



ITC

TRADE IMPACT
FOR GOOD

50 YEARS

1964-2014

Categorizing the TFA provisions

National Workshop, June 17th and 18th, Dushanbe, your
administration

“Implementing the WTO Trade Facilitation Agreement”



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Art.7.5 – Post-clearance audit

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Measure description

Set-up or maintain mechanism to ensure consignment compliance **after release of the goods**

Select consignment or person and conduct audit on a **transparent** and **risk-based** manner

Notify promptly the person subject to audit with **audit results**, its basis and his respective rights and obligations

Use the results of audit for risk management

Nature of Obligation

“Shall”

Obligated to implement as per description

“Shall, wherever

practicable”: undertake all practicable steps towards implementation

Art.7.5 – Post-clearance audit

What is not covered

The **modalities** for post clearance audit are **not specified** in the measure and have been left **to Member discretion**

Implementation checklist

There is a **legislation** which **authorizes and requires** Customs to conduct post clearance audits in a transparent manner

The **criterion** used to select person/consignment for post-clearance audits **are risk based**

Audits are conducted in a **transparent manner**

A **mechanism in place** which requires **sharing the audit results, its basis and respective rights and obligation** of the person subjected to audit

Procedures are established to ensure that audit **results** are **incorporated in overall risk management**

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?

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Art.7.6 - Establishment and
Publication of Average
release time

Art.7.6 - Establishment and Publication of Average release time

Measure description

Measure and publish periodically, and in a consistent manner, the average release time of goods

- Covers all border crossing requirements (i.e entire period between the arrival of the goods and their departure from the border crossing point)
- Average could be at a particular border entry point and/or a national average
- WCO - TRS is one of the tool that may be used to compute average release times

Share best-practices with the Committee on measuring and reducing release time

Nature of Obligation

“Encouraged to”

Best endeavor measure

“Encouraged to”

Best endeavor measure

Art.7.6 - Establishment and Publication of Average release time

Measure Description

Measure and publish on a regular basis and in a consistent manner the average release time of goods

- Average release time cover all border crossing requirements and may be interpreted as the entire period between the arrival of the goods and their departure from the border crossing point

Share best-practices with the Committee on measuring and reducing release time

Nature of obligations

Members are obliged to carry out effort to implement the provision though the implementation per say is not obligatory

- It is a “Best endeavor” measure

Key questions

- 1 Is your administration already implementing this measure?
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Art.7.7 – Trade Facilitation for Authorized operators

Art.7.7 – Authorized operators

Measure description

Provide **additional facilitation** to selected operators called ‘authorized operators’¹

- At least **3 out of the 7** measures listed in the text

“*Selected operators*” can include **traders** as well as other **logistic services providers** such as customs agents, freight forwarders...

AO are designated on the basis of **published qualification criterion** which are **not arbitrary nor discriminatory** such as:

- Compliance track record with customs and other related laws and regulations
- Record management system for internal controls
- Financial solvency and provision of sufficient security and guarantees
- Supply chain security

Nature of Obligation

“**Shall**”

Obligated to implement as per description

Art.7.7 – Authorized operators

Measure description

Nature of Obligation

Qualifying criteria **should not limit SME participation** to AO scheme

Allow other Members the possibility to negotiate a **mutual recognition** of their respective AO schemes

Share with the Committee details of AO scheme

Develop AO schemes on the basis of **int^{al} standards**

“Shall”







Obligated to implement as per description

“Encouraged to”

Best endeavor measure

Art.7.7 – List of required trade facilitation measures for AO

The additional facilitation shall include at least three of the following:

-  Reduced documentary and data requirements as appropriate
-  Fewer physical inspections and examinations as appropriate
-  Rapid release time, as appropriate
-  Deferred payment of duties, taxes, fees and charges;
-  Use of comprehensive or reduced guarantees
-  A single goods declaration for all imports or exports in a given period
-  Clearance of goods at the premises of the authorized operator or
-  another place authorized by the customs.

