ADDITIONAL PROTOCOL 5

TO THE AGREEMENT ON AMENDMENT OF AND ACCESSION TO THE CENTRAL EUROPEAN FREE TRADE AGREEMENT

Preamble

Having in mind the Ministerial Conclusions of 21 November 2014 on emphasising the importance of undertaking efforts aimed at deepening the implementation of the Agreement on Amendment of and Accession to the Central European Free Trade Agreement (hereinafter referred to as "CEFTA 2006"), and taking into account the provisions of Articles 12, 13 and 14(4) of the CEFTA 2006;

Having resolved to eliminate the obstacles to their mutual trade, in accordance with the provisions of the Marrakesh Agreement Establishing the World Trade Organisation (hereinafter referred to as "WTO"), and to progressively establish closer trade relations;

Having resolved to conduct their mutual trade relations in accordance with the rules and disciplines of the WTO, whether or not they are Members of the WTO;

Taking into full account the importance of the positive contribution of trade facilitation to economic development;

Emphasising the role of the EU alignment process in triggering the mutual recognition of programmes, documents, and inspections among CEFTA Parties, as foreseen by this Additional Protocol 5 (hereinafter, the Protocol);

Considering that no provision of this Agreement may be interpreted as exempting the CEFTA Parties from their obligations under other international agreements, especially the WTO;

Having resolved to strengthen trade-economic relations and mutual understanding among CEFTA Parties;

Acknowledging the importance of international cooperation, and also the strive to expand regional cooperation;

Considering that the CEFTA Parties are determined to improve security in the trade in goods entering or exiting their territories, without hampering trade flows;

Seeking to facilitate trade development through the introduction of modern forms and methods of inspection;

Acknowledging the need to exchange data by employing electronic instruments with the aim of strengthening and improving the quality of risk analysis by CEFTA Parties;

Underlining the necessity of investment on information and communication technologies to facilitate the electronic exchange of documents among CEFTA Parties, as required by this Protocol;

Emphasising the importance of a complete review to be undertaken by each CEFTA Party confirming the readiness of its information and communication technology infrastructure for the implementation of the provisions of this Protocol requiring the electronic exchange of data at the national level;

Expressing the readiness of CEFTA Parties to cooperate with the European Union and other international donors willing to co-finance the necessary investments to cater to the information and communication technology needs of CEFTA Parties for the implementation of the Protocol; and

Considering that CEFTA Parties have adequate level of personal data protection;

The CEFTA Joint Committee, in the presence of all CEFTA Parties, has agreed as follows:

Article 1
Definitions

For the purposes of this Protocol:

(a)   "data" means any data, whether or not processed or analysed, and documents, reports and other communications in any format, including electronic, or certified or authenticated copies thereof;

(b)   "inspections" means any operation whereby the customs authorities or any other inspection or control authority carries out the physical examination or visual inspection of the means of transport or of the goods themselves in order to ascertain that their nature, origin, condition, health, safety, quantity and value are in conformity with the particulars contained in the documents produced;

(c)   "formalities" means any formality to which an economic operator is subject to by the authorities and which consists in the production or examination

of documents, certificates accompanying the goods, or other particulars, irrespective of the method or medium employed, relating to the goods or the means of transport;

(d)   "risk" means the likelihood of an event occurring in connection with the entry, exit, transit, transfer and end-use of goods moving between the customs territories of CEFTA Parties and between the customs territory of one of the CEFTA Parties and third countries, and the presence of goods not in free circulation in the territory of one of the CEFTA Parties, which jeopardises safety and security of the CEFTA Parties, the protection of health and life of humans, animals or plants, and the environment;

(e)   "risk management"' means the systematic identification of risk and implementation of all measures necessary for limiting exposure to risk. This includes activities such as collecting data and information, analysing and assessing risk, prescribing and taking action and regular monitoring and review of the process and its outcomes, based on sources and strategies defined by the CEFTA Parties, at the national, regional, or international level;

(f)   "risk assessment on pre-arrival data" means risk analysis and other analytical activities using the data sent by the CEFTA Party of export, when the relevant document is accepted in the IT system of the concerned authority of the CEFTA Party of import, and the data for goods in transit;

(g)   "authorised economic operators" means an economic operator established in one of the CEFTA Parties, which is deemed reliable in the context of its customs related operations and that, therefore, is entitled to enjoy benefits in one or more CEFTA Parties; and

(h)   "border" means any crossing point where goods enter into and/or exit from the customs territory of a CEFTA party.

Article 2
Scope

2.1.   Without prejudice to special provisions in force under legal acts concluded between CEFTA Parties, this Protocol shall apply to the simplification of inspections, reduction of formalities to the possible maximum extent, exchange of data concerning the carriage of goods between CEFTA Parties and cooperation of trade partnership programmes.

2.2.   This Protocol shall not apply to inspections or formalities concerning ships and aircraft as means of transport. However, it shall apply to vehicles and goods carried by the said means of transport.

2.3.   The activities undertaken by the CEFTA Parties for purposes of the implementation of this Protocol shall be in line with their national legislation.

Article 3
General Objective

In accordance with this Protocol and its Annexes, which forms integral part of the Protocol, the CEFTA Parties shall:

1)   simplify inspections related to all clearance procedures and reduce formalities to the possible maximum extent;

2)   exchange data between customs authorities to the extent that each national legislation allows;

3)   mutually recognise the national Authorised Economic Operators' Programmes in each CEFTA Party, provided that both the legislation and implementation of each national programme is fully in line with the relevant EU *acquis*.

Article 4
Extension of the Scope

4.1.   In order to serve the overall objective of trade facilitation and of deterrent security, and safety related controls, CEFTA Parties may extend the scope of data exchanged electronically in order to include other authorities, than the customs authorities, in the electronic exchange of data and may strengthen the cooperation between their border and other control agencies with respect to the following:

a) alignment of working days and hours;

b) alignment of procedures and formalities;

c) development and sharing of common facilities;

d) joint controls; and

e) establishment of one stop border post control.

4.2. In order to facilitate regional trade through the simplification of customs and other related procedures for the clearance of goods, and to reduce customs clearance formalities, data shall be exchanged among CEFTA Parties upon pre-arrival.

4.3. CEFTA Parties shall exchange data contained in customs declarations, documents accompanying customs declarations and certificates, and any other relevant information required for clearance of the goods.

Article 5
Risk Management

5.1. CEFTA Parties shall exchange data by means of electronic instruments with the aim of:

a) strengthening and improving the quality of their risk analysis and the effectiveness of security-related controls;

b) establishing a common framework for risk management, common risk criteria and common priority control areas for CEFTA at the regional level; and

c) setting up an electronic system to implement joint risk-management among CEFTA Parties.

5.2. Each CEFTA Party shall adopt or maintain a risk management system for inspection by all competent authorities at all stages of the customs clearance. The review of the state-of-play shall be reported annually to the CEFTA Committee of Trade Facilitation.

5.3. Each CEFTA Party shall design and apply risk management with a view to avoid arbitrary or unjustifiable discrimination between CEFTA Parties where the same conditions prevail, or a disguised restriction on trade between CEFTA Parties.

5.4. Each CEFTA Party shall concentrate customs controls and, to the extent possible, other relevant border controls, on high-risk consignments and expedite the release of low-risk consignments. A CEFTA Party also may select, on a random basis, consignments for such controls as part of its risk management.

5.5.   Each CEFTA Party shall base risk management on an assessment of the risk through appropriate selectivity criteria. Such selectivity criteria may include, *inter alia,* the Harmonized System, nature and description of the goods, country of origin, country from which the goods were shipped, value of the goods, compliance record of traders, and type of means of transport.

5.6.   CEFTA Parties shall exchange, to the maximum extent possible, the statistical data regarding the performance of the application of their risk analysis, and the results of their inspections and selectivity criteria in the clearance of goods.

5.7.   Each CEFTA Party shall confirm with other CEFTA Parties, through written communication to the CEFTA Committee of Trade Facilitation, not later than three years after this Protocol enters into force, the following information:

a) That the competent authorities, which are involved in the clearance of goods, have a team or unit in place tasked with designing, regularly reviewing and updating the risk management systems;

b) The contact points within each competent authority that is responsible for risk management; and

c) The common or compatible risk management systems for their entire customs territory.

5.8.   CEFTA Parties are encouraged to adopt procedures allowing risk communication among CEFTA Parties through which information concerning risk may be exchanged among the competent authorities, which are involved in the clearance of goods.

Article 6
Notifications for Enhanced Controls or Inspections

6.1.   When a CEFTA Party adopts or maintains a system of issuing notifications or guidance to its competent authorities, involved in the clearance of good, for the purposes of enhancing the level of controls or inspections at the border with respect to foods, beverages, or feedstuffs covered under the notification or guidance for protecting human, animal, or plant life or health within its territory, the following disciplines shall apply with respect to their issuance, termination, or suspension:

(a) the notification or guidance based on risk may be issued, as appropriate;

(b) the notification or guidance may be issued, so that it applies uniformly only to those points of entry where the sanitary and phytosanitary conditions on which the notification or guidance are based apply;

(c) the notification or guidance shall be promptly terminated or suspended, when circumstances giving rise to it no longer exist, or if changed circumstances can be addressed in a less trade-restrictive manner; and

(d) the notification or guidance, when a decision to terminate it or suspend it is made, shall be promptly published. The announcement of its termination or suspension shall be made in a non-discriminatory and easily accessible manner, or information shall be provided to the exporting CEFTA Party or the economic operator.

