



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

TRADE
FACILITATION



WCO IMPLEMENTING
WTO ATF

WTO Agreement on Trade Facilitation and The Revised Kyoto Convention

Thimphu, Bhutan 12 June 2014



The structure and the content of the ATF

The WTO Agreement on Trade Facilitation (ATF) contains 13 Articles* regarding Trade Facilitation in Section I and special and differential (S&D) treatment for developing countries and Least-Developed Countries in Section II.

Section I

- Art.1 Publication and availability of information
- Art.2 Consultation
- Art.3 Advance ruling
- Art.4 Appeal/Review procedures
- Art.5 Other measures for transparency etc.
- Art.6 Fee and Charges
- Art.7 Release and Clearance of goods
- Art.8 Border Agency Cooperation
- Art.9 Movement of goods intended for import
- Art.10 Formalities
- Art.11 Transit
- Art.12 Customs cooperation
- Art.13 Institutional Arrangement
(TF Committee)

Section II

Special and Differential Treatment for Developing Countries and Least Developed Countries

- Rules about Categories A, B and C
- Assistance for Capacity Building
- Information to be submitted to the TF Committee
- Final provision

Revised Kyoto Convention

General Annex

- Chapters 1, 3, 4, 5, 6, 7, 8, 9 and 10

Specific Annexes

- A chapter 1
- C chapter 1
- E chapters 1 and 2
- F chapters 1, 2 and 3
- G chapter 1
- H chapter 1

*WT/MIN(13)/36 and WT/L/911

ARTICLE 1 OF THE WCO ATF :

Publication and availability of information

➤ **Publication (to promptly publish information regarding Customs procedures and fees and charges, in a non-discriminatory and easily accessible manner)**

See Standards 9.1 and 9.2 (information of general application) 9.5 (information of specific nature) and 9.9 (decisions and rulings), Chapter 9 of the GA to the RKC (transparency and predictability)

➤ **Information Available Through Internet**

See Standard 9.3, Chapter 9 of the GA to the RKC

➤ **Enquiry Points (establish or maintain one or more enquiry points to provide answers, forms and document in a reasonable time period)**

See ICT Guidelines (RKC Guidelines on the General Annex, Chapter 7)

See also Standards 9.1, 9.4 and 9.8, Chapter 9 of the GA to the RKC

➤ **Notification (of the official place(s) where information has been published. The URLs of websites publishing information)**

See Standards 9.1, 9.4 and 9.8, Chapter 9 of the GA to the RKC.

ARTICLE 2 OF THE WCO ATF :

Opportunity to comment, information before entry into force and consultation

➤ **Opportunity to Comment and Information before Entry into Force**

Standard 1.3 of the General Annex to the Revised Kyoto Convention requires that formal consultative relationships be maintained with the trade

Standard 9.2 of the General Annex to the Revised Kyoto Convention requires that revised information be made available sufficiently in advance of the entry into force of the changes.

➤ **Consultations**

Standard 1.3 of the General Annex to the Revised Kyoto Convention requires that formal consultative relationships be maintained with the trade

Article 3 of the WTO ATF

Advance rulings

➤ **Advance rulings**

Standard 9.9 of the GA to the RKC states that binding rulings shall be issued at the request of the interested person.

The RKC Guidelines to this standard cover many aspects of binding rulings, including their scope, notification, time-limits and use.

Article 4 of the WTO ATF

Appeal or Review Procedures

➤ **Right to Appeal or Review (administrative and judicial appeals)**

All standards of Chapter 10 of the GA to the RKC are about appeals in Customs matters (initial appeals to the Customs and in the final instance to a Judicial authority) .

Article 5 of the WTO ATF

Other Measures to enhance impartiality, Non-discrimination and Transparency

➤ **Notification for enhanced controls or inspections**

Chapter 6 of the GA to the RKC sets out standards on Customs control, risk management and co-operation with other Customs administrations. These provisions do not relate directly to the notification system, but may help with implementation.

