Free Trade Agreement (FTA) is a **legally binding agreement** between **two or more countries** where member countries **provide** each other **more favourable treatment** such as:



- lower or zero tariffs** of export of goods;
- relaxed or **removal** of **quantitative import restriction**;
- hassle free** customs procedures;
- improve market access** for various services;
- easier entry** for businessmen; and
- better terms** of investment.



Regional and Bilateral Free Trade Agreements (FTAs)

Regional FTAs

AANZFTA

AIFTA

ATIGA

ACFTA

AKFTA

AJCEP

- ❑ ASEAN Free Trade Area (AFTA/ CEPT/ ATIGA)
- ❑ ASEAN-China Free Trade Area (ACFTA)
- ❑ ASEAN-Korea Free Trade Area (AKFTA)
- ❑ ASEAN- Japan Comprehensive Economic Partnership (AJCEP)
- ❑ ASEAN-India Free Trade Area (AIFTA)
- ❑ ASEAN-Australia-New Zealand Free Trade Area (AANZFTA)

MPCEPA

MJEPA

Bilateral FTAs

MNZFTA

MICECA

MCFTA

- ❑ Malaysia-Pakistan Comprehensive Economic Partnership Agreement (MPCEPA)
- ❑ Malaysia-Japan Economic Partnership Agreement (MJEPA)
- ❑ Malaysia-New Zealand Free Trade Agreement (MNZFTA)
- ❑ Malaysia-India Comprehensive Economic Cooperation Agreement (MICECA)
- ❑ Malaysia-Chile Free Trade Agreement (MCFTA)



