

<b>1 ARTICLE 10 OF THE AGREEMENT ON TRADE FACILITATION .....</b>	<b>1</b>
1.1 Text of Article 10 .....	1
1.2 General .....	3
1.3 Article 10.4.3: Operation of the Single Window .....	4
1.4 Article 10.6.2: The use of customs brokers .....	4

## **1 ARTICLE 10 OF THE AGREEMENT ON TRADE FACILITATION**

### **1.1 Text of Article 10**

#### ***Article 10: Formalities Connected with Importation, Exportation and Transit***

##### **1     *Formalities and Documentation Requirements***

1.1 With a view to minimizing the incidence and complexity of import, export, and transit formalities and to decreasing and simplifying import, export, and transit documentation requirements and taking into account the legitimate policy objectives and other factors such as changed circumstances, relevant new information, business practices, availability of techniques and technology, international best practices, and inputs from interested parties, each Member shall review such formalities and documentation requirements and, based on the results of the review, ensure, as appropriate, that such formalities and documentation requirements are:

- (a) adopted and/or applied with a view to a rapid release and clearance of goods, particularly perishable goods;
- (b) adopted and/or applied in a manner that aims at reducing the time and cost of compliance for traders and operators;
- (c) the least trade restrictive measure chosen where two or more alternative measures are reasonably available for fulfilling the policy objective or objectives in question; and
- (d) not maintained, including parts thereof, if no longer required.

1.2 The Committee shall develop procedures for the sharing by Members of relevant information and best practices, as appropriate.

##### **2     *Acceptance of Copies***

2.1 Each Member shall, where appropriate, endeavour to accept paper or electronic copies of supporting documents required for import, export, or transit formalities.

2.2 Where a government agency of a Member already holds the original of such a document, any other agency of that Member shall accept a paper or electronic copy, where applicable, from the agency holding the original in lieu of the original document.

2.3 A Member shall not require an original or copy of export declarations submitted to the customs authorities of the exporting Member as a requirement for importation. (footnote omitted)

##### **3     *Use of International Standards***

3.1 Members are encouraged to use relevant international standards or parts thereof as a basis for their import, export, or transit formalities and procedures, except as otherwise provided for in this Agreement.

3.2 Members are encouraged to take part, within the limits of their resources, in the preparation and periodic review of relevant international standards by appropriate international organizations.

3.3 The Committee shall develop procedures for the sharing by Members of relevant information, and best practices, on the implementation of international standards, as appropriate. The Committee may also invite relevant international organizations to discuss their work on international standards. As appropriate, the Committee may identify specific standards that are of particular value to Members.

#### **4**     *Single Window*

4.1 Members shall endeavour to establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.

4.2 In cases where documentation and/or data requirements have already been received through the single window, the same documentation and/or data requirements shall not be requested by participating authorities or agencies except in urgent circumstances and other limited exceptions which are made public.

4.3 Members shall notify the Committee of the details of operation of the single window.

4.4 Members shall, to the extent possible and practicable, use information technology to support the single window.

#### **5**     *Preshipment Inspection*

5.1 Members shall not require the use of preshipment inspections in relation to tariff classification and customs valuation.

5.2 Without prejudice to the rights of Members to use other types of preshipment inspection not covered by paragraph 5.1, Members are encouraged not to introduce or apply new requirements regarding their use.

#### **6**     *Use of Customs Brokers*

6.1 Without prejudice to the important policy concerns of some Members that currently maintain a special role for customs brokers, from the entry into force of this Agreement Members shall not introduce the mandatory use of customs brokers.

6.2 Each Member shall notify the Committee and publish its measures on the use of customs brokers. Any subsequent modifications thereof shall be notified and published promptly.

6.3 With regard to the licensing of customs brokers, Members shall apply rules that are transparent and objective.

#### **7**     *Common Border Procedures and Uniform Documentation Requirements*

7.1 Each Member shall, subject to paragraph 7.2, apply common customs procedures and uniform documentation requirements for release and clearance of goods throughout its territory.

7.2 Nothing in this Article shall prevent a Member from:

- (a) differentiating its procedures and documentation requirements based on the nature and type of goods, or their means of transport;
- (b) differentiating its procedures and documentation requirements for goods based on risk management;

- (c) differentiating its procedures and documentation requirements to provide total or partial exemption from import duties or taxes;
- (d) applying electronic filing or processing; or
- (e) differentiating its procedures and documentation requirements in a manner consistent with the Agreement on the Application of Sanitary and Phytosanitary Measures.

## 8 *Rejected Goods*

8.1 Where goods presented for import are rejected by the competent authority of a Member on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or to return the rejected goods to the exporter or another person designated by the exporter.

8.2 When such an option under paragraph 8.1 is given and the importer fails to exercise it within a reasonable period of time, the competent authority may take a different course of action to deal with such non-compliant goods.

## 9 *Temporary Admission of Goods and Inward and Outward Processing*

### 9.1 Temporary Admission of Goods

Each Member shall allow, as provided for in its laws and regulations, goods to be brought into its customs territory conditionally relieved, totally or partially, from payment of import duties and taxes if such goods are brought into its customs territory for a specific purpose, are intended for re-exportation within a specific period, and have not undergone any change except normal depreciation and wastage due to the use made of them.

### 9.2 Inward and Outward Processing

- (a) Each Member shall allow, as provided for in its laws and regulations, inward and outward processing of goods. Goods allowed for outward processing may be reimported with total or partial exemption from import duties and taxes in accordance with the Member's laws and regulations.
- (b) For the purposes of this Article, the term "inward processing" means the customs procedure under which certain goods can be brought into a Member's customs territory conditionally relieved, totally or partially, from payment of import duties and taxes, or eligible for duty drawback, on the basis that such goods are intended for manufacturing, processing, or repair and subsequent exportation.
- (c) For the purposes of this Article, the term "outward processing" means the customs procedure under which goods which are in free circulation in a Member's customs territory may be temporarily exported for manufacturing, processing, or repair abroad and then re-imported.

## **1.2 General**

1. Transparency notifications under section I of the TFA are to be provided by all WTO Members irrespective of their level of development in four particular areas. These are mandated under Articles 1.4, 10.4.3, 10.6.2, and 12.2.2.

### **1.3 Article 10.4.3: Operation of the Single Window**

2. To date, eighty-seven (87) Members<sup>1</sup> have presented notifications under this provision. All types of notifications under the TFA can be found in document series: [WT/PCTF/N/\\*](#) and [G/TFA/N/\\*](#). They are also publicly accessible through the Trade Facilitation Agreement Database (<https://www.tfadatabase.org/>).

### **1.4 Article 10.6.2: The use of customs brokers**

3. To date, one-hundred and eighteen (118) Members<sup>2</sup> have presented notifications under this provision. All types of notifications under the TFA can be found in document series: [WT/PCTF/N/\\*](#) and [G/TFA/N/\\*](#). They are also publicly accessible through the Trade Facilitation Agreement Database (<https://www.tfadatabase.org/>).

Current as of: June 2024

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<sup>1</sup> This figure includes all European Union member States counted individually, as well as the European Union itself due to the existence of notifications made on behalf of the European Union as a whole.

<sup>2</sup> This figure includes all European Union member States counted individually, as well as the European Union itself due to the existence of notifications made on behalf of the European Union as a whole.