6.2   All the notifications, as foreseen in this paragraph, will be made electronically available in the websites of the competent authorities of the CEFTA Parties issuing the notifications. Each CEFTA Party shall make available, in its national language and in English, a list identifying which information and/or notification shall be communicated on which websites of their administrations. The same list shall be published in the CEFTA Transparency Pack.

6.3.   A CEFTA Party shall promptly inform the carrier or importer in case of detention of goods declared for importation, for inspection by customs or any other competent authority.

6.4.   A CEFTA Party may, upon request, grant an opportunity for a second test in case the first test result of a sample, taken by the competent authority upon arrival of the goods declared for importation, shows an adverse finding.

6.5.   A CEFTA Party shall either publish, in a non-discriminatory and easily accessible manner, the name and address of any laboratory where the test can be carried out, or provide this information to the importer when it is granted the opportunity provided under Paragraph 6.4.

6.6.   A CEFTA Party shall consider the result of the second test, if any, conducted under Paragraph 6.4, for the release and clearance of goods and, if appropriate, shall accept the results of such test.

Article 7
Publication of Fees and Charges Imposed on or in Connection with
Importation and Exportation and Penalties

7.1.   The provisions of this Article shall apply to all fees and charges, other than import and export duties and other than taxes within the purview of Article III of GATT 1994, imposed by CEFTA Parties on or in connection with the importation or exportation of goods.

7.2.   Information on fees and charges shall be made electronically available by the competent authorities of each CEFTA Party, and shall be published in accordance with Article 1 of the WTO Agreement on Trade Facilitation. This information shall include the fees and charges that will be applied, the reason for such fees and charges, the responsible authority, and when and how payment is to be made.

7.3.   In the implementation of this Article, the publications of all fees and charges, including all the details as specified by Paragraph 7.2, shall be made available both in the national language of the CEFTA Party issuing the publications and in English.

7.4.   All the publications related to fees and charges, as foreseen in Paragraph 7.2, shall be made electronically available in the websites of the relevant competent authorities of the CEFTA Parties. Each CEFTA Party shall make available for the CEFTA Transparency Pack a single list, in its national language and in English, exhaustively identifying and compiling all the fees and charges, the reasons for such fees and charges, and the competent authority, as well as information on when and how the payment is to be made. These single lists provided by CEFTA Parties shall be reviewed annually, and shall be promptly updated by the relevant CEFTA Party after a change is made in the composition of these single lists.

7.5.   No new or amended fees and charges shall be applied before an adequate time period has lapsed since their publication, except in urgent circumstances. CEFTA Parties will ensure that legislation on new or amended fees and charges shall be available in accordance with Paragraph 7.3 before time period has lapsed since their publication and application. In case of urgency, the CEFTA Party shall inform the CEFTA Committee of Trade Facilitation, in written form, of the date of entry into force of new or amended fees and charges, and the reasons for urgency action.

7.6.   Each CEFTA Party shall periodically review its fees and charges with a view to reducing their number and diversity, where practicable. These

periodical reviews shall be made annually by the CEFTA Parties. The reports of annual reviews shall be submitted to the CEFTA Committee of Trade Facilitation by each CEFTA Party. The first review reports shall be submitted at the first meeting of the CEFTA Committee of Trade Facilitation held one year after the date of entry into force of the Protocol.

7.7.   Fees and charges for customs processing:

   a) shall be limited in the amount to the approximate cost of the services rendered in connection with the specific import or export operation in question; and
   b) are not required to be linked to a specific import or export operation, provided that they are levied for services that are closely connected to the customs processing of goods.

7.8.   For the purpose of Paragraphs 9 to 15, the term "penalties" shall mean those imposed by a CEFTA Party's customs administration, or other competent authorities responsible for the clearance of imported/exported goods or goods in transit, as a consequence of a breach of the CEFTA Party's customs laws, regulations, or procedural requirements, or of any other law, regulation, or procedural requirement applicable to imports, exports and transit.

7.9.   Each CEFTA Party shall ensure that penalties for a breach of a customs law, regulation, or procedural requirement, or all other laws, regulations, or procedural requirements applicable for exports, imports and transit, are imposed only on the person(s) responsible for the breach under its laws.

7.10.   The penalty imposed shall depend on the facts and circumstances of the case and shall be commensurate to the degree and severity of the breach.

7.11.   Each CEFTA Party shall ensure that it maintains measures to avoid:

   (a) conflicts of interest in the assessment and collection of penalties and duties; and

   (b)   the creation of an incentive for the assessment or collection of a penalty that is inconsistent with paragraph 7.8.

7.12.   Each CEFTA Party shall ensure that, when a penalty is imposed for a breach of customs laws, regulations, or procedural requirements or of all other laws, regulations, or procedural requirements applicable to imports, exports, and transit, an explanation in writing is provided to the

person(s) upon whom the penalty is imposed specifying the nature of the breach and the applicable law, regulation or procedure under which the amount or range of penalty for the breach has been prescribed.

7.13. When a person voluntarily discloses to a CEFTA Party's customs administration the circumstances of a breach of a customs law, regulation, or procedural requirement, or to other agencies the circumstance of a breach of other laws, regulations, or procedural requirements applicable to imports, exports, and transit prior to the discovery of the breach by the customs administration or by other agencies, the CEFTA Party is encouraged to, where appropriate, consider this fact as a potential mitigating factor when establishing a penalty for that person.

7.14. The provisions of this paragraph shall apply to the penalties on traffic in transit referred to in paragraph 7.1.

7.15. Each CEFTA Party shall provide that any person, to whom customs authorities or other competent authorities responsible for the clearance of goods issue an administrative decision, has the right, within its territory, to:

   a) an administrative appeal to or review by an administrative authority higher than, or independent of, the official or office that issued the decision; and /or

   b) a judicial appeal or review of the decision.

Article 8
Formalities Connected with Importation, Exportation and Transit

8.1. 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, while 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 CEFTA Party 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;

(b) 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.

8.2.   CEFTA Parties shall review the requirements on formalities and documentation connected with importation, exportation and transit not later than one year after this Protocol enters into force. Following the completion of the first review, the next reviews shall be conducted every two years. The CEFTA Joint Committee shall develop procedures for the reviews, and for the sharing of relevant information and best practices by CEFTA Parties, as appropriate, within six months after this Protocol enters into force.

8.3.   Each CEFTA Party shall, where appropriate, endeavour to accept paper or electronic copies of supporting documents required for import, export, or transit formalities by customs authorities and other competent authorities.

8.4.   Where the competent authority of a CEFTA Party already holds the original of such documents, any other competent authority of that CEFTA Party shall accept paper or electronic copies, where applicable, from the competent authority holding the original *in lieu* of the original documents. Each CEFTA Party shall confirm that the Memoranda of Understanding are signed between their competent authorities to secure mutual acceptance of paper or electronic copies of documents between competent authorities, as required by this Paragraph. The confirmation regarding the signature of Memoranda of Understanding shall be sent in writing to the CEFTA Committee of Trade Facilitation not later than six months after this Protocol enters into force. All the Memoranda of Understanding signed between the competent authorities and customs authorities, and notified to the CEFTA Committee of Trade Facilitation, shall be indicated in the Matrix attached to this Protocol as Annex II, as foreseen in Article 18.1.

8.5.   A CEFTA Party shall not require an original or copy of export declarations submitted to the customs authorities of the exporting CEFTA Party as a requirement for importation. Nothing in this Paragraph precludes a CEFTA Party from requiring documents such as certificates, permits or licenses as a requirement for the importation of controlled or regulated goods.

8.6. CEFTA Parties 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 Protocol. CEFTA Parties shall decide the frequency of periodic reviews to be undertaken, so as to inform other CEFTA Parties of which international standards or parts thereof are used as a basis for their import, export, of transit formalities and procedures. The first review shall be made not later than one year after this Protocol enters into force.

8.7. CEFTA Parties are encouraged to coordinate their positions and take part, within the limits of their resources, in the preparation and periodic review of relevant international standards by the appropriate international organizations.

8.8. The CEFTA Joint Committee shall develop procedures for the sharing of relevant information, and best practices, on the implementation of international standards by CEFTA Parties, as appropriate.

Article 9

Common Border Procedures and Uniform Documentation Requirements

9.1. Each CEFTA Party shall, subject to Paragraph 9.2, apply common customs procedures and uniform documentation requirements for the release and clearance of goods throughout its territory. Nothing in Paragraph 9.2 shall be implemented to constitute an arbitrary or unjustifiable discrimination or a disguised restriction between CEFTA Parties where the same conditions prevail.

9.2. Nothing in this Article shall prevent a CEFTA Party 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 in order 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 WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

Article 10
Rejected Goods

10.1.   Where goods presented for import are rejected by the competent authority of a CEFTA Party on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the CEFTA Party shall, subject to and consistently 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.

10.2.   When such an option under paragraph 10.1 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 in order to deal with such non-compliant goods.

Article 11
Temporary Admission of Goods and Inward and Outward Processing

11.1.   Temporary Admission of Goods

Each CEFTA Party 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.

11.2.   Inward and Outward Processing

(a) Each CEFTA Party 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 CEFTA Party'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 CEFTA Party'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 CEFTA Party's customs territory, may be temporarily exported for manufacturing, processing, or repair abroad and then re-imported.