➤ **Detention.**

Chapter 1 of SA H to the RKC sets standards on the seizure or detention of goods. It includes several recommended practices regarding detention, Customs control, risk management and co-operation with other Customs administrations. Chapter 6 of the GA to the RKC also sets standards on Customs control.

➤ **Test Procedures (opportunity for a second test where the first test shows an adverse finding)**

Chapter 3 of the GA to the RKC contains a standard on sampling by Customs (3.38)

Article 6 of the WTO ATF

Disciplines on Fees and Charges imposed in connection with importation and exportation

ARTICLE 6 : DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION

1. Several RKC standards stipulate that fees and charges shall be limited to the approximate cost of the services rendered.
2. General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
3. Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
4. Penalty Disciplines

Article 7 of the WTO ATF

Release and Clearance of Goods

➤ **Pre-arrival Processing**

See RKC, GA chapters 3 (standards 3.21 and 3.25) and 7

➤ **Electronic Payment**

See RKC, GA chapter 7

➤ **Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges**

See RKC, GA chapters 3 (standards 3.41 3.42 and 3.43) and 5

➤ **Risk Management**

See RKC, GA chapter 6 (standard 6.3)

➤ **Post-clearance Audit**

See RKC, GA chapter 6 (standard 6.6)

➤ **Establishment and Publication of Average Release Times**

See TRS

➤ **Trade Facilitation Measures for Authorized Operators**

See RKC, GA chapter 3 (standard 3.32)

➤ **Expedited Shipments**

See RKC, GA chapter 3 (standard 3.32); Immediate release guidelines

➤ **Perishable goods**

See RKC, GA chapter 3 (standard 3.34)

Article 8 of the WTO ATF

Border Agency Cooperation

➤ **Border Agency Cooperation**

Standard 3.35 of the Revised Kyoto Convention lays down the principle that the Customs inspection of goods should take place in coordination with other competent authorities.

The SAFE Framework of Standards takes the same approach as the ATF text

Article 9 of the WTO ATF

Movement of goods under Customs Control Intended For Import

- **Movement of goods under customs control intended for import**
 - The movement of goods stipulated in the ATF can be categorized as national transit procedure under the Revised Kyoto Convention (RKC).
 - SA E of the RKC refers to Customs transit and covers national transit procedures.

Article 10 of the WTO ATF

Formalities connected with Importation, exportation and Transit

➤ **Formalities and Documentation Requirements**

See RKC, GA chapter 3 (standards 3.12, 3.13, 3.15, 3.16, 3.17 and 3.19)

➤ **Acceptance of Copies (supporting documents)**

See RKC, GA chapter 3 (standards 3.16 and 3.17)

➤ **Use of International Standard**

See RKC, GA chapter 3 (standard 3.11)

➤ **Single Window**

See RKC, GA chapter 3 (standard 3.35)

➤ **Pre-shipment Inspection**

RKC doesn't cover such provision

➤ **Use of Customs Brokers.**

See GA Standards 3.6. (National legislation shall specify the conditions under which a person is entitled to act as declarant) and 3.7 (Any person having the right to dispose of the goods shall be entitled to act as declarant). See also GA - Chapter 8 (Relationship between the Customs and Third Parties)

➤ **Common Border Procedures and Uniform Documentation Requirements See RKC, GA chapter 3 (standards 3.11 and 3.20)**

➤ **Rejected Goods**

See RKC, GA chapter 3 (standard 3.26) and SA C Chapter 1

➤ **Temporary Admission of Goods/Inward and Outward Processing**

See RKC, GA chapter 3 and SA

Article 11 of the WTO ATF

Freedom of transit

ARTICLE 11 : FREEDOM OF TRANSIT

- The ATF includes several measures that facilitate transit procedure (pre-arrival declaration, prohibit restrictive measures in relation to customs charges, formalities, and inspections other than at the offices of departure and destination). It contains several provisions relating to guarantees.
- Chapter 1 of SA E to the RKC sets out principles concerning Customs transit. It covers procedures such as formalities at the office of departure, Customs seals, formalities en route and termination of Customs transit.
- Chapter 2 to SA E to the RKC concerns transshipment (see also the RKC Guidelines),

