

Technical note on the WTO Trade Facilitation Agreement

Article 10.2: Acceptance of copies

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Acceptance of copies: Article 10.2

Given the large number of documents required to import, export or transit goods, it is burdensome for traders to provide the original record of all documents to all agencies. In some cases, the same documents are required by more than one authority.

Article 10.2 requests WTO Members to accept electronic and paper copies of requested documents. This measure builds on Article 10.1 which requires WTO Members to simplify and reduce the number of documents and trade formalities necessary to trade.

Members shall accept paper or electronic copies of supporting documents required for import, export or transit formalities.

The measure

ARTICLE 10 FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT

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.

Understanding the measure

What is covered?

Scope

Members are required to reduce the burden of compliance for traders by requesting their border agencies to accept:

- Paper or electronic copies of required documentation; and
- Paper or electronic copies from other authorities to which the original has already been submitted.

The measure also requires Members not to request from the importer an original or copy of the export declaration already submitted to the customs of the exporting Member.

Core obligation

Article 10.2 requires WTO Members to make arrangements to accept paper or electronic copies of required documentation imposed on export, import and transit formalities. However, the use of qualifying words – ‘shall, where appropriate, to endeavour’ – indicates that while Members are required to make efforts to undertake certain steps towards compliance, they are not obliged to achieve a specific outcome.

Transmission of documents between agencies

When a government agency holds the original copy of a document that has been submitted by a trader, any other agency of the country must accept a paper or electronic copy of that document from the agency that

possesses the original one. The copy, in this case, must be considered as having the same legal effect as the original document.

However, the use of the words 'where applicable' gives some flexibility by allowing each Member to evaluate in which specific cases the operationalization of this action is deemed admissible.

Export declarations

Members are also required not to request original or copies of export declarations submitted to customs authorities of an exporting member country as a prerequisite to process the import of goods in their territory.

In this case, the use of words 'shall not require' obliges Members to fully implement this provision.

Importation of controlled or regulated goods

A footnote to paragraph 2.3 specifies that nothing prevents Members from requesting documents such as certificates, permits or licenses from traders as a requirement for the importation of controlled or regulated goods. Therefore, authorities in the importing member country have the absolute right to request these documents to clear controlled or regulated goods in their territory.

Benefits and opportunities for stakeholders

Acceptance of copies – both paper and electronic – of supporting documents significantly reduces the time and cost of completing import and export transactions, and reduces the burden of compliance for businesses, especially for SMEs. In particular, rural SMEs will not have to be physically present to deliver requested supporting documents.

This measure will also improve the efficiency of public administration procedures, leading to a reduction in bottlenecks and duplications resulting from multiple documentary and other requirements from different agencies.

Implementation

Implementation checklist

The following checklist may be used to estimate the level of compliance with the measure:

- All government agencies accept paper or electronic copies of supporting documents required for import, export and transit transactions.
- Government agencies accept paper or electronic copies from another government agency if the latter holds the original of the required document.
- Government agencies do not require originals or copies of export declarations submitted to customs authorities of the exporting country as a requirement for importation.
- Government agencies publish and make widely available new documentation and procedural requirements.

Preparing a national implementation plan

The following template may be used as a basis for the national implementation plan:

Implementation sequence	Actions suggested
	Preparatory phase
	If needed, adopt legal, administrative and ICT-related measures to introduce acceptance of paper and electronic copies.
	Designate a focal ministry, with the NTFC, responsibility for overseeing the adoption of this measure.
	Set-up phase
	If required, introduce legal, regulatory and administrative amendments.
	Conduct business process analysis of existing procedures and documentation to create/improve streamlined systems for accepting paper and electronic copies and test their user-friendliness and efficiency.
	Put in place a protocol of coordination with all relevant agencies so that documents and data may be shared.
	Assign sufficient staff and train them.
	Undertake a robust public awareness-raising campaign.
	Management and follow-up phase
	Conduct regular review of formalities, business processes and documentation requirements relating to import, export and transit.
	Encourage users to give feedback and evaluation on implementation.
Average time for implementation	Between two to three years.
Lead implementation agency	Ministry of trade, with the NTFC, is most commonly chosen as the leading implementation agency.

Key challenges

Lack of an appropriate national administrative framework that can allow paper-based or electronic acceptance of copies is a critical challenge for the implementation of this measure. Lack of existing procedures or systems for sharing information – especially using ICT tools – across agencies at the national level is also a key challenge.

Key factors for success

An appropriate legal and/or administrative framework which allows the paper and electronic exchange of documents is the necessary pre-condition to make this provision work successfully. Harmonious coordination among relevant border agencies and more confident use of ICT tools are also critical success factors.