Article 12
Freedom of Transit

12.1.   Any regulations or formalities, in connection with traffic in transit imposed by a CEFTA Party, shall not be:

(a) maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a reasonably available less trade-restrictive manner;

(b) applied in a manner that would constitute a disguised restriction on traffic in transit.

12.2.   Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.

12.3.   CEFTA Parties shall not seek, take, or maintain any voluntary restraints or any other similar measures on traffic in transit. This is without prejudice to existing and future national regulations, bilateral or multilateral arrangements related to regulating transport, consistent with WTO rules.

12.4.   Each CEFTA Party shall accord to products, which will be in transit through the territory of any other CEFTA Party, treatment no less favourable than that which would be accorded to such products if they were being transported from their place of origin to their destination without going through the territory of such other CEFTA Party.

12.5.   Formalities, documentation requirements, and customs controls in connection with traffic in transit shall not be more burdensome than necessary to:

a) identify the goods; and

b) ensure fulfilment of transit requirements.

12.6. Once goods have been put under a transit procedure and have been authorized to proceed from the point of origination in a CEFTA Party's territory, they will not be subject to any customs charges nor unnecessary delays or restrictions until they conclude their transit at the point of destination within the CEFTA Party's territory.

12.7. CEFTA Parties shall not apply technical regulations and conformity assessment procedures within the meaning of the WTO Agreement on Technical Barriers to Trade to goods in transit.

12.8. CEFTA Parties shall allow and provide for advance filing and processing of transit documentation and data prior to the arrival of goods.

12.9. Once traffic in transit has reached the customs office where it exits the territory of a CEFTA Party, that office shall promptly terminate the transit operation if transit requirements have been met.

12.10. Where a CEFTA Party requires a guarantee in the form of a surety, deposit or other appropriate monetary or non-monetary instrument for traffic in transit, such guarantee shall be limited to ensuring that requirements arising from such traffic in transit are fulfilled.

12.11. Once a CEFTA Party has determined that its transit requirements have been satisfied, the guarantee shall be discharged without delay.

12.12. Each CEFTA Party shall, in a manner consistent with its laws and regulations, allow for comprehensive guarantees, which include multiple transactions for same operators or renewal of guarantees without discharge for subsequent consignments.

12.13. Each CEFTA Party shall make publicly available the relevant information it uses to set the guarantee, including single transaction and, where applicable, multiple transaction guarantees. All the information, as foreseen in this Paragraph, shall be made electronically available in the websites of the relevant competent authorities of the CEFTA Parties. Each CEFTA Party shall make available the relevant publication in their national language and in English. The same information shall be published in the CEFTA Transparency Pack.

12.14. Each CEFTA Party may require the use of customs convoys or customs escorts for traffic in transit only in circumstances presenting high risks or when compliance with customs laws and regulations cannot be ensured through the use of guarantees. General rules applicable to customs convoys or customs escorts shall be published in accordance with Article 1 of the WTO Agreement on Trade Facilitation. All the publications, as foreseen in this Paragraph, shall be made electronically available in the websites of the customs authorities of the CEFTA Parties. Each CEFTA Party shall make available the relevant publications in their national language and in English.

12.15. CEFTA Parties shall endeavour to cooperate and coordinate with one another with a view to enhancing freedom of transit. Such cooperation and coordination may include, but is not limited to, an understanding on:

(a) charges;

(b) formalities and legal requirements; and

(c) the practical operation of transit regimes.

12.16 Any issue of cooperation and coordination, as mentioned in Paragraph 12.15, shall be referred to the CEFTA Subcommittee on Customs and Rules of Origin as a priority issue in case no other bi-lateral solution has been found earlier.

12.17. Each CEFTA Party shall endeavour to appoint a national transit coordinator to which all enquiries and proposals by other CEFTA Parties, relating to the good functioning of transit operations, can be addressed. CEFTA Parties shall make available all the communication details of their national transit coordinator with each other through the Systematic Electronic Exchange of Data (SEED) or any other means of electronic communication available for all CEFTA Parties.

Article 13
Specific Provisions Related to Exchange of Data

13.1. Data shall be exchanged, both at national and international level, between customs authorities and competent authorities involved in goods clearance by using of the established customs-to-customs data exchange infrastructure in accordance with the Annex I herewith, which forms integral part of this Protocol. CEFTA Parties shall exchange no less data than that specified in the minimum list of data, without prejudice to the scope of data agreed to be exchanged bi-laterally between CEFTA Parties.

13.2. All bi-lateral data lists, to be electronically exchanged between CEFTA Parties in addition to the minimum list of data in accordance with Paragraph 1, shall be notified by the relevant CEFTA Parties to the CEFTA Joint Committee not later than three months after the Protocol enters into force. In the case of any amendments to the notified bilateral lists to be agreed bi-laterally between CEFTA Parties after this date. The relevant CEFTA Parties shall notify the amendments to the CEFTA Chair in office, who shall inform all other CEFTA Parties about the bi-lateral data lists agreed between CEFTA Parties or amendments thereof promptly after the receipt of such notification. None of the Articles of this Protocol shall apply to any bi-lateral data exchange, agreed between CEFTA Parties, that has not been notified.

13.3. The scope of data to be exchanged across the frontiers may be different than the one exchanged at national level.

13.4. Each CEFTA Party shall adopt or maintain procedures allowing for the submission of import documentation and other required information, including manifests, in order to begin processing prior to the arrival of goods with a view to expediting the release of goods upon arrival.

13.5. Each CEFTA Party shall provide, for purposes of advance lodging, documents in electronic format for the pre-arrival processing of such documents.

13.6. Each CEFTA Party shall process pre-arrival data, which are transmitted electronically in the risk management of all competent authorities involved in the clearance of goods, with a purpose to concentrate their inspections on high-risk consignments in accordance to Article 5.4. CEFTA Parties shall review the scope of data exchanged in the framework of this Protocol not later than two years after this Protocol enters into force, with a view to assess whether the existing scope of data exchange is sufficient for the effectiveness of risk management systems of CEFTA Parties both for trade facilitation and for deterrent security and safety control purposes.

13.7. The Republic of Moldova shall initiate to exchange electronically data as specified in Annex I regarding minimum list of data only after its access to the Systematic Electronic Exchange of Data (SEED) has occurred.

Article 14
Security of Connection

CEFTA Parties, using national information resources, shall adjust their own national information resources to exchange data using a safe Internet connection, applying Systematic Electronic Exchange of Data (SEED) / Virtual Private Network (VPN).

Article 15
Software and Hardware Complex for Information Exchange

For purposes of enhancing interoperability, each CEFTA Party, when implementing the provisions of this Protocol to establish the software and hardware complex, shall:

a) form its own hardware complex, including software and communication system, that provides mutual information exchange;

b) determine norms that specify the degree of exposure and procedures for documentation, access, storage, dissemination and protection of data;

c) ensure the conformity of its electronic data exchange software and hardware complex for information security, in accordance with standards of concerned CEFTA Party;

d) determine and implement procurement procedures for further maintenance, after implementation, with national or other budgetary support; and

e) ensure complete, trustworthy and timely provision of data.

Article 16
Timing of Electronic Exchange of Information

16.1. Electronic exchange of information shall be in real time and in accordance with the agreed data transfer structure, composition, format and standards, in accordance with Annex I.

16.2. Data transfer structure, format and standards shall be uniform in all CEFTA Parties.

Article 17
Data Confidentiality

17.1.   Data provided by CEFTA Parties shall be confidential and used solely for the purposes of this Protocol.

17.2.   Without the consent of the CEFTA Party providing the data, received pursuant to this Protocol, it shall not be transferred to other CEFTA Parties.

Article 18
Transparency in Data Exchange at the National Level

18.1.   CEFTA Parties shall undertake all the necessary steps as required by their domestic legislation in order to ensure exchange of data between their customs authorities and other competent authorities involved in the clearance of goods. For the purpose of transparency, the arrangements at the national level, ensuring inter-agency data exchange, are indicated in a matrix to be attached to this Protocol (Annex II).

18.2.   CEFTA Parties shall update the list of Memoranda of Understanding/Cooperation at the national level, whenever a change is made in these Memoranda, by means of a matrix to be attached to this Protocol. Notifications of updates shall be made in written form to the CEFTA Committee of Trade Facilitation.

Article 19
Electronic Payment

19.1   Each CEFTA Party shall adopt and maintain procedures allowing the option of electronic payment for duties, taxes, fees, and charges collected by customs authorities upon importation and/or exportation.

19.2.   CEFTA Parties shall notify to the CEFTA Joint Committee, not later than one year after this Protocol enters into force, in written form and in English, the list of procedures allowing electronic payments for duties, taxes, fees, and charges as foreseen in Paragraph 19.1.

Article 20
Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges

20.1.   Each CEFTA Party shall adopt or maintain procedures allowing the release of goods prior to the final determination of customs duties, taxes, fees, and charges, if such determination is not done prior to, or upon arrival of goods, or as rapidly as possible after arrival, and provided that all other import/export requirements have been met.

20.2.   As a condition for such release, CEFTA Parties may require:

(a) payment of customs duties, taxes, fees, and charges determined prior to, or upon arrival of goods, and a guarantee for any amount not yet determined in the form of a surety, a deposit, or another appropriate instrument provided for in their legislation; or

(b) a guarantee in the form of a surety, a deposit, or another appropriate instrument provided for in their legislation.