Art.7.7 – Authorized operators

What is not covered

No bar on **sovereign discretion** of the Member to **select the operators** on the basis of **published criterion**

Implementation checklist

The **legislation** authorizing Customs to provide authorized operators with additional facilitations **is in place**

The **criterion** for selection is **based on compliance** in accordance with **international standards** and **published**

The legislation is not designed for **unjustifiable discrimination** or confined only to the nationals and base on size or volume of trade (i.e. should be accessible to SMEs)

Conditions and procedures for granting, modifying or terminating authorized trader status are **defined** and **published**

Procedures established to **extend** specified **facilities to AO**

The legislation allow Members to negotiate **mutual recognition** of authorized operator scheme with other Members

Information about AO scheme as been **shared with Committee**

Key questions

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Art.7.8 – Expedited shipments

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Measure description

Set-up special **facilitative procedures** to allow expedited release of goods entered through **air cargo** and **for those persons who apply for such treatment** (i.e. not systematic)

Possibility to **limit qualifying applicants**, on the basis of **published criterion**:

- Provision of infrastructure and reimbursement of customs related expenses
- Advance submission of information for release
- Assess fees limited to the cost of services
- Maintaining a high degree of control through internal security, logistics and tracking technology
- Good compliance record and responsibility to pay
- Registration with national authorities and comply to all relevant national laws and regulations

Nature of Obligation

“Shall”





Obligated to implement as per description

“May”

Country has the discretion to implement the item

Art.7.8 – Expedited shipments

List of special facilitative procedures for qualifying applicants

-  Minimize the documentation required, and to the extent possible provide for release based on single submission of information on certain shipments
-  Release within a specified or reasonable period of time (as rapidly as possible)
-  Endeavour to minimize documentation and release time to shipments of any weight or value
-  Provide, to the extent possible, for a 'de minimis' shipment value on which duty and taxes will not be collected

Art.7.8 – Expedited shipments

What is not covered

- Provide additional facilities to **all consignments** imported by air
- Only of those operators who would qualify for such preferential treatment on the basis of a published qualifying criterion

Does not affect Member's right to examine, seize, detain, confiscate or deal with goods in any manner, otherwise WTO consistent

Implementation checklist

The **national implementation framework** which provide for the expedited release of goods entered through air cargo facilities on the request of an operator **is in place**

The **qualifying criteria** (if any) for applicants are consistent with the measure and published

The legislation provide for **all** of the simplified procedures

The legislation allows for customs processing and **controls to be carried out at the dedicated facility** i

Key questions

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Art.7.9 – Perishable goods

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Measure description

Release goods within the shortest possible time

- Outside standard business hours if required by circumstances

Prioritize the examination of perishable goods over other consignments

Ensure **proper storage** - by Member State or importer¹ - until release

Allow - upon written request - **clearance at storage facilities**

Provide explanation if goods' release is delayed

- Upon importer written request

Nature of Obligation

“Shall”

Obligated to implement as per description

“**Shall, where practicable and consistent with domestic legislation**”

“**Shall, to the extent practicable**”

undertake all practicable steps towards implementation

Art.7.9 – Perishable goods

What is not covered

The '**exceptional circumstances**' are not defined

Not explicitly mentioned which are the **authorities** dealing with this measure

- It is though understood that they are Customs and Animal/SPS/Health/environment safety governmental agencies

No restriction in **for fees**

Art.7.9 – Perishable goods

There is a **facilitated release procedure for perishable goods** under normal circumstances

In exceptional circumstances, there is a facilitated release procedure for perishable goods **outside working hours**

The **priority to perishable goods** is given when scheduling any examinations

Implementation checklist

Proper storage infrastructure for perishable goods is available pending their release

Importers have the possibility to **arrange any storage facilities** upon approval or designation by relevant authorities.

Procedures for the release of perishable goods **are available**

The possibility to **provide**, upon demand, an explanation for the **reasons of any significant delay** in the release of perishable goods is granted

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Art.8 – Border agency cooperation

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Measure description

Ensure cooperation and coordination between the national border agencies

Cooperate, at the international level, on mutually agreed terms with other countries, sharing the same border , collaboration encompasses

- Alignment of working days and hours
- Alignment of procedures and formalities
- Development and sharing of common facilities
- Joint controls
- Establishment of one stop border post control

Nature of Obligation

“Shall”

Obligated to implement as per description

“Shall to the extent possible and practicable”

undertake all practicable steps towards implementation

Art.8 – Border agency cooperation

Measure Description

Ensure cooperation and coordination between the national border agencies

Undertake steps to cooperate coordinate their procedures with neighboring countries. Cooperation/coordination examples include:

- Alignment of working days and hours;
- Alignment of procedures and formalities;
- Development and sharing of common facilities;
- Joint controls;
- Establishment of one stop border post control;