Article 12 of the WTO ATF

Customs Cooperation

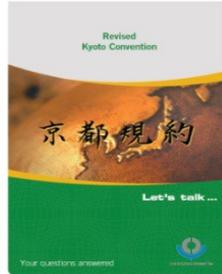
ARTICLE 12 : CUSTOMS COOPERATION

Article 12 of the WTO Agreement on Trade Facilitation (ATF), which concerns Customs Cooperation, sets out the terms and requirements for Members to share information in order to ensure effective customs control, while respecting the confidentiality of the information exchanged. Article 12 allows Members flexibility in terms of establishing the legal basis for information exchange. Members may enter into or maintain bilateral, plurilateral or regional agreements for sharing or exchanging customs information and data, including advance information.

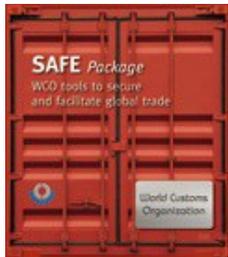
The Revised Kyoto Convention (RKC) provides, in the General Annex (Standard 6.7), that the Customs shall seek to co-operate with other Customs administrations and seek to conclude mutual administrative assistance agreements to enhance Customs control.

1. Measures Promoting Compliance and Cooperation
RKC, GA §§ 1 and 3; RKC, SA H § 1.
2. Exchange of Information
RKC, GA chap6. and 7;

Other WCO tools to support ATF



Revised Kyoto Convention



SAFE Framework of Standards



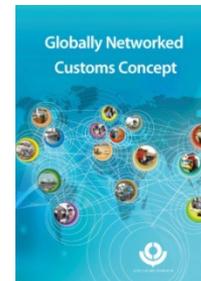
Time Release Study Guide



Single Window Compendium



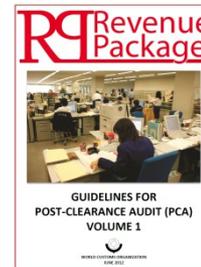
Data Model



Globally Networked Customs



Risk Management Compendium



Post Clearance Audit Guidelines

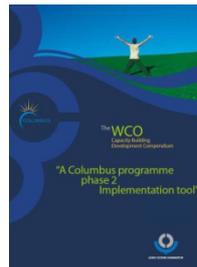
Upcoming



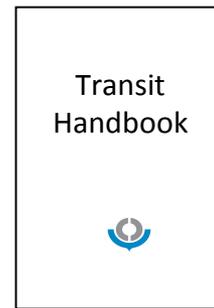
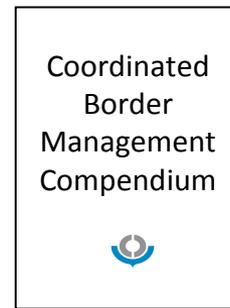
CLiKC



Project Map Database



Capacity Building Development Compendium



WCO Implementation Guidance for the ATF

The WCO has launched on its website the WCO Implementation Guidance for the ATF to support WCO Members in their efforts to implement the ATF

<http://www.wcoomd.org/en/topics/wco-implementing-the-wto-atf/atf.aspx>

Implementation Guidance

The World Customs Organization (WCO), an intergovernmental organization specially mentioned in the Bali Ministerial Declarations, is highlighting its role in the implementation and administration of the WTO Agreement on Trade Facilitation (ATF). The WCO, the centre of excellence on Customs matters world wide, is committed to the efficient implementation of the ATF.

Select an article below to view more information

TRADE FACILITATION

WCO IMPLEMENTING WTO ATF

Search articles:

Article 1 Publication and availability of information 	Article 2 Opportunity to comment, information before entry into force and consultation 	Article 3 Advance rulings 
Article 4 Appeal or review procedures 	Article 5 Other measures to enhance impartiality, non discrimination and transparency 	Article 6 Disciplines on fees and charges imposed on or in connection with importation and exportation 
Article 7 Release and clearance of goods 	Article 8 Border agency cooperation 	Article 9 Movement of goods under customs control intended for import 
Article 10 Formalities connected with importation and exportation and transit 	Article 11 Freedom of transit 	Article 12 Customs cooperation 

WCO Implementation Guidance for the ATF

The Guidance presents the relevance of WCO instruments and tools such as the Revised Kyoto Convention for ATF implementation.