20.3.   Such guarantee shall not be greater than the amount that CEFTA Parties require to ensure payment of customs duties, taxes, fees, and charges ultimately due for the goods covered by the guarantee.

20.4.   In cases where an offence requiring imposition of monetary penalties or fines has been detected, a guarantee may be required for the penalties and fines that may be imposed.

20.5.   The guarantee, as set out in Paragraphs 20.2(a) and 20.2(b) shall be released when it is no longer required.

20.6.   Nothing in these provisions shall affect the right of CEFTA Parties to examine, detain, seize or confiscate, or deal with goods in any manner not otherwise inconsistent with the rules under the relevant WTO Agreements.

Article 21
Post-clearance Audit

21.1.   With a view to expediting the release of goods, each CEFTA Party shall adopt or maintain post-clearance audit to ensure compliance with customs and other related legislation.

21.2. Each CEFTA Party shall select any economic operator or consignment for post-clearance audit in a risk-based manner, which may include appropriate selectivity criteria. Each CEFTA Party shall conduct post-clearance audits in a transparent manner. Where the economic operator is involved in the audit process and conclusive results have been achieved, the CEFTA Party shall, without delay, notify the economic operator whose record is being audited, of the results, the economic operator's rights and obligations, and the reasons for the results.

21.3. The information obtained in post-clearance audits may be used in further administrative or judicial proceedings.

21.4. CEFTA Parties shall use the result of post-clearance audits in applying risk management.

Article 22
Establishment and Publication of Average Release Times

22.1. CEFTA Parties aim at measuring and publishing their average release time of goods periodically and in a consistent manner, using tools such as, *inter alia*, the Time Release Study of the World Customs Organization (referred to in this Protocol as the "WCO"). Each CEFTA Party may determine the scope and methodology of such average release time measurements in accordance with its needs and capacity. Each CEFTA Party shall confirm in written form to the CEFTA Committee of Trade Facilitation the scope and methodology of its average release time measurements promptly after this Protocol enters into force. In this notification, CEFTA Parties may decide on a transition period to implement this Article. This transition period shall not be longer than one year after this Protocol enters into force.

22.2. CEFTA Parties are committed to share with the CEFTA Committee of Trade Facilitation their experiences in measuring average release times, including the methodologies used, bottlenecks identified, and any resulting effects on efficiency.

Article 23
Perishable Goods[1]

23.1. With a view to preventing avoidable loss or deterioration of perishable goods, and provided that all regulatory requirements have been met, each CEFTA Party shall release perishable goods:

(a) under normal circumstances, within the shortest possible time; and

(b) in exceptional circumstances, where appropriate, outside the business hours of customs and other competent authorities.

23.2. Each CEFTA Party shall give priority to perishable goods when scheduling any examinations that may be required.

23.3. Each CEFTA Party shall either arrange or allow an economic operator to arrange for the proper storage of perishable goods pending their release. CEFTA Parties may require that any storage facilities arranged by the economic operator have been approved or designated by its relevant authorities. The movement of goods to those storage facilities, including authorizations for the operator moving the goods, may be subject to the approval, where required, of the competent authorities. CEFTA Parties shall, where practicable and consistent with domestic legislation, upon the request of the economic operator, provide for any procedures necessary for release to take place at those storage facilities.

23.4. In cases of significant delay in the release of perishable goods, and upon written request, the importing CEFTA Party shall, to the extent practicable, provide a communication of the reasons for the delay.

Article 24
Border and Other Agency Cooperation

24.1. Each CEFTA Party shall ensure that its competent authorities, responsible for border and other controls and procedures dealing with the importation, exportation, and transit of goods, cooperate with one another and coordinate their activities in order to facilitate trade.

24.2. CEFTA Parties shall see to it that, by express delegation by the competent authorities and on their behalf, one of the other services represented, and preferably the customs service, may carry out inspections for which those authorities are responsible and, insofar as such inspections relate

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[1] For the purposes of this provision, perishable goods are goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions.

to the requirement to produce the necessary documents, checks on the validity and authenticity thereof and on the identity of the goods declared in such documents. In that event, the authorities concerned shall ensure that the means required for carrying out such checks are made available.

24.3. CEFTA Parties shall, in the event of goods being imported or entering in transit, recognise the legislation and procedures related to the inspections carried out and the documents drawn up by the competent authorities of the other CEFTA Party, which certify that the goods comply with the legal requirements of the country of import or equivalent requirements in the country of export, provided that these legislation and procedures, and their implementation, are fully in line with the relevant EU *acquis*. The validation of the status of EU harmonisation shall be undertaken in accordance with the relevant procedures for the validation of EU alignment. The procedures of validation shall be adopted by the CEFTA Joint Committee. No recognition of the inspections and documents are possible before this validation, as foreseen by this Paragraph without prejudice to any bi-lateral legal instrument between CEFTA Parties.

24.4. Where the volume of traffic so warrants, the CEFTA Parties shall see to it that:

(a) frontier posts are open, except when traffic is prohibited, so that:

- frontiers can be crossed 24 hours a day with the corresponding inspections and formalities in respect of goods placed under a customs transit procedure, their means of transport and vehicles travelling unladen, save where frontier inspection is necessary in order to prevent the spread of disease or to protect animals;

- inspections and formalities relating to the movement of means of transport and goods, which are not moving under a customs transit procedure, may be performed from Monday to Friday during an uninterrupted period of at least 10 hours and on Saturday during an uninterrupted period of at least 6 hours, unless those days are public holidays;

(b) as regards vehicles and goods transported by air, the periods referred to in the second indent of point (a) shall be adapted in such a way as to meet actual needs and, for that purpose, shall be split or extended if necessary.

24.5. Where several frontier posts are situated in the immediate vicinity of a given frontier zone, CEFTA Parties may jointly agree, for some of these posts, to derogate from Paragraph 24.1, provided that the other posts in

that zone are able to clear goods and vehicles in accordance with that Paragraph.

24.6. As regards the frontier posts and customs offices and services referred to in Paragraph 24.1, and under the conditions laid down by the CEFTA Parties, the competent authorities shall, if specifically requested during business hours and for compelling reasons, provide for inspections and formalities to be carried out, as an exception, outside business hours, on condition that, where relevant, payment is made for services so rendered.

24.7. CEFTA Parties shall endeavour to establish at frontier posts, where technically possible and justified by the volume of traffic, express lanes reserved for goods placed under a customs transit procedure, their means of transport, vehicles travelling unladen, and all goods subject to such inspections and formalities, as do not exceed those required in respect of goods placed under a transit procedure.

24.8. Implementation of Articles 24.4, 24.5, 24.6, and 24.7 shall start two years after this Protocol enters into force without prejudice to any bi-lateral legal acts between CEFTA Parties to agree on earlier than this date. All the relevant bi-lateral legal acts, concluded earlier than this date, shall be promptly notified, in written form and in English, to the CEFTA Committee of Trade Facilitation after the relevant bi-lateral legal acts enters into force.

Article 25
Authorised Economic Operator (AEO)

25.1. The status of "Authorised Economic Operator" (AEO) shall be granted by each CEFTA Party in line with Annex III of this Protocol. Suspension, rejection, revocation and annulment of the status of authorised economic operator shall be done also in accordance with Annex III. The status of AEO shall be recognised by other CEFTA Parties on the condition that the implementation of AEO Programmes, are fully in line with Annex III. The status of alignment and implementation of each AEO Programme shall be validated by other CEFTA Parties, without prejudice to customs inspections, in accordance with the relevant procedures, which shall be adopted by the CEFTA Joint Committee.

25.2. In each CEFTA Party, AOEs shall enjoy facilitations with respect to all customs controls as specified by Annex III.

Article 26
Exchange of Information between CEFTA Parties on their AEO Programme

CEFTA Parties shall regularly inform each other of the identities of their AEOs, for the purposes of security, and include the following information:

a)   the trader identification;
b)   the name and address of the AEO;
c)   the number of the document granting the status of AEO;
d)   the current status (active, suspended, revoked);
e)   the periods of changed status;
f)   the date on which the certificate becomes effective; and
g)   the authority which issued the certificate.

Article 27
Protection of Professional Secrecy and Personal Data

27.1.   The data exchanged by CEFTA Parties shall enjoy the protection extended to professional secrecy and personal data, as defined in the relevant legislation applicable in the territory of the recipient CEFTA Party.

27.2.   In particular, this data shall not be transferred to persons other than the competent authorities in the CEFTA Party concerned, nor shall it be used by those authorities for purposes other than those provided for in this Protocol.

Article 28
Notification of New Inspections and Formalities

28.1.   Where a CEFTA Party intends to introduce a new inspection or formality in an area other than those covered by this Protocol, it shall inform the other CEFTA Parties at least sixty days prior to its introduction.

28.3.   The CEFTA Party concerned shall ensure that the measures taken to facilitate the crossing of frontiers are not rendered inoperative through the application of such new inspections or formalities.

Article 29
Prohibitions or Restrictions on the Import, Export or Transit of Goods

29.1. The provisions of this Protocol shall not preclude prohibitions or restrictions on the import, export or transit of goods enacted by CEFTA Parties and justified on grounds of public morality, public policy or public security, the protection of the health and life of humans, animals, plants or the environment, the protection of national treasures possessing artistic, historical or archaeological value, or the protection of industrial or commercial property.

