Article 4.13: Trade Facilitation Measures for Authorised Operators

1. Each Party shall provide additional trade facilitation measures related to import, export, or transit formalities and procedures, pursuant to paragraph 3, to operators who meet specified criteria, (hereinafter referred to as "authorised operators" in this Chapter). Alternatively, a Party may offer such trade facilitation measures through customs procedures generally available to all operators and is not required to establish a separate scheme.

2. The specified criteria to qualify as an authorised operator shall be related to compliance, or the risk of non-compliance, with requirements specified in a Party's laws, regulations, or procedures.

   (a) Such criteria, which shall be published, may include:

      (i) an appropriate record of compliance with customs and other related laws and regulations;

      (ii) a system of managing records to allow for necessary internal controls;

      (iii) financial solvency, including, where appropriate, provision of a sufficient security or guarantee; and

      (iv) supply chain security.

   (b) Such criteria shall not:

      (i) be designed or applied so as to afford or create arbitrary or unjustifiable discrimination between operators where the same conditions prevail; and

      (ii) to the extent possible, restrict the participation of small and medium enterprises.

3. The trade facilitation measures provided pursuant to paragraph 1 shall include at least three of the following measures:[4]

   (a) low documentary and data requirements, as appropriate;

   (b) low rate of physical inspections and examinations, as appropriate;

   (c) rapid release time, as appropriate;

   (d) deferred payment of duties, taxes, fees, and charges;

   (e) use of comprehensive guarantees or reduced guarantees;

   (f) a single customs declaration for all imports or exports in a given period; and

   (g) clearance of goods at the premises of the authorised operator or another place authorised by a customs authority.

4. Each Party is encouraged to develop authorised operator schemes on the basis of international standards, where such standards exist, except when such standards would be an inappropriate or ineffective means for the fulfilment of the legitimate objectives pursued.

5. In order to enhance the trade facilitation measures provided to operators, each Party shall afford to other Parties the possibility of negotiating mutual recognition of authorised operator schemes.

6. The Parties are encouraged to cooperate, where appropriate, in developing their respective authorised operator schemes using the contact points designated pursuant to Article 4.20 (Consultations and Contact Points) and the Committee on Goods through the following:

   (a) exchanging information on such schemes and on initiatives to introduce new schemes;

   (b) sharing perspectives on business views and experiences, and best practices in business outreach;

   (c) sharing information on approaches to mutual recognition of such schemes; and

   (d) considering ways to enhance the benefits of such schemes to promote trade, and, in the first instance, to designate customs officers as coordinators for authorised operators to resolve customs issues.

[4] Measures listed in subparagraphs (a) through (g) will be deemed to be provided to authorised operators if it is generally available to all operators.