History of Malaysia's FTA Involvement

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graph TD;
    H[History of Malaysia's FTA Involvement] --> MICECA[MICECA Form MICECA 1 Jul 2011];
    H --> MJEPA[MJEPA Form MJEPA 13 Jul 2006];
    H --> AJCEP[AJCEP Form AJ 1 Feb 2009];
    H --> CEPT[CEPT/ATIGA Form D - 1993];
    H --> AKFTA[AKFTA Form AK 1 Jun 2007];
    H --> MCFTA[MCFTA Form MCFTA 25 Feb 2012];
    H --> MNZFTA[MNZFTA Form MNZ 1 Aug 2010];
    H --> MPCEPA[MPCEPA Form MPCEPA Early Harvest 1 Oct 2005 Fully Implemented 1 Jan 2008];
    H --> AIFTA[AIFTA Form AI 1 Jan 2010];
    H --> AANZFTA[AANZFTA Form AANZ 1 Jan 2010];
    H --> ACFTA[ACFTA Form E Early Harvest 1 Jan 2004 Fully Implemented 1 Jul 2005];
```

MICECA
Form MICECA
1 Jul 2011

MJEPA
Form MJEPA
13 Jul 2006

AJCEP
Form AJ
1 Feb 2009

CEPT/ATIGA
Form D - 1993

AKFTA
Form AK
1 Jun 2007

MCFTA
Form MCFTA
25 Feb 2012

MNZFTA
Form MNZ
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MPCEPA
Form MPCEPA
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1 Oct 2005
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AIFTA
Form AI
1 Jan 2010

AANZFTA
Form AANZ
1 Jan 2010

ACFTA
Form E
Early Harvest
1 Jan 2004
Fully Implemented
1 Jul 2005

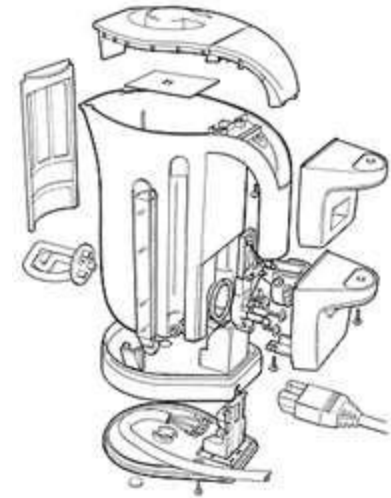
General Rules for Regional FTAs

ASEAN REGIONAL FTAs	Wholly Obtained (WO/ X) / Produced entirely (PE)	Regional Value Content (RVC) 40% / Qualifying Value Content (QVC) 40%	CTH	Back-to-back	Third Party Invoicing
CEPT/ ATIGA	√	√	√	√	√
ACFTA	√	√	-	√	√
AKFTA	√	√	√	√	√
AJCEP	√	√	√	√	√
AANZFTA	√	√	√	√	√
AIFTA	√	√ 35% +CTSH	-	√	√

General Rules for Bilateral FTAs

ASEAN REGIONAL FTAs	Wholly Obtained (WO / X)	Single Country Content / Qualifying Value Content (QVC) 40%	CTH	Back - to - back	Third Party Invoicing
MPCEPA	√	√	√	-	-
MJEPA	√	√	√	-	√
MNZFTA	√	√	-	-	√
MICECA	√	√ 35% +CTSH	-	-	√
MCFTA	√	√	√	-	√

Originating materials of a party used in **the production** of a product in another party shall be **considered as originating materials**.



Is Cumulation Allowed?

Originating materials will be **taken into account** in the calculation of **Regional Value Content (RVC)**.



Calculation of RVC/QVC

$$\text{RVC / QVC} = \frac{\text{FOB} - \text{VNM}}{\text{FOB}} \times 100\%$$

RVC = Regional Value Content

QVC = Qualifying Value Content

FOB = Free on board value

VNM = Value of non-originating materials



Wholly Obtained (WO) or Produced Entirely (PE)

Example :

Parts / Materials Used	HS Code	Country of Origin / Name of supplier	Value (RM)	%
Material 1	HS Code 1	Malaysia / Supplier 1	0.50	45.5
Total			0.50	45.5
Labour cost			0.10	9.1
Overhead cost			0.10	9.1
Other cost (if any)			0.15	13.6
Profit			0.25	22.7
FOB			1.10	100

Calculation of Single Country Content for ACFTA

Single Country Content = 74.04%

Parts / Materials Used	HS Code	Country of Origin / Name of supplier	Value (RM)	%
Material 1	HS Code 1	Malaysia/ Supplier 1	7.50	26.32
Material 2	HS Code 2	China/ Supplier 2	3.30	11.58
Material 3	HS Code 3	France/ Supplier 3	2.40	8.42
Material 4	HS Code 4	USA/ Supplier 4	5.00	17.54
Total			18.20	63.86
Labour cost			5.00	17.54
Overhead cost				
Other cost (if any)			1.50	5.3
Profit			3.80	13.3
FOB			28.50	100

Calculation of RVC for AFTA

Finished product= 1234.56