29.2. Each CEFTA Party shall implement this Article in a manner as to avoid arbitrary or unjustifiable discrimination between CEFTA Parties where the same conditions prevail, or a disguised restriction on trade between CEFTA Parties.

Article 30
Implementation Body

The CEFTA Joint Committee shall supervise and administer the implementation of this Protocol in accordance with Articles 40 and 41 of the CEFTA 2006.

Article 31
Dispute Settlement

In accordance with Article 14.4 of the CEFTA 2006, CEFTA Parties shall implement all the provisions of this Protocol for simplification and facilitation of customs procedures and reduce the formalities imposed on trade. Any dispute between CEFTA Parties, concerning the interpretation or application of this Protocol, shall be subject to the procedure as foreseen by Article 42 of the CEFTA 2006.

Article 32
Implementation

Each CEFTA Party shall take the appropriate measures to ensure that the provisions of this Protocol are effectively and harmoniously applied, taking into account the need to facilitate goods crossing frontiers and the need to achieve mutually satisfactory solutions of any difficulties arising out of the application of the said provisions.

Article 33
Revision

This Protocol and its Annexes form integral part of the CEFTA 2006. Any amendment of this Protocol shall be made in accordance with Article 47 of the CEFTA 2006.

Article 34
Discrepancy

In case of significant data discrepancy in mutual information exchange, CEFTA Parties shall conduct bi-lateral consultations to identify the reasons, within one month of the discrepancy having been notified, and eliminate errors at the earliest convenience.

Article 35
Ratification

35.1. This Protocol is subject to ratification, acceptance or approval in accordance with the requirements foreseen by the domestic legislation of each CEFTA Party. The instruments of ratification, acceptance or approval shall be deposited with the Depository.

35.2. This Protocol shall enter into force on the thirtieth day upon depositing of the third instrument of ratification, acceptance or approval.

35.3. For each CEFTA Party that deposits its instrument of ratification, acceptance or approval after the date of the deposit of the third instrument of ratification, acceptance or approval, this Additional Protocol 5 shall enter into force on the thirtieth day after the day on which said CEFTA Party deposits its instrument of ratification, acceptance or approval.

35.4. If constitutional requirements permit, any CEFTA Party may apply this Protocol provisionally. Provisional application of this Protocol, in accordance with this Paragraph, shall be notified to the Depository.

IN WITNESS WHEREOF, the Plenipotentiaries of all CEFTA Parties, being duly authorised thereto, have adopted this Protocol.

Done in INSERT THE LOCATION on ………………, in a single authentic copy in the English language, which shall be deposited with the Depository of the CEFTA 2006, which shall transmit certified copies to all CEFTA Parties.

ANNEX I

Electronic Exchange of Data

1. **Simplification of inspections related to clearance procedures and reducing formalities to the maximum extent possible**

   1.1. **Data exchange between competent authorities involved in the clearance of goods**

   This section defines:

   a. Institutions that shall exchange data;
   b. Types of documents that shall be exchanged between CEFTA Parties;
   c. Relevant international standard/model used;

   Detailed specifications of the purpose, expected advantages for governmental institutions/business community, entities, data cluster, trigger, interface, integration and communication layers of data exchange between competent authorities involved in the clearance of goods are presented in the Appendix I of this Annexe.

Table 1.1. (1): Documents to be exchanged

	Document Type	Issuing CEFTA Party	Receiving CEFTA Party	Standard* / Model used
1.	**Veterinary Health Certificate for products of animal origin**	Party of Export - **Veterinary authority/ National Food Authority/ Ministry of Agriculture**	Party of Import – **Veterinary authority/ National Food Authority/ Ministry of Agriculture**	European Union – Veterinary Certificate to EU
2.	**Veterinary Health Certificate live animals**	Party of Export - **Veterinary authority/ National Food Authority/ Ministry of Agriculture**	Party of Import – **Veterinary authority / National Food Authority/ Ministry of Agriculture**	European Union – Veterinary Certificate to EU
3.	**Phytosanitary Certificate for Export**	Party of Export – **Phytosanitary/ Agricultural/ National Food Authority/ Ministry of Agriculture**	Party of Import – **Phytosanitary/ Agricultural/ National Food Authority/Ministry of Agriculture**	International Plant Protection Convention – ISPM 12 ((International standards for phytosanitary measures – 12)-

				Annex 1 Model Phytosanitary Certificate for export
4.	**Phytosanitary Certificate for Re-Export**	Party of Export – **Phytosanitary /Agricultural authority/Ministry of Agriculture**	Party of Export – **Phytosanitary/ Agricultural authority/Ministry of Agriculture**	International Plant Protection Convention – ISPM 12 (International standards for phytosanitary measures – 12)- Annex 2 Model Phytosanitary Certificate for re-export
5.	**Certificate of a Pharmaceutical Product**	Party of Export - **Agency for Medicines /Ministry of Health**	Party of Import - **Agency for Medicines/Ministry of Health**	World Health Organisation (WHO) - Model certificate of a pharmaceutical product
6.	**Export permit for groups of medicines containing controlled substances**	Party of Export - **Agency for Medicines /Ministry of Health**	Party of Import - **Agency for Medicines Ministry of Health**	No specific standard / model used

*Additional Protocol 5, Article 8.6.: CEFTA Parties 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 in this Protocol.

1.2. Detailed specifications of the Entities layer and Data cluster layer

This section defines common data sets from the documents presented in the Table 1.1. (1) that shall be exchanged between CEFTA Parties:

- First column specifies references to the appropriate box of the document concerned (if any);
- Second column presents the name of the data filed to be exchanged;
- Third column specifies whether data filed is:

  o M – Mandatory;
  o O – Optional;
  o C – Conditional;

Table 1.2.(1) : Veterinary health certificate for products of animal origin

1.	Veterinary health certificate for products of animal origin	M/O/C
I	**Part I- Information concerning consignor/consignee**	
I.1.	**Consignor**	
	Name	M
	Address	M
	Tel.	M
I.2.	**Certificate Reference Number**	M
I.3.	**Central Competent Authority**	M
I.4.	**Local Competent Authority**	M
I.5.	**Consignee**	
	Name	M
	Address	M
	Postal code	O
	Tel.	O
I.6.	**Person responsible for the consignment at destination**	
	Name	M
	Address	M
	Postal code	O
	Tel.	O
I.7.	**Country of origin (**Country of origin / ISO Code)	M
I.8.	**Region of origin** (Region of origin / Code)	M
I.9.	**Country of Destination (**Country of Destination **/** ISO Code)	M
I.10.	**Region of destination (**Region of destination / Code)	O
I.11.	**Place of origin**	
	Name	M
	Approval Number	M
	Address	M
I.12.	**Place of Destination**	
	Place of Destination	M
	Address	M
I.13.	**Place of loading**	
	Place of loading	M
	Address	M
	Approval Number	M
I.14.	**Date of departure**	M
I.15.	**Means of transport** *(tick appropriate boxes)*	
	Airplane-Railway Wagon**-**Road Vehicle**-**Other / Identification / Documentary References	M
I.16.	**Entry BIP in the CEFTA Party of Import**	M
I.17.	**No(s) of CITES**	O
I.18.	**Description of commodity**	M
I.19.	**Commodity code (HS Code)**	M
I.20.	**Quantity**	M
I.21.	**Temperature of product** *(tick appropriate boxes)*	
	Ambient-Chilled-Frozen	M
I.22.	**Number of Packages**	M

1.	Veterinary health certificate for products of animal origin	M/O/C
I.23.	**Identification of container / Seal Number**	M
I.24.	**Type of Packaging**	M
I.25.	**Commodities certified for:** *(tick appropriate boxes)*	
	Human consumption - Animal feed **-** Technical use	M
I.26.	**For transit to third country (**Country **/** ISO Code)	O
I.27.	**For import or admission into CEFTA Party of Import**	M
I.28.	**Identification of commodities**	
	Species [Scientific name]	M
	Approved number of the facility	M
	Nature of commodity	M
	Treatment type	M
	Abattoir	M
	Number of Packages	M
	Approval Number	M
	Net Weight	M
	Cutting plant	O
	Batch number	M
	Cold store	M
	Official Inspector	
	Name	M
	Qualification and title	M
	Date	M
	The competent authority	M
II[2]	Part II – Certification (Health Information)	M
II.1.	Health Attestation	M
II.2.	Public Health Attestation	M
II.2.	Animal Health Attestation	M
	Notes	O

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[2] Exact text of the certification part that shall be exchanged between Parties is agreed and defined on bilateral basis (between each pair of the CEFTA Parties) and specifically for each type of goods that require Veterinary Health Certificate. Amendments of the text in the certification part shall be agreed on bilateral basis between CEFTA Parties concerned.