WCO tools for Article 7.7 (Authorized Operators)

Browse Articles ▾

Release and clearance of goods

Search articles

- 1 Pre-arrival Processing
- 2 Electronic Payment
- 3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
- 4 Risk Management
- 5 Post-clearance Audit
- 6 Establishment and Publication of Average Release Times
- 7 Trade Facilitation Measures for Authorized Operators
- 8 Expedited Shipments
- 9 Perishable Goods

OVERVIEW +

WTO ATF +

REVISED KYOTO CONVENTION +

OTHER WCO TOOLS -

SAFE Framework of Standards ([download](#))

The SAFE Framework principally incorporated into its text detailed provisions on the conditions and requirements for Customs and Authorized Economic Operators (AEO), initially developed in a separate document. This addition was driven by the perception that both Customs and its business partners would benefit from having all SAFE and AEO provisions readily available in a single comprehensive instrument.

SAFE Package

The Package includes various tools relating to AEO including AEO Implementation Guidance, the AEO Compendium and Model AEO Appeal Procedures.

- AEO Implementation Guidance ([download](#))
- AEO Compendium ([download](#))
- Model AEO Appeal Procedures ([download](#))
- AEO Benefits: Contribution from the WCO Private Sector Consultative Group([download](#))
- The Authorized Economic Operator and the Small and Medium Enterprise (FAQ) ([download](#))
- Mutual Recognition Arrangement/Agreement Guidelines ([download](#))
- AEO Template ([download](#))

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MEMBERS PRACTICES +

PERFORMANCE INDICATORS +

- Revised Kyoto Convention
- SAFE Framework of Standards
- AEO Implementation Guidance
- AEO Implementation Guidance
- AEO Compendium
- Model AEO Appeal Procedures
- AEO Benefits: Contribution from the WCO Private Sector Consultative Group
- The Authorized Economic Operator and the Small and Medium Enterprise (FAQ)
- Mutual Recognition Arrangement/Agreement Guidelines
- AEO Template

WCO Implementation Guidance for the ATF

The Implementation Guidance introduces Members practices and experiences of implementing the ATF.

Members' experience regarding Article 10.4 (Single Window)

Browse Articles ▶

Formalities connected with importation and exportation and transit



Search articles

- 1 Formalities and Documentation Requirements
- 2 Acceptance of Copies
- 3 Use of International Standards
- 4 Single Window
- 5 Pre-shipment Inspection
- 6 Use of Customs Brokers
- 7 Common Border Procedures and Uniform Documentation Requirements
- 8 Rejected Goods
- 9 a. Temporary Admission of Goods
- 10 b. Inward and Outward Processing

OVERVIEW +

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MEMBER PRACTICES -

Data harmonization for Single Windows: a case study from Oman (WCO News, February 2014) ([download](#))

Qatar introduces the Customs Clearance Single Window (WCO News, February 2014) ([download](#))

New Zealand Single Window opens for business (WCO News, October 2013) ([download](#))

Nigeria develops an organic National Single Window (WCO News, October 2013) ([download](#))

Survey of Single Window Implementation (Single Window Compendium Volume 2)

The WCO Secretariat undertook a survey of Single Window Implementation. A total of 56 WCO member countries participated in the survey. The survey constitutes part of the WCO Single Window Compendium.

- Single Window Compendium Volume 2 ([download](#))

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PERFORMANCE INDICATORS +

New Zealand Single Window opens for business

IN AUGUST 2013 the New Zealand Customs Service (NZCS) and the Ministry for Primary Industries (MPI) officially opened the Trade Single Window (TSW) for business, leveraging the WCO model to improve risk management and facilitation of compliant trade. New Zealand's economic wellbeing relies on efficient international travel and trade, while maintaining a secure border.