Origin Criteria= RVC 73.68%+CTSH

Parts / Materials Used	HS Code	Country of Origin / Name of supplier	Value (RM)	%
Material 1	2345.67	China/ Supplier 1	7.50	26.32
Material 2	1234.55	Singapore/ Supplier 2	3.30	11.58
Material 3	9876.54	India/ Supplier 3	2.40	8.42
Material 4	1478.52	Thailand/ Supplier 4	5.00	17.54
Total			18.20	63.86
Labour cost			5.00	17.54
Overhead cost				
Other cost (if any)			1.50	5.3
Profit			3.80	13.3
FOB			28.50	100

Change in Tariff Classification (CTC)

❖ Change in Tariff Chapter (CC)

- Changes at first 2 digits HS Code
- Example: **XX**xx.xx.xxx

❖ Change in Tariff Heading (CTH)

- Changes at first 4 digits HS Code
- Example: **XXXX**.xx.xxxx

❖ Change in Tariff Subheading (CTSH)

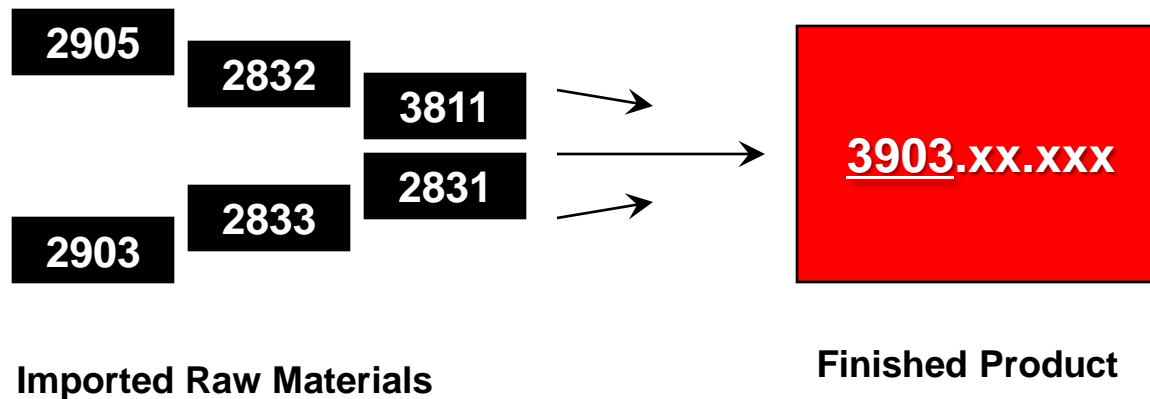
- Changes at first 6 digits HS Code
- Example: **XXXX.XX**.xxxx



Change in Tariff Classification (CTC)

Example:

Change in Tariff Classification at first four digit level (CTH - Change in Tariff Heading) for product classified under 3903.xx.xxx:



Change in Tariff Heading



Product Specific Rules (PSR) for FTAs

- **Products listed in the PSR are required to comply with the rules set out in the schedule.**
- **PSR schedules for FTAs with dialogue partners can be downloaded from MITI's official portal at www.miti.gov.my.**



Non Qualifying Operations

- ❖ Operations to ensure the preservation of products in good condition during transport and storage and other similar operations;
- ❖ Changes of packaging and breaking up and assembly of packages;
- ❖ Disassembly;
- ❖ Placing in bottles, cases, boxes and other simple packaging operations; and
- ❖ Mere making-up of sets of articles.



GENERALISED SYSTEM OF PREFERENCES (GSP)



What is Generalised System of Preferences (GSP)?



Developed countries **grant preferential treatment** to eligible products imported from developing countries.



Preferential treatment

- in the form of **reduced import duty**; and
- **granted without reciprocal obligation.**

Malaysia **enjoyed the GSP since 1971.**



Preference Giving Countries

- ❖ European Union (**27 countries**)
- ❖ Turkey
- ❖ Japan (**76 imported HS Code only**)
- ❖ EFTA :-
 - ❖ Norway
 - ❖ Switzerland
- ❖ Socialist :
 - ❖ Russia
 - ❖ Belarus



Product Coverage for GSP

- ✓ **Agricultural products:**
 - (a) **HS Chapters 1-25**; and
- ✓ **Processed and semi-processed industrial products:**
 - (b) **HS Chapters 25-97**
- ✓ **Chapter 93 is excluded from GSP Scheme;**
- ✓ **Chapter 15 has graduated from GSP.**



Benefits of GSP

- ❖ To enable exports of developing countries to be **competitive** in the developed countries' markets.
- ❖ The **lower duty or duty free** entry make it attractive for importers in the GSP donor countries to import from exporters in the beneficiary countries.



Rules of Origin for GSP

	Identifying the Origin Criterion (Box 8 in Form A) for finished product		
Type of Origin Criterion	'P'	'W (first for digits finished product HS Code)'	'Y (% total imported raw materials used)
Rules of Origin (ROO)	100% raw materials used from Malaysia (Wholly Obtained) or/and from ASEAN Cumulation	Based on the product's ROO (GSP Handbook)	Ranging from 0 – 50% of raw imported used
Importing Countries	EU, Norway, Switzerland, Turkey, Russia, Belarus & Japan	EU, Norway, Switzerland & Turkey	Russian Federation and Belarus