Table 1.2.(2): Veterinary Health Certificate for live animals

2.	Veterinary health certificate for live animals	M/O/C
I	**Part I- Information concerning consignor/consignee**	
I.1.	**Consignor**	
	Name	M
	Address	M
	Tel	M
I.2.	**Certificate Reference Number**	M
I.3.	**Central Competent Authority**	M
I.4.	**Local Competent Authority**	M
I.5.	**Consignee**	
	Name	M
	Address	M
	Postal code	O
	Tel.	O
I.6.	**Person responsible for the consignment at destination**	
	Name	M
	Address	M
	Postal code	O
	Tel.	O
I.7	**Country of origin (**Country of origin / ISO Code)	M
I.8.	**Region of origin** (Region of origin / Code)	O
I.9.	**Country of Destination (**Country of Destination **/** ISO Code)	M
I.10.	**Region of destination (**Region of destination / Code)	M
I.11.	**Place of origin**	
	Name	M
	Approval Number	M
	Address	M
I.12.	**Place of Destination**	
	Place of Destination	M
	Address	M
I.13.	**Place of loading**	
	Place of loading	M
	Address	M
	Approval Number	M
I.14.	**Date of departure**	M
I.15.	**Means of transport** *(tick appropriate boxes)*	
	Aeroplane-Railway Wagon**-**Road Vehicle**-**Other / Identification / Documentary References	M
I.16.	**Entry BIP in the CEFTA Party of Import**	M
I.17.	**No(s) of CITES**	O
I.18.	**Description of commodity**	M
I.19.	**Commodity code (HS Code)**	M
I.20.	**Quantity**	M
I.22.	**Number of Packages**	M
I.23.	**Identification of container / Seal Number**	M
I.24.	**Type of Packaging**	M
I.25.	**Commodities certified for:** *(tick appropriate boxes)*	

2.	Veterinary health certificate for live animals	M/O/C
	Slaughter – Breeding – Fettering	M
I.26.	**For transit to third country (**Country **/** ISO Code)	O
I.27.	**For import or admission into CEFTA Party of Import**	M
I.28.	**Identification of commodities**	
	Species [Scientific name]	M
	Breed	M
	Identification system	M
	Identification number	M
	Age	M
	Sex	M
	Official Inspector	
	Name	M
	Qualification and title	M
	Date	M
	The competent authority	M
II[3]	Part II – Certification (Health Information)	
II.1.	Health Attestation	M
II.2.	Public Health Attestation	M
II.2.	Animal Health Attestation	M
II.3.	Animal Transport Attestation	M
	Notes	

Table 1.2.(3): Phytosanitary Certificate for Export

3.	Phytosanitary Certificate for Export	M / O
	Certificate details:	
1.	Name and address of exporter	M
2.	Certificate Number	M
	Description of Consignment:	
3.	Declared name and address of consignee	M
4.	Plant Protection Organization (issuing authority)	M
5.	Place of origin	M
6.	Declared means of conveyance	M
5.	Place of origin	M
6.	Declared means of conveyance	M
7.	Declared point of entry	M
8.	Distinguishing marks	
a.	Number and description of packages	M
b.	Name of produce	M
c.	Botanical name of plants	M
9.	Quantity declared	M
10.	**Type of certificate: export**	
	This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or	M

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[3] Exact text of the certification part that shall be exchanged between Parties is agreed and defined on bilateral basis (between each pair of the CEFTA Parties). Amendments of the text in the certification part shall be agreed on bilateral basis between CEFTA Parties concerned.

	tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.	
	Additional Declaration	
11.	Additional Declaration	O
	Disinfestation and/or Disinfection Treatment	
12.	Treatment	M
13.	Chemical (active ingredient)	O
14.	Duration and temperature	O
15.	Concentration	O
16.	Date	M
17.	**Additional information**	
a.	Place of issue	M
b.	Name and signature of authorised officer	M
c.	Date	M

Table 1.2.(4): Phytosanitary Certificate for Re-Export

4.	**Phytosanitary Certificate for Re-Export**	**M / O /C**
	Certificate details:	
1.	Name and address of exporter	M
2.	Certificate Number	M
	Description of Consignment:	
3.	Declared name and address of consignee	M
4.	Plant Protection Organization (issuing authority)	M
5.	Place of origin	M
6.	Declared means of conveyance	M
5.	Place of origin	M
6.	Declared means of conveyance	M
7.	Declared point of entry	M
8.	Distinguishing marks	
a.	Number and description of packages	M
b.	Name of produce	M
c.	Botanical name of plants	M
9.	Quantity declared	M
10.	**Type of certificate: export**	
	This is to certify that the plants, plant products or other regulated articles described herein were imported into.	
	[CEFTA Party of re-export]	M
	From	
	[Country of origin]	M
	covered by Phytosanitary certificate	
	[Certificate Number]	M
	[original]	O
	[certified true copy]	O
	of which is attached to this certificate; that they are	

4.	Phytosanitary Certificate for Re-Export	M / O /C
	[packed]	O
	[repacked]	O
	in	
	[original]	O
	[new]	O
	that based on the	
	[original phytosanitary certificate] and	O
	[additional inspection],	O
	they are considered to conform with the current phytosanitary requirements of the importing contracting party, and that during storage in	
	[CEFTA Party of re-export],	M
	the consignment has not been subjected to the risk of infestation or infection.	
	Additional Declaration	
11.	Additional Declaration	O
	Disinfestation and/or Disinfection Treatment	
12.	Treatment	M
13.	Chemical (active ingredient)	O
14.	Duration and temperature	O
15.	Concentration	O
16.	Date	M
17.	**Additional information**	**O**
a.	Place of issue	M
b.	Name and signature of authorized officer	M
c.	Date	M

Table 1.2.(5):Certificate on a Pharmaceutical Product

5.	Certificate of a Pharmaceutical Product	M / O / C
	Responsible Agency	M
	Number	M
	Date of issuing	M
	Place of issuing	M
	No. of Certificate	M
	Consignor / Exporting: [Medicines Agency from a CEFTA Party of Export]	M
	Consignee / Importing: [Medicines Agency from a CEFTA Party of Import]	M
1.	Name and dosage form of the product:	M
1.1.	Active ingredient(s) and amount(s) per unit dose	M
1.2.	Is this product licensed to be placed on the market for use in the exporting country?	(yes/no)
1.3	Is this product actually on the market in the exporting country?	(yes/no)
	If the answer to 1.2. is YES: (continue with section 2A and omit section 2B)	
2.A.1.	Number of product licence and date of issue	C, M
2.A.2.	Product licence holder (name and address)	C, M

2.A.3.	Status of product licence holder:	C, M
2.A.3. 1.	For categories b and c the name and address of the manufacturer producing the dosage form	C, O
2.A.4.	Is a summary basis for approval appended?	(yes/no)
2.A.5.	Is the attached, officially approved product information complete and consonant with the licence?	(yes/no/not provided)
2.A.6.	Applicant for certificate, if different from licence holder (name and address)	C
	If the answer to 1.2 is NO (omit section 2A and provide data from the section 2B)	
2.B.1.	Applicant for certificate (name and address)	C, M
2.B.2.	Status of applicant:	C, M
2.B.2. 1.	For categories b and c the name and address of the manufacturer producing the dosage form	C, O
2.B.3.	Why is marketing authorisation lacking? (not required/not requested/under consideration /refused)	C, M
2.B.4.	Remarks	C, O
3.	Does the certifying authority arrange for periodic inspection of the manufacturing plant in which the dosage form is produced?	(yes/no/not applicable)
	(If not or not applicable, proceed to question 4.)	
3.1.	Periodicity of routine inspections (years)	C, M
3.2.	Has the manufacture of this type of dosage form been inspected?	(yes/no)
3.3	Do the facilities and operations conform to GMP as recommended by the World Health Organisation?	(yes/no/not applicable)
4.	Does the information submitted by the applicant satisfy the certifying authority on all aspects of the manufacture of the product:	(yes/no)
	(If no, provide explanation)	
	Explanation	C, M
	Address of certifying authority:	M
	Telephone / Fax:	O
	Name of authorized person:	M
	Date:	M

Table 1.2.(6): Export authorisation for groups of medicines containing controlled substances

6.	Export authorisation for groups of medicines containing controlled substances	M / O/C
	Number of authorisation	M
	INN	M
	Customs Tariff	M
	Manufacturer's name, form, strength, packaging	M
	Measurement unit	M
	The amount of goods being exported	M
	The amount of substance approved for export	M
	Exporter	
	Name	M

	Address	M
	Postal Code	O
	City	O
	Country	O
Importer		
	Name	M
	Address	M
	Postal code	M
	City	M
	CEFTA Party	M
	Number of import authorisation issued in the country of import	M
	Date of import authorisation issued in the country of import	M
End – User		
	Name	M
	Address	M
	Postal code	M
	City	M
	CEFTA Party	M
	Purpose of export	M
	Transportation mode of approved substance/substances	M
	Name of the border crossing point	M
	Name of the customs office	M
	Name of the freight forwarders	M
	Authorisation issued on	M
	Authorisation valid until	M
Special notes		
	1) The Authorisation applies to one import/export	M
	2) If the import/export is not performed within the period specified in the import/export authorisation, the importer/exporter is obliged to inform the Agency about it and to return all copies of authorisation within 15 days upon the expiry of the import/export authorisation	M

1.3. Common Databases and Central Services

Additional Protocol 5 and Annexe I provide legal base for the creation of common regional databases and central services within CEFTA Parties.

In addition to the point-to-point exchange mechanisms as defined in the Sections 1.1, 1.2 and 2.1, this Annexe I specifies the list of common databases and central services that shall be established during the implementation of the Additional Protocol 5.