Nature of obligations

Members states are obliged to ensure coordination at national level

At international level, Member States keep a certain flexibility as the implementation is conditional to the extent practicable and possible

Art.8 – Border agency cooperation

What is not covered

Scope of the coordination at national / international level is not defined

- Examples given are of an indicative nature

Harmonization of procedures and documentation requirements by the national agencies¹ dealing with the importation, exportation and transit of goods

In the case of international cooperation, **no obligation** to:

- Establish expedited processes and separate infrastructure² for **transit**
- **Exchange information** for joint controls, recognition of inspection results

Implementation checklist

There is a national implementation framework in place ensuring that all **national agencies** responsible for border controls and procedures **cooperate and coordinate with each other**

There is a **minimum** (required) **level of cooperation** with other countries, who share the common border-crossing points, if possible and practicable

Key questions

- 1 Is your administration already implementing this measure?
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Art.9 - Movements of goods
intended for import under
custom control

Art.9 - Movements of goods intended for import under custom control

Measure description

Provide the **possibility to transport goods** dedicated for **import** within the Member state territory **under custom control**¹

- Relates to ICD or dry ports, not to private or public bounded warehouse

Nature of Obligation

“To the extent practicable”:
undertake all practicable steps towards implementation

What is not covered

Establishment of **new** destination customs offices
Provision of **facilities to transship** cargoes
Fees / charges associated with operations under custom control

Implementation checklist

There is a national implementation framework allowing importers to move goods from point of entry to destination customs office

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
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Art.10.1 – Formalities and documentation requirements

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Measure description

Review import, export and transit **formalities** and documentation requirements with a view to:

- **Minimizing incidence/complexity** of operations
- **Decreasing and simplifying** documentation requirements

Formalities and documentation requirements review should take into account:

- Legitimate policy objectives, changed circumstances, relevant new information, business practices, inputs from interested parties

Ensure that **formalities & documentations** are:

- Adopted and applied for quick release of goods
- Adopted aiming at **reducing time/cost** for traders
- The **least trade restrictive** measure chosen
- Not maintained if no longer required

Nature of Obligation

“Shall”

obliged to implement as per description

“Shall, as appropriate”

obliged to implement but flexibility on implementation methods

Art.10.1 – Formalities and documentation requirements

What is not covered

Frequency of formalities and revisions requirements

How / by whom the review / assessment shall be done¹

Implementation checklist

There is a national implementation framework in place ensuring a **reasonable and regular review** of formalities and documentation requirements relating to import, export and transit is undertaken

Documentation and formalities assessment take into account the **criteria** mentioned in TFA

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
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Art. 10.2 – Acceptance of copies

Art. 10.2 – Acceptance of copies

Measure description

Acceptance by border regulatory agencies of **paper or electronic copies** of the required documentation

Acceptance by border regulatory agencies of **paper or electronic copies** from another authorities to which the original has already been submitted

Requirement of **export declarations from exporting countries** is required for importation

Nature of Obligation

“Shall, as appropriate, endeavor”: obligation is to make efforts to implement the item

“Shall, where applicable” undertake all practicable steps towards implementation

“Shall” obliged to implement as per description

Art. 10.2 – Acceptance of copies

All government **agencies accept paper or electronic copies** of supporting documents required for import, export and transit formalities as per provision of the TFA

Government agencies **accept paper or electronic copies from another agency** if it holds the original of the required document

Government agencies **do not require** originals or copies of **export declarations** submitted to the customs authorities of the exporting country **as a requirement for importation**

Implementation checklist

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
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Art.10.3 – Use of International Standards

Art.10.3 – Use of international standards

Measure description

Nature of Obligation

National export, import or transit formalities, procedures and data/documentation requirements **are based on international standards** or parts thereof



“Encouraged to”
Best endeavor measure

Take part in the **preparation and periodic review** of relevant **international standards** by appropriate **international organizations**



“Encouraged to, within the limits of their resources”:
Best endeavor linked with the available resources

Art.10.3 – Use of international standards

What is not covered

No matters beyond import, export and transit formalities, procedures and data/documentation requirements

No reference to specific standards, however it should logically be:

- UN Layout Key, UN Trade Data Elements Directory, WCO Data Model,
- UNECE Trade and Transport Standards

Not mandatory to follow a particular international standard

- Could be tailored to countries' international trade policies and cooperation vis-à-vis their trading partners

Implementation checklist

There is a national implementation framework ensuring that exportation, importation and transit **formalities and procedures** are **based on international standards** and their future updates.