Calculation of Ex-work (Import)

$$\text{Ex-work Import} = \frac{\text{VNM}}{\text{Ex-work Price}} \times 100\%$$

- Ex-work Price = Free on board value – Other Cost
- VNM = Value of Non - originating materials (Import)

To enjoy **all GSP countries' preferential Treatment** for selected products, the percentage of **Ex-work Import** must be **less than 50%**.



For GSP Scheme:

Total Production Cost (TPC) = Raw material cost (local + ASEAN + Import) + Overhead Cost + Labor Cost.

Ex-Work Price = TPC + Profit

FOB = Ex-Work price + Other Cost (Transportation, Warehouse & etc)



Wholly Obtained (WO)

Example :

Parts / Materials Used	HS Code	Country of Origin / Name of supplier	Value (RM)	Group Country of origin	%
Material 1	HS Code 1	Malaysia / Supplier 1	0.50	Local	58.8 2
Total			0.50		
Labour cost			0.10		11.7
Overhead cost			0.10		7
Total production			0.70		11.7
Profit (+)			0.15		7
					17.6 4
Ex Work Price			0.85		100

Wholly Obtained

The following products shall be considered as originating in a beneficiary country:

products wholly obtained in that country within the meaning of **Article 75**;

products obtained in that country incorporating materials which have not been wholly obtained there, provided that such materials have undergone **sufficient working or processing within the meaning of Article 76 (Annex 13a)**.

Calculation of mix contain (1) (local and import)

W..... (first four digit of HS Code) & Y=37.54%

Parts / Materials Used	HS Code	Country of Origin / Name of supplier	Value (RM)	Group Country of origin	%
Material 1	HS Code 1	Malaysia/ Supplier 1	7.50	Local	26.32
Material 2	HS Code 2	China/ Supplier 2	3.30	Import	11.58
Material 3	HS Code 3	France/ Supplier 3	2.40	Import	8.42
Material 4	HS Code 4	USA/ Supplier 4	5.00	Import	17.54
Total			18.20		
Labour cost			5.00		17.54
Overhead cost			1.50		5.27
Total production			24.70		
Profit (+)			3.80		13.33
Ex-Work price			28.50		100

Note : refer to Calculation of mix contain (1)

- ❖ Percentage of imports (Y) can be changed if there is Certificate of Origin (CO) is provided by the supplier of raw materials from France. Therefore any raw materials from European countries can be considered as local raw materials (wholly obtained) if their European suppliers can provide certificate of origin which is called **EUR1** to Malaysia company during applying the cost analysis (CA).
- ❖ Then the new figure and percentage can be seen in Calculation mix contain (2).



Calculation of mix contain (2) (local and import)

W..... (first four digit of HS Code) & Y=**29.12%**

Parts / Materials Used	HS Code	Country of Origin / Name of supplier	Value (RM)	Group Country of origin	%
Material 1	HS Code 1	Malaysia/ Supplier 1	7.50	Local	26.32
Material 2	HS Code 2	China / Supplier 2	3.30	Import	11.58
Material 3	HS Code 3	France / Supplier 3*	2.40	Local	8.42
Material 4	HS Code 4	USA / Supplier 4	5.00	Import	17.54
Total			18.20		
Labour cost			5.00		17.54
Overhead cost			1.50		5.27
Total production			24.70		
Profit (+)			3.80		13.33
Ex-Work price			28.50		100

Invoice Declaration

The STATEMENT ON ORIGIN, can be replace the EUR1 if the product value are less than Euro 6,000

Make sure the statement as stated in the supplier invoice of the raw materials : -