Institutions which shall provide hosting of these regional databases and central services are CEFTA Secretariat or *Regional Cooperation Council Secretariat. In case, the Regional Cooperation Council Secretariat will provide hosting the regional databases and central services, a Memorandum of Understanding will be signed between the CEFTA*

Secretariat and Regional Cooperation Council Secretariat to regulate the rights and obligations with regard to the hosting.

Table 1.3.(1): Common Databases

	Common Database	**Purpose**	**Access Rights**
1.	Database of mutually recognised CEFTA AEOs	Disseminating information on companies having AEO status: - Details of companies - CEFTA Party who certified authorisation	Customs Administrations Competent Authorities involved in the clearance of goods
2.	Database of unsafe / noncompliant products detected on the CEFTA market.	Prevention of the distribution / placing on the market of unsafe products in intra CEFTA Trade, such as: 1) products that are not in compliance with the technical regulations; 2) list of products that are in compliance with the technical regulations, but are dangerous for the public interest, life of people, animals and plants; 3) list of products which import isn't permitted;	Public Access

Table 1.3.(2): Central Services

	Central Service	**The purpose of the service**	**Access Rights**
1.	Regional database of issued licences	Storing of data on issued licences by the competent authorities and certified laboratories (on basis of the functional and other technical specifications of the EU TRACES, similar regional database and supporting IT solution shall be created)	SPS Authorities TBT Authorities

2. Determination of the means and obligations of exchange of data between customs authorities to the extent that each national legislation allows

2.1. SEED data exchanges that are currently supported by bilateral Protocols (MoUs)

Previously established SEED data exchanges between Customs Administrations of the CEFTA Parties in the Western Balkan region are supported by bilateral Protocols (Memoranda of Understanding). These MoU shall stay in force and shall still represent legal base for already established bilateral Customs-to-Customs electronic data exchange.

The purpose of specifications in Annexe I is to unify and generalise specifications from the MoUs, on basis of the Template of the SEED Utility Block (presented in the Appendix II), which is officially accepted by the Globally Networked Customs (GNC), the initiative of the World Customs Organisation (WCO).

With aim of sending pre-arrival data from Export Customs Declarations (from the CEFTA Party of export to the CEFTA Party of import) during the implementation of the Additional Protocol 5, each CEFTA Party (its Customs authority) will establish additional secure data exchange links with all other (nonadjacent) CEFTA Parties. This communication infrastructure will represent the backbone for entire data exchange between CEFTA Parties.

2.2. Detailed specifications of the data cluster layer:

The following table presents the common list of data from Export declarations that will be exchanged between CEFTA Parties:

Table 2.2.(1): Common data set from the Export Declaration

SAD Box	Data Field	Description
Box A	SAD Reference Number	Reference number of a Single Administrative Document
Box 5	Items	Total number of items
Box 22 P1	Invoice Currency	ISO 4217 currency code
Box 22 P2	Invoice Amount	Total amount invoiced
Box 29	Customs Border Office	Customs Office of Exit (its reference number)
Box 35	Gross Mass	Total gross mass
Box 54	Declaration Place	Place of lodging of Customs declaration
Box 54	Declaration Date	Date of declaration submission
Box 2	Consignor Name	Consignor / Company Name
Box 2	Consignor Identity	Consignor / Tax Identification Number

SAD Box	Data Field	Description
Box 19	Transport Container	Whether transport is done in a container (YES/NO)
Box 21 P1	Transport Border Identity	Truck (means of transport) number plates
Box 21 P2	Transport Border Identity Trailer	Trailer number plates
Box 21 P2	Transport Border Nationality	Country of the vehicle registration
Box 25	Transport Border Mode	Mode of transport
Box 15	Dispatch Country	CEFTA Party of Export (ISO ALPHA 2 code)
Box 17	Destination Country	CEFTA Party of Destination (ISO ALPHA 2 code)
Box 31	Description	Description of goods
Box 32	Item	Item Sequence Number
Box 33	Commodity Code	Commodity code
Box 31	Packaging Packages	Number of packages
Box 31	Packaging Pieces	Number of pieces

CEFTA Parties are not refrained to exchange only the above specified common data set from the Export Declaration. CEFTA Parties may agree wider data set to be exchanged on bilateral level.

2.3. Geographical extension:

The Customs Administration of the Republic of Moldova may be included in SEED exchange, in line with the specifications presented in the Appendix II. As the Republic of Moldova does not have common frontiers with other CEFTA Parties, specifications related to the pre-arrival data exchange of the SEED will only be applicable.

2.4. Areas for extension of data exchange between Customs Administrations:

SEED data exchange between Customs Administrations may be extended to cover the following business needs:

a. Data exchange on results of risk analysis and controls of the consignment (reasons for execution of the control, risk indicator, result of the control);

b. Data exchange on VAT refunds at the frontiers;

c. Data exchange on scanner (x-ray) images of the controlled trucks/containers;

d. Data exchange on IPR Applications for Actions and Infringements;

3. Mutual recognition of national AEOs Programmes

Detailed technical specifications for Mutual Recognition of AEOs Programmes are written on the basis of the WCO's Utility Block for the AEO Mutual Recognition Agreement and are presented in the Appendix III of the Annexe I.

This section specifies common data sets (listed in alphabetical order) related to the Mutual Recognition of AEO which will be exchanged between CEFTA Parties:

Table 3.1: Data fields for the MR of AEO

Data filed	Definition	Domain values; remarks
Accepted	The status of AEO data record in Result message	Values: 0 = Rejected, 1 = Accepted
AEO certificate status	Code to distinguish between current, suspended and revoked certificates.	Values: C = Current, S = Suspended, R = Revoked
AEO Certificate Type	The type of AEO certificate	Certificate types: To be defined by the partners
AEO TIN	Unique identifier for the authorised economic operator allocated by the "Granting" partner and linked to the relevant AEO certificate.	"Granted" AEO trader Identification assigned by the "Granting" partner
"ALIAS" TIN	"Alias" TIN assigned by the „Lodgement" partner to any "Granted" AEO TIN in case the „Lodgement" partner cannot process the "Granted" AEO TIN assigned by the "Granting" partner.	"Alias" TIN assigned by a „Lodgement" partner to a "Granted" AEO TIN
City	City name of the AEO	City
Data Requirement Acronyms		R = Required, O = Optional
Data Type Acronyms		a = Alpha, n = Numeric, d = Date, dt = Date Time
End date	It is the end date of the validity period of the AEO TIN. Together with the Start Date data item, it provides the full picture of the validity that the AEO TIN may have during its lifecycle.	Defines the date at which the AEO certificate status ceases to be applicable. Together with the Start Date item, it defines the period during which the AEO certificate status is applicable. If the end date is empty the validity period is 'open ended'.
Extraction Type	The type of the extraction performed	Values: F = Full, D = Differential
Full name	Full name of the AEO.	

Language Code	Language code identifying the language/character set.	Language Code used to define the language used for all textual information (ISO Alpha 2 Codification – ISO 639).
Message identification	Unique message identifier	Identifier created using GUID algorithm
Operation	Code to distinguish between created, updated and deleted records.	Values: C = Create, U = Update, D = Delete
Other TIN	Nationally defined Identity Number	Used in the cases the partner has Identity Number not compliant with WCO Data Model
Postcode	Postal code of the AEO.	
Reference Extraction Type	The type of the extraction performed in Equivalence message	Values: F = Full, D = Differential
Reference Message identification	Unique response message identifier	Unique message identifier using GUID algorithm
Reference Sequence number	Result message number	Identifies the Result message sequence
Status Details	Description of the details of the status	Free text up to 500 characters with status details
Sending date and time	Date when the record is sent	Date and timestamp when the record is sent
Sending organisation	ISO – 3166 alpha 2 code for the partner sending the record.	
Sequence number	Identifies data exchanges as result of extraction	If this is a full extraction of data, the sequence number corresponds to the sequence number of the encompassed differential extraction.
Short name	Short name of the AEO.	Short name of the AEO limited to the maximum of 35 characters that are provided for in the WCO data model.
Start date	It is used to define the starting date of the validity period of an AEO TIN. Together with the End Date item, it provides the full picture of the validity of a particular value that the described item may have during its lifecycle.	Defines the date from which the AEO certificate status is applicable. Together with the End Date item, it defines the period during which the AEO certificate status is applicable.

Status Code	Codes for specific scenarios	Values: E00001 = Failed to insert, record already exists, E00002 = Failed to update, record does not exist, W00003 = Failed to delete, record does not exist, I10001 = Record updated, but not changes included
Status Type	Identifies the type of status information.	Values: 'E' = Error, 'W' = Warning, 'I' = Information Only
Street and number	Street and number of the AEO.	
Trader National Identifier	Unique identifier for the authorised economic operator allocated by the competent authority and linked to the relevant AEO certificate	
Transaction identification	Technical element allowing to group several operations into one atomic transaction	
Version	Technical element to indicate the version of the message structure	

4. Final provisions

4.1. Ownership of the data exchange system

This section specifies the owner of data, once the system is implemented.

Once Additional Protocol 5 is implemented and electronic data exchange system with relevant databases is in place:

- The ownership of data stored in the SEED+ databases, in each CEFTA Party will belong to the CEFTA Party concerned, which has to respect data protection rules as specified in the Article 11 of the Additional Protocol 5;
- The owner of data stored in common databases and central services will be Customs Administration of CEFTA Parties

4.2. Maintenance of the data exchange system

This section specifies how maintenance will be organised, once system is implemented.