Steps are taken towards **periodic review of relevant international standards** by appropriate international organizations

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
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Art.10.4 – Single Window

Art.10.4 – Single Window

Measure description

Set-up or maintain a **single entry point** through which traders will **submit, only once**¹, documents and/or data to all border regulatory agencies and point through which **agencies will submit their response back** in a **timely manner**

Border agencies can't request data/documentation that has **already been submitted through SW**

Share with WTO Committee details of SW operation

Use **information technology** to support the SW

Nature of Obligation

“Shall endeavor to”

implementation is not obligatory, but making efforts to implement the measure is mandatory

“Shall”

Obligated to implement as per description

“Shall to the extent possible and practicable”

undertake all practicable steps towards implementation

Art.10.4 – Single Window

What is not covered

Not necessarily an **electronic** SW

No requirement for **immediate transition** of **all procedures** and **agencies**

- Countries can progressively develop their single windows

The use of relevant **international standards** is not mandatory as a basis for SW schemes

Implementation checklist

There is a **substantive effort to establish** a single entry point for trader to submit only once documentation/ data and, afterward, to receive responses from all agencies in the SW

A **concrete and official plan** has been established to **progressively integrate** the participation of all appropriate agencies in the National Single Window system (if not already the case)

Details of SW's operation are **notified** to the WTO TF Committee

Information Technology is used to the **extent of possible and practical** in supporting the National Single Window

“Urgent circumstance and other limited exceptions” for asking any document again has been formulated and made public

Key questions

- 1 Is your administration already implementing this measure?
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- 3 What could be the appropriate category for this measure?
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Art.10.5 – Pre-shipment Inspection

Art.10.5 – Pre-shipment Inspection

Measure description

No mandatory use of pre-shipment inspections for tariff classification and customs valuation¹

Introduction or application of **new requirements to use PSI is forbidden**

Nature of Obligation

“Shall”

obliged to implement as per description

“Encouraged to”

Best endeavor measure

What is not covered

Use of **pre-shipment inspections other than customs controls**

Use of pre-shipment inspection for other purposes than tariff classifications and customs valuation

Implementation checklist

Nothing in the national implementation framework **requires PSI** for tariff classification and customs valuation is in place, if already in use

If not in use, no action is required but a **commitment not to introduce**

Key questions

- 1 Is your administration already implementing this measure?
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Art.10.6 – Use of customs brokers

Art.10.6 - Use of customs brokers

Measure description

No mandatory use of customs brokers

- Unless for Member States whose legislation on the use of customs broker was issued prior to the entry into force of the TFA

Nature of Obligation

“Shall”

Obligated to implement as per description

Publish and notify the Committee of existing measure on the use of customs brokers as well of any further modification

“Shall”

Obligated to implement as per description

Design **objective** and **transparent** Customs broker licensing rules

“Shall”

Obligated to implement as per description

Art.10.6 - Use of customs brokers

What is not covered

- Does not entail **eliminating** the profession of customs brokers altogether
- It is about making the use of customs brokers **optional**
- It aims to ensure that the customs brokers provide a **value added services commensurate with their fees**

Implementation checklist

No legislation **subsequent** to the entry into force of the TFA makes the use of customs brokers **mandatory**

The legislation or administrative acts forbid traders to fill in and **submit their customs declaration themselves**

No practical or other obstacle exists which in practice renders the use of the customs brokers inevitable

Existing rules and amendments on the use of customs brokers are **published are notified** to the WTO Trade Facilitation Committee

Customs brokers licensing rules are **objective and transparent**

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
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Art.10.7 – Common border
procedures and uniform
documentation requirements

Art.10.7 – Common border procedures and uniform documentation requirements

Measure description

Apply the **same procedures** for the release and clearance of goods **at the border points throughout its territory**¹

Nature of Obligation

“Shall”

Obligated to implement as per description

Members **can** though **differentiate its procedures**

- Based on the nature and type of goods
- Based on their means of transport
- Based on risk management
- To provide total or partial exemption from import duties or taxes
- To apply electronic filling or processing
- In a manner consistent with the Agreement on SPS Measures

“Nothing shall prevent”

Member states retain the option to do so

Art.10.7 – Common border procedures and uniform documentation requirements

What is not covered

No requirements for all border points to offer the **same range of services**

- However, border points which offer the same services should do so in an identical manner

Application of some procedures, such as risk management, **may differ depending on the nature and the particular circumstances** of the goods or mode of transport, as the different risk parameters may be different

Implementation checklist

There are no major variations in procedures between the border crossing points of the same nature

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?