“The exporter (Number of Registered Exporter — unless the value of the consigned originating products does not exceed EUR 6 000 (2)) of the products covered by this document declares that, except where otherwise clearly indicated, these products are of ... preferential origin (3) according to rules of origin of the Generalized System of Preferences of the European Union and that the origin criterion met is ... (4).



Calculation of mix contain (3) (Asean and Import)

W..... (first four digit of HS Code) & Y=34.74%

Parts / Materials Used	HS Code	Country of Origin / Name of supplier	Value (RM)	Group Country of origin	%
Material 1	2345.67	China/ Supplier 1	7.50	Import	26.32
Material 2	1234.55	Singapore/ Supplier 2	3.30	ASEAN	11.58
Material 3	9876.54	India/ Supplier 3	2.40	Import	8.42
Material 4	1478.52	Thailand/ Supplier 4	5.00	ASEAN	17.54
Total			18.20		
Labour cost			5.00		17.54
Overhead cost			1.50		5.27
Total production Profit (+)			3.80		13.33
FOB			28.50		100

Note : refer to Calculation of mix contain (3)

- ❖ Percentage of imports (Y) can be changed if there is Certificate of Origin (CO) is provided by the supplier of raw materials from ASEAN. Therefore Any material which purchased from ASEAN countries are consider as local material in condition ASEAN supplier provide Form A for the raw material and enclose in application then exporter can still remain ASEAN status in the Group Country of Origin column.

- ❖ This is due to :-

Total Local Raw Material = Local (Malaysia) + ASEAN

- ❖ Otherwise if ASEAN supplier cannot provide Form A for the raw material, exporter should change ASEAN material value from ASEAN/ local to import in the Group Country of Origin column. Then the new figure and percentage can be seen in Calculation mix contain (4).

Calculation of mix contain (4) (Asean and Import)

W..... (first four digit of HS Code) & Y=63.85%

Parts / Materials Used	HS Code	Country of Origin / Name of supplier	Value (RM)	Group Country of origin	%
Material 1	2345.67	China/ Supplier 1	7.50	Import	26.32
Material 2	1234.55	Singapore/ Supplier 2	3.30	Import	11.58
Material 3	9876.54	India/ Supplier 3	2.40	Import	8.42
Material 4	1478.52	Thailand/ Supplier 4	5.00	Import	17.54
Total			18.20		
Labour cost			5.00		17.54
Overhead cost			1.50		5.27
Total production					
Profit (+)			3.80		13.33
FOB			28.50		100

Non Qualifying Operations

- ❖ Operations to ensure the preservation of products in good condition during transport and storage and other similar operations;
 - ❖ Changes of packaging and breaking up and assembly of packages;
 - ❖ Disassembly;
 - ❖ Placing in bottles, cases, boxes and other simple packaging operations; and
 - ❖ Mere making-up of sets of articles.
- ❖ For details insufficient working / process, please refer to

Article 78 paragraph 1 (a – q), 2 and 3

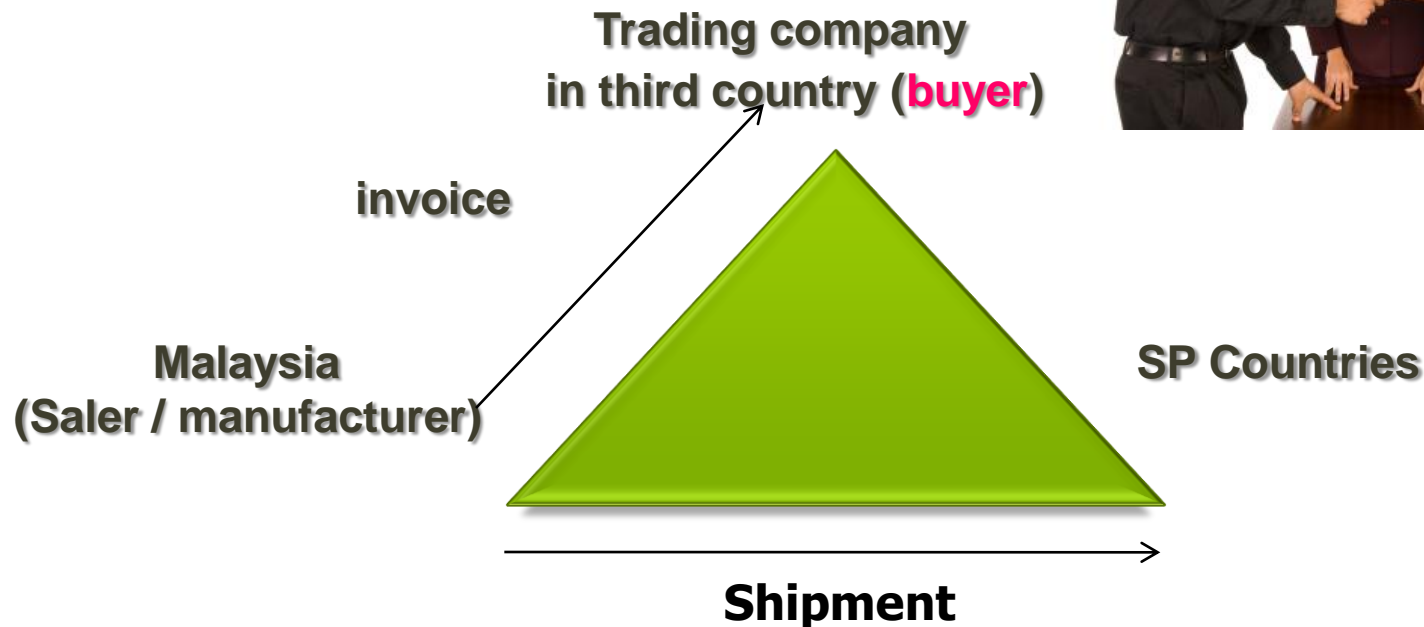
Cumulative Origin Under GSP

- ✓ **ASEAN Cumulation is permitted for GSP for semi-finished products provided that the Form A or invoice declaration from the originating country (ASEAN Member States) is presented upon application of Certificate of Origin Form A;**

- ✓ **The ASEAN Member States are:**
 - (a) Brunei, Cambodia, Indonesia, Lao People Democratic Republic, Malaysia, Philippines, Singapore, Thailand and Vietnam (Myanmar is exclude)**