During 2012/13 NZCS processed 9.7 million international air passengers, and 6.21 million import and 3.48 million export transactions, while collecting 11,239 billion NZ dollars in revenue. With primary production currently generating more than two thirds of the country's export earnings, effective screening of arriving people, goods and craft for biosecurity risk is an ongoing concern for MPI.

NZCS and MPI have been developing their Joint Border Management System (JBMS) over the last three years. The JBMS modernizes the two agencies' border systems and allows them to better share processes, data and technology. The TSW is a key component of the JBMS, and will ultimately provide a single channel for New Zealand's international cargo industry to submit information and receive responses from border agencies.

Existing border systems

All people, goods, and craft entering and leaving New Zealand must be reported to NZCS, and this is mainly done using electronic messages based on an early United Nations trade facilitation committee data model. Airlines and shipping lines submit information about the aircraft or ship, and its cargo, crew and passengers, in messages, including Inward and Outward Cargo Reports.

Information about arriving ships and crew is currently provided in an emailed form which is shared with MPI and New Zealand's maritime safety agency and port health officers. Commercial importers and exporters or their agents have to submit more detailed information electronically to obtain Customs clearance, including import entries and export entries.

The existing Customs system manages this, identifying craft and cargo that could pose a risk, managing import and export permit controls, collating information for invoicing duty and tax, sending clearance notifications to cargo terminals, and recording the results of inspections and audits for analysis and learning.

Information on export and import cargo that is required to manage biosecurity and food safety risks is also sent to MPI systems. Importers may need to submit a Biosecurity Authority Clearance Certificate (BACC) application to MPI for inbound shipping containers and many imported consignments. They are currently either sent electronically or by fax, and may be supplemented by data passed from Customs' systems.

Importers of certain foods need to email documents to a central processing office to obtain an import permit, and most animal and plant products exported from New Zealand must be accompanied by an approved export certificate which exporters apply for through MPI's export certification systems.

The existing NZCS and MPI systems lack the flexibility to respond to the increasing demands being placed on them to manage border risks while ensuring the smooth flow of trade and travel. The existing systems and border processes are not well integrated, requiring the duplication of data and processing which slows the supply chain.

While many commercial freight software products are able to join up information at the 'front end' for industry users, at the 'back end' the data is sent to the agencies separately, and updating software can be complex when there are changes.

Clients have also been limited to using one mandated 'messaging gateway' for sending electronic messages to NZCS and MPI.

A smarter, swifter border system

The JBMS initiative modernizes the two agencies' border systems and brings a fundamental change to the way NZCS and MPI

operate at the border. It will enable the agencies to work more collaboratively, with shared processes, data and technology.

The TSW will ultimately provide a single channel for importers, exporters and their agents to provide information required by border agencies. It will cut out the duplication of data and transactions required for submitting information to the agencies' separate systems (see illustration).

The richer information available in new messages will be shared by NZCS and MPI to support New Zealand's border and revenue protection, and management of biosecurity and food safety risks. The country's maritime safety agency and port health officers will also access information about craft and crew, and give directions to ships via the TSW.

New message formats

The new electronic craft and cargo reporting and clearance messages are one of three key changes as a result of the TSW. They are based on Version 3.2 of the WCO Data Model (WDM3), enabling information requirements to be harmonized across the border agencies as much as possible. New Zealand border agencies have been closely involved in the development of the WDM3, and are now amongst the first agencies to use the new message formats.

These new WDM3 messages will ultimately replace the current or 'legacy' craft arrival and departure notices, inward and outward cargo reports and import and export clearance documents. The messages will be shared by the border agencies, starting with NZCS, MPI, Maritime New Zealand and port health officers.

For example, the new WDM3-based Import Declaration combines the Customs, biosecurity and prescribed food information required for clearance, in one message. Clients can move to the new WDM3 messages as they are introduced, or continue to use the current 'legacy' messages until the new messages are mandated. NZCS and MPI are consulting with industry on the mandatory date, but it will be no earlier than December 2014.

New connection options

The second key change with the TSW is the availability of new options for clients to submit messages, providing the opportunity to reduce transaction costs. Clients



Thank You For Your Attention

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