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Art.10.8 – Rejected goods

Art.10.8 – Rejected goods

Measure description

Offer to the importer a realistic **possibility to return the goods to the exporter or re-consign**, if rejected¹ on the basis of failure to comply with SGS or technical standards

If importer **fails to return goods** to exporters within a **reasonable period of time**, the competent authority may take a **different course of action**

- e.g. destruction of the goods

Nature of Obligation

“Shall, subject to and consistent with its laws and regulations”

“May”
Country has the discretion to implement the item

What is not covered

Text is silent about the obligation for **exporting countries to accept** the rejected goods

Implementation checklist

There is a national implementation framework in place ensuring **Importers have the opportunity to return rejected goods** or re-consign within a reasonable period of time

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
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Art.10.9 – Temporary
admission of good and Inward
and Outward processing

Art.10.9 – Temporary admission of good and Inward and Outward processing

Measure description

Release of goods, **without** payment of duty and taxes, for importation for a **predefined period** and predefined **purpose of use**

- e.g. goods intended for re-exportation
 - Against some security/ guarantee
-

Facility for **conditional release** of goods, **without payment of duty and taxes, imported for further processing** (Inward processing)

- Against some security for subsequent exportation
-

Facility for **temporary export** for the purpose of manufacturing or repair and **re-imported without payment of customs duty** in full or partial

- Domestically produced or earlier imported goods

Nature of Obligation

“Shall allow, as provided for in its laws and regulations”

Implementation is conditioned by national laws which takes precedence over obligation to implement

Art.10.9 – Temporary admission of good and Inward and Outward processing

What is not covered

The measure does not require Members to allow such releases **without any conditions or security**

The measure does not specify the **type of conditions / guarantee** upon which TA, IP and OP may be allowed

Implementation checklist

Legislation and procedures to **clear the goods, without payment of duty/ taxes imported for a specified purpose** are in place

Legislation and procedures to **allow temporary export of goods for specified purpose and its re-importation without payment of duty/ taxes** are in place

The legislation and procedures to **clear the goods, without payment of duty/ taxes imported for a specified period and use conditionally** are in place

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
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Art.11 – Freedom of transit

Art.11 – Freedom of transit

Measure description

List of **disciplines** to be applied to **goods in transit**

- Limited / simplified formalities, documentation and controls
- No restrictions affecting traffic in transit and transit discipline application¹
- No discrimination vs. import traffic or between Members States cargos
- Controls limited to the beginning and conclusion of the transit operations
- Fees limited to transportation and administration services costs
- No quality controls for goods in transit
- Regulations of transit guarantees² and of customs convoy

Nature of Obligation

“Shall”

Obligated to implement as per description

Art.11 – Freedom of transit

Measure description

Making available physically **separate infrastructure for traffic in transit** (e.g. lanes, berths...)

Cooperating and coordinating with other countries with a view to enhance freedom of transit

Appointing a **national coordinator for transit**

Nature of Obligation

“Encouraged to”
Best endeavor measure

“Shall endeavor to”
implementation is not obligatory, but making efforts to implement the measure is mandatory

“Shall endeavor to”
implementation is not obligatory, but making efforts to implement the measure is mandatory

Freedom of transit – Implementation checklist

- Procedures, regulations and formalities for transit are NOT less favorable than those for import or export
- Restrictions affecting transit are NOT higher than necessary and they are withdrawn with changes in circumstances and/or objectives
- Transit is exempt from custom and other duties except for reasonable charges for transportation and administrative expenses¹
- Goods in transit are not subject to quality control or control of compliance with technical standards
- Once the goods have been authorized to proceed from the point of origination, they are not subject to further charges, formalities and customs inspections until they conclude their transit at their point of destination within your country.
- The customs office where the goods in transit exit the country promptly terminates the transit operation if transit requirements are met
- Guarantees for goods in transit are allowed and promptly discharged
- A national transit coordinator has been appointed

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
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Art.12 – Customs cooperation