Third Party Invoicing Arrangement

- ❖ Application of Third Party
- ❖ Example : Form A application



Back-to-Back (BTB) Arrangement

- ❖ Goods trans-shipped or temporarily stored under customs control for re-exportation to a third country.
- ❖ Example: Form A application



Malaysian Company has to obtain the Form A issued in Thailand and apply back-to-back Form A in Malaysia. **BTB only to EU**

Application Procedures

Online Application

No hardcopy for cost analysis application;
Only form have to be endorsed by MITI;
Operated by **DagangNet Technologies Sdn Bhd.**



Ministry of International Trade and Industry (MITI) is the sole Issuing Authority for preferential Certificate of Origin (COs).

APPLICATION STEPS

STEP ONE

Cost Analysis Application
Client Charter
Five Working Days



STEP TWO

COs Application
Client Charter
One Working Day

Cost Analysis Application

- ✓ Pre-Exportation Verification;
- ✓ Certify Product's Origin;
- ✓ Origin Criterion of Product; and
- ✓ Factory visit if necessary.

Application must be done online through ePCO System.

Back-to-Back Arrangement: Documentation Requirement

- ✓ An original PCO issued by the first exporting country;
- ✓ Back-to-Back Application Form;
- ✓ A Back-to-Back PCO which contains some of the same information as the original PCO, such as Origin Criterion;
- ✓ Customs Declaration Form; and
- ✓ Monitoring Sheet.

Origin Verification

- ✓ The importing country may conduct a verification through its customs authority, by means of:
 - i. request information from the Issuing Authority of the exporting member state;
 - ii. request information from the exporter or producer.

ASEAN Self-Certification

- **Involving four (4) participating member states – Malaysia, Singapore, Brunei and Thailand**
- **Self-certification is a system which enables the Certified exporter to make out an invoice Declaration for the export of goods**

ASEAN Self-Certification Procedure

- ❑ **Keep and maintain up-to-date accurate books and records for at least 3 years**
- ❑ **Extend full co-operation to MITI and Royal Malaysian Customs**
- ❑ **Officers from MITI and Royal Malaysian Customs may inspect your factory and operations as and when required. Failure to comply with the above conditions may result in termination of registration as a Certified Exporter**

ASEAN Self-Certification Procedure

○ Authorization

- ✓ Applicant will be informed by MITI in writing on the authorization to act as Certified Exporter within the framework of the ATIGA
- ✓ Certified Exporter agrees to the conditions under Rule 12A, 12B, 12C and 12D of the OCP

Invoice Declaration

The Certified Exporter shall, in the case of export of products satisfying the origin criteria of the Agreement, put the following declaration on the invoice:

“The exporter of the product(s) covered by this document (Certified Exporter No.....) declares that, except where otherwise clearly indicated, the products satisfy the Rules of Origin to be considered as ASEAN Originating Products under ATIGA (ASEAN country of origin:,), with origin criteria:.....”

Contact Information

❖ FTAs

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THANK YOU

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