



# Fact sheet: The WTO Agreement on Trade Facilitation

## Article by Article Summary of the Agreement on Trade Facilitation

Article	Issue	Scope	Examples of benefits for Australian traders
1	Publication and availability of information	Members will be required to publish information on their customs procedures, including the forms, fees and charges applicable to importation. Members must also establish Enquiry Points to answer questions and provide documentation.	<ul style="list-style-type: none"><li>› Australian traders will be able to access forms and information on customs procedures on the internet.</li><li>› This will create quick and cheap access, and certainty about how their goods will be treated at the border.</li><li>› If Australian traders have questions about customs procedures, they will be able to seek answers from a country's enquiry point.</li></ul>
2	Opportunity to comment, information before entry into force, and consultations	Members will be required to provide an opportunity for traders to comment on new or amended customs laws and regulations, and to allow a reasonable period of time between their publication and entry into force.	<ul style="list-style-type: none"><li>› The Australian government and Australian traders will be given the opportunity to comment on new or amended customs legislation of other countries.</li><li>› Australian traders will be given time to adapt to new customs requirements.</li></ul>
3	Advance rulings	Members' customs authorities will be required to provide rulings to traders, upon written request, confirming how the trader's goods will be treated upon arrival to that country, e.g. how the goods will be classified.	<ul style="list-style-type: none"><li>› Australian traders will be able to access rulings on the tariff classification of their goods, prior to exportation.</li><li>› This will provide Australian traders certainty about the treatment and tariffs their goods will incur, preventing disputes at the border.</li></ul>
4	Procedures for appeal or review	Members will be required to provide appeal mechanisms to challenge the decisions by customs on goods, including rights to further appeal or review for traders if the decision on appeal is taking too long.	<ul style="list-style-type: none"><li>› Australian exporters will have more rights in instances where the customs authority has failed to make a decision, or where the appeal processes are unreasonably long.</li></ul>
5	Other measures to enhance impartiality, non-discrimination and transparency	Sets disciplines for how Members operate systems for border controls to ensure that controls aren't strengthened or maintained unnecessarily. Members would also be required to notify exporters if their goods are detained.	<ul style="list-style-type: none"><li>› If Australian goods are detained for customs inspections, they will be notified.</li></ul>
6	Disciplines on fees and charges imposed on or in connection with importation and exportation and penalties	Members will be required to limit fees and charges to the cost of services and ensure that penalties are commensurate with the degree and severity of the breach. They will also be required to provide an explanation for any penalties imposed for a breach of customs laws.	<ul style="list-style-type: none"><li>› Australian traders that have been subjected to penalties will receive explanations of the penalties.</li><li>› The penalties must be linked to the severity of the breach.</li><li>› Conflicts of interest with customs officials will be minimised.</li></ul>
7	Release and clearance of goods	Members will be required to establish procedures and objectives for customs authorities	<ul style="list-style-type: none"><li>› Australian exporters will have the option of submitting all necessary paperwork prior to the arrival of their goods in the</li></ul>

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		to draw upon to clear goods. The article contains nine disciplines, covering: pre-arrival processing of import documents; electronic payment; allowing goods to be released where the amount of duty still hasn't been determined; the use of risk management procedures and post clearance audits to minimise inspections; tracking of average release times; the establishment of authorised operator schemes and expedited shipment schemes; and procedures to be used for perishable goods.	<ul style="list-style-type: none"> <li>export market, to speed up their release time</li> <li>› Australian exporters will be able to take advantage of electronic payment options</li> <li>› Border inspections should become less frequent due to the enhancement of risk management and post-clearance audit, reducing trade costs for Australian exports</li> <li>› Under the perishable goods provision, Customs will prioritise the examination and release of perishable goods, helping Australian agricultural exporters.</li> </ul>
8	Border agency cooperation	Members' border agencies will be encouraged to cooperate domestically and with their counterparts in neighbouring countries.	<ul style="list-style-type: none"> <li>› The duplication of controls between border agencies will be decreased, reducing the costs and effort for Australian traders trying to pass their goods through borders.</li> </ul>
9	Movement of Goods Intended for Import under Customs Control	Members will be required to allow goods intended for import to be moved within its territory from one customs office to another, to the point where the goods would be released or cleared.	<ul style="list-style-type: none"> <li>› Australian goods will be able to enter territories at the most convenient point and move the goods throughout the territory, prior to clearance.</li> </ul>
10	Formalities connected with importation, exportation and transit	Members will be required to streamline and simplify formalities (ie. forms and customs checks) connected with trade and remove some unnecessary requirements or constraints in the import/export process. Members are encouraged to establish/maintain a 'single window'.	<ul style="list-style-type: none"> <li>› Customs processing will be cheaper and easier for Australian traders.</li> </ul>
11	Freedom of transit	Members will be required to minimise restrictions on goods transiting through their territories (e.g limitations on the amount of guarantee requested).	<ul style="list-style-type: none"> <li>› Australian exporters to land-locked countries will benefit from easier and cheaper transit regulations.</li> </ul>
12	Customs cooperation	This provision relates to the sharing of information between governments to verify information on specific imports or exports. For example, Members shall hold all information or documents provided by the requested Member strictly in confidence, respect any case-specific conditions set out by the requested Member regarding retention and disposal of confidential information or documents and personal data; and upon request, inform the requested Member of any decisions and actions taken on the matter as a result of the information or documents provided.	<ul style="list-style-type: none"> <li>› This provision is primarily intended to benefit customs administrations rather than traders, and will provide the Australian Government with a mechanism to seek information from foreign customs administrations in cases where the truth or accuracy of information submitted by an importer/exporter is in doubt.</li> </ul>
13-22	Special and	Section II of the Agreement	<ul style="list-style-type: none"> <li>› These articles are primarily intended to</li> </ul>

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	differential treatment	provides developing and least-developed countries with special and differential treatment to other WTO Members in its implementation requirements.	benefit least-developed countries. Under Article 20, Members are obliged to recognise the special situation of least-developed countries to protect them from unnecessary disputes. Under Article 21, donor countries are encouraged to help developing and least-developed countries build their sustainable capacity to implement to their commitments.
23	Committee on Trade Facilitation	This provision requires all Members to establish/maintain a National Committee on Trade Facilitation.	› This provision is intended to ensure Members facilitate domestic coordination and implementation of the provisions of the agreement.