Art.12 – Customs cooperation

Measure description

Nature of Obligation

Share information and best practices in managing customs compliance and to cooperate in technical guidance or assistance in building capacity



“Encouraged to”
Best endeavor measure

Exchange of information and documents subject to conditions and limits¹



“Shall”
Obligated to implement as per description

Notify to WTO a contact point for exchange of information and documents



“Shall”
Obligated to implement as per description

Art.12 – Customs cooperation

Measure description

Carry out an appropriate **internal verification** before making the request

Submit a **written request** in one of the **official WTO languages or mutually acceptable** to both countries

Provide in the request the information on:

- matter at issue and reasons for the request
- specific information and/or documents requested
- purposes of information requested
- identity and the legal mandate of the official making the request
- applicable legal provisions in its domestic law, including provisions relating to confidentiality

Nature of Obligation

“Shall”

Obligated to implement as per description

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Art.12 – Customs cooperation

Measure description

Nature of Obligation

Use the information received in reply **solely for the requested purposes** unless agrees otherwise



“Shall”

Obligated to implement as per description

Treat any received information as **confidential**

- providing at least the same level of protection provided in the requested country,
- and not disclosing it to third parties without the specific permission of the requested country



“Shall”

Obligated to implement as per description

Submit the request within **the time required** by the national legislation of the requested country **for the prescription of any offence**



“Shall”

Obligated to implement as per description

Submit a **reasonable number** of requests of a **reasonable scope**

- Taking into account requested country resources availability



“Shall”

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Art.12 – Customs cooperation

Measure description

Provide a response in **written on paper or electronically**

If the request is refused, **specify the exact grounds for the refusal**

Provide information contained in the import or export following documents (or provide copy of documents)

- commercial invoice, packing list, certificate of origin and bill of lading

Confirm that the documents provided are **true copies** of the documents

Respond to the request **within reasonable time** (possibly 90 days) from the date of receipt of the request

Nature of Obligation

“Shall”

Obligated to implement as per description

Art.12 – Customs cooperation

The requested country may decline the request in the following cases:

- If contrary to its domestic law and, in particular, its legislation on confidentiality of the requested information
- If the requested country is of the opinion that it would infringe upon its sovereignty, security, public policy, or other substantial interest.
- If the provision of such information would interfere with an on-going administrative or judicial investigation, prosecution or proceeding.
- If the requesting country would be unable to comply with a similar request in case such a request was made by the requested country
- If the two countries are part of a bilateral or regional arrangement regarding sharing of customs information, in which case the agreement prevails over the WTO provisions to the extent of the inconsistency

Art.12 – Customs cooperation

What is not covered

The requested country has **no obligation** to:

- Modify the format of their declarations or procedures
- Call for documents other than those submitted with the declaration
- Initiate inquiries to obtain the information;
- Modify the period of retention of such information
- Introduce paper documentation where electronic format has already been introduced;
- Provide any information for which disclosure is not permissible under their domestic laws and regulations; or
- Translate the information and/ or documents

Implementation checklist

A contact point for exchange of information / documents is notified to WTO
Procedure for responding to other Customs administration is clearly defined
Confidentiality issues are clearly addressed

Key questions

- 1 Is your administration already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?

Key questions to be discussed for each measure

- 1 Is your administration already implementing this measure?
- 2 How important is the implementation of this measure for the overall national development strategy?
- 3 What would be the resources required to implement this measure?
- 4 How much time (in months / years) would be required to implement the measure?
- 5 Do you need any external assistance for the implementation of this measure?
- 6 What could be the appropriate category for this measure?
- 7 Which Ministry / department is best suited to lead and ensure implementation of the measure?

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Art.23.2 – National Committee on Trade Facilitation

Art.23.2 – National Committee on Trade Facilitation

Measure description

Establish and/or maintain a national committee or similar mechanism on trade facilitation

- Countries can designate an existing mechanism to perform as national committee

Committee facilitates domestic coordination and implementation of the provision of the TFA

What is not covered

No details on the formal status, nature, type and composition of the national trade facilitation committee

- No requirement to establish a formal multi-agency working group
- Any coordination mechanism to facilitate the implementation of trade facilitation provisions will suffice

Implementation checklist

A mechanism to facilitate the implementation of trade facilitation provisions is in place

Nature of Obligation

“Shall”

Obligated to implement as per description

Thank you for your attention