Once Additional Protocol 5 is implemented and electronic data exchange system is in place:

- Maintenance of the common databases and central services will be under the responsibility of the CEFTA Secretariat or the *Regional Cooperation Council Secretariat. In case, the Regional Cooperation Council Secretariat will provide maintenance of the regional databases and central services, and a Memorandum of Understanding will be signed between the CEFTA Secretariat and Regional Cooperation Council Secretariat to regulate the rights and obligations with regard to the maintenance.*

- Maintenance of the hardware and communication equipment for national and bilateral (Party-to-Party) communication links will be under the responsibility of the Customs Administrations of the CEFTA Parties or other competent national authority with appropriate Information and Communication Technology (ICT) infrastructure. Each CEFTA Party shall identify responsible ICT experts and communicate their contact details to authorised technical experts in all other CEFTA parties, as well as, other national institutions involved in data exchange;

- The responsibility for maintenance of the services for automatic and/or semi-automatic feeding of data to the common databases and central services, as will be co-shared between each individual CEFTA Party and the CEFTA Secretariat or the *Regional Cooperation Council Secretariat. In case, the Regional Cooperation Council Secretariat will*

provide maintenance of the regional databases and central services and a Memorandum of Understanding will be signed between the CEFTA Secretariat and Regional Cooperation Council Secretariat to regulate the rights and obligations with regard to the maintenance.

- Maintenance of the software modules for data exchange between CEFTA Parties has to be coordinated for the whole CEFTA Region;

4.3. Amendment of the Annexe I specifications

This section defines how technical specifications (primarily the one related to the list of documents, their data sets, common databases) will be changed / updated after the adoption of the Additional Protocol 5.

After the adoption of the Additional Protocol 5, specifications of this Annexe I might be amended through the relevant CEFTA structures.

Appendix I – Simplification / facilitation of inspections Utility Block

Preface: Specifications in the Appendixes to the Annexe I of the Additional Protocol 5 are based on the World Customs Organisation's (WCO) Template for the Utility Block (UB), more specifically UB's Executive Summary of the Globally Networked Customs (GNC) initiative.

PURPOSE	Sending of data from certificates (decisions / approvals / licences) issued by the relevant authorities (technical agencies) from the CEFTA Party of Export to the relevant authorities of the CEFTA Party of Import of goods. Authorities of the CEFTA Party of Import will use received data to: • Perform risk analysis and other analytic measures in advance (prior to the arrival of goods); • Speed-up procedures and formalities for issuing of the Entry and/or Import certificates (decisions / approvals / licences) to the maximum extent;
ADVANTAGE FOR GOVERNMENT	Advantages are expected to be achieved for the following governmental authorities of the CEFTA Parties: • SPS Authorities; • TBT authorities; • Customs Authorities; • Transport Authorities;
ADVANTAGES FOR BUSINESSES / STAKEHOLDERS	Advantages and benefits for Business Community: • Acceleration and facilitation of the legitimate trade in all clearance stages; • More predictable and transparent goods clearance procedures;
ENTITIES LAYER	The following authorities of the CEFTA Party of Export (CPoE) of goods will send data to competent authorities of the CEFTA Party of Import (CPoI): • Phytosanitary authority; • Veterinary authority; • Agency for Medicines and medical devices;
DATA CLUSTER LAYER	Data from the following types of documents will be exchanged: • Veterinary Health Certificate for live animals • Veterinary Health Certificate for products of animal origin • Phytosanitary Certificate for Export • Phytosanitary Certificate for Re-Export • Certificate on a Pharmaceutical Product • Export permit for groups of medicines containing controlled substances (1) narcotic drugs, 2) psychotropic substances, 3) precursors, 4) medicines containing precursors) Where applicable, relevant international templates for

	above listed types of documents will be used as models. With the regard to the data structure, the latest version of the WCO Data model, more specifically Information Package for Government-to-Government (G2G) data exchange, will be used as a model.
TRIGGER LAYER	Event that initiate data flow: • Moment of issuing of documents specified in the data cluster layer by the authorised institution of the CEFTA Party of Export;
INTERFACE / INTEGRATION / COMMUNICATION	Connection between involved authorities of the CEFTA Parties is going to be established in the following way: • Customs-to-Customs SEED+ (Systematic Electronic Exchange of Data) network will be used as a backbone for the bilateral data exchange; • The information exchange shall take place via Internet, and through Virtual Private Networks (VPNs). • Phytosanitary, Veterinary, Agency for Medicines and Market surveillance authorities shall stablish connection to the Customs SEED+ network at the national level; • Interfaces between IT systems of these institutions and Customs SEED Network provide: technical messages in Extensible Markup Language (XML) schemes and Web Services definition in Web Services Definition Language (WSDL). • The security of all exchanged messages shall be additionally ensured by an asymmetric key encryption (using digital security certificates, issued by the qualified Certificate Authorities);

Appendix II – SEED Utility Block

PURPOSE	Systematic and automatic electronic exchange of data from Customs Documents (Export, Import and Transit Customs Declarations, TIR and ATA carnets, Simplified Procedure accompanying document – Invoice, including the records about crossings of empty trucks) between Customs Administrations of the CEFTA Parties, with the following purposes:
	• To enable sending of pre-arrival data at the moment of initiation of the customs procedure in the partner CEFTA Party (from the Customs Office of Departure - COoDep), with the following objectives:
	  - Speeding up of the Customs procedures and inspection formalities (linked to the tariff code(s) concerned) at the point of entry to the Customs territory of the CEFTA Party of import (or transit);
	  - Speeding up of the Customs and inspection procedures at the clearance Customs office of the CEFTA Party of import;
	  - Analysis of pre-arrival data using pre-defined risk criteria and sending of alarms to the authorised officers.
	• To verify consistency of declarations submitted in two neighbouring Customs Administrations. In other words, to enable automatic matching (pairing and comparison) of data from the Customs Documents submitted at two neighbouring CEFTA Parties (Customs Office of Exit (COoEx) and Customs Office of Entry (COoEn))

ADVANTAGE FOR GOVERNMENT	Advantages and benefits for Customs Administrations of the CEFTA Parties: • Prevention of smuggling and strengthening the fight against organised crime; • Prevention of undervaluation – increasing the collection of customs duties; • Prevention of corruption; • Improvement of 'Risk analysis' of the pre-arrival data; • Improvement of overall technical capacity of Customs Administrations of the CEFTA Parties; • Promotion and improvement of communication and cooperation between Governmental institutions of the CEFTA Parties; • More efficient work of Customs officers;
ADVANTAGES FOR BUSINESSES / STAKEHOLDERS	Advantages and benefits for Economic Operators: • Acceleration of customs procedures and facilitation of legitimate trade;
LEGAL FRAMEWORK AND	• CEFTA Additional Protocol 5; • Customs Mutual Administrative Assistance Agreements (CMAAA);

COMPLIANCE	• Bilateral Protocols on electronic data exchange (defining, inter alia, the bilateral scope of data to be exchanged); • Information exchange is in compliance with data protection legislation, and the data will remain secured in the respective systems

ENTITIES LAYER	**Customs Administrations of the CEFTA Parties**: Customs Administrations of Export, Transit and Import, having the following roles:
	 • **Administration of Departure** (AoD):
	   - providing PRE-ARRIVAL and EXIT data
	   - receiving automatic data matching results from the other (ENTRY) side of a crossing point;;
	 • **Administration of Arrival** (AoA):
	   - providing ENTRY data;
	   - receiving automatic data matching results;
	   - receiving alarming notifications on received PRE-ARRIVAL data and based on dynamically defined Risk Criteria;

BUSINESS RULES LAYER	**1. Speeding up of entry and import procedures**
	 • At the moment of the EXPORT clearance in the Customs Administration of Departure (AoD), the data from the accepted Export Declaration will be sent through the SEED++ System to the Administration of Arrival (AoA) and used for:
	   • Speeding-up of Customs formalities at the point of entry;
	   • Speeding-up of issuing of required entry permits (as defined in the tariff legislation) by the responsible inceptions;
	   • Speeding-up of the import clearance at the final destination of goods;
	 2. Risk Analysis and Alarming
	 • At the beginning of the Customs procedure in the Administration of Departure (AoD), the data from the accepted customs document will be sent through the SEED+ System to the AoA and used for risk analysis and generation of alarms.
	 • If AoA CEFTA Party is a transiting CEFTA Party, the CDPS will send the information from the national Transit declaration to the SEED+ System and the data will be sent through the SEED+ System to the neighbouring CEFTA Party as PRE-ARRIVAL data to be used for risk analysis and generation of alarms.
	 3. Automatic Data Matching
	 • Where goods are leaving from a CEFTA Party A, and entering into a CEFTA Party B, messages are being processed according to the following business rules:
	   - CEFTA Party A acts as the Administration of Departure (AoD) and the CDPS (Customs Declaration Processing System) sends the information from the national Export

	declaration through the SEED+ System to the neighbouring CEFTA Party B acting as the Administration of Arrival (AoA) - CEFTA Party B acts as the Administration of Arrival (AoA) and the CDPS sends the information from the national Import or Transit declaration to the SEED+ System, whereby the procedure for automatic data matching for movement completes.
DATA CLUSTER LAYER	SEED+ shall support the exchange of data contained in the following Customs Documents: 1. SEED+ messages for **Transit Declarations, as well as, NCTS messages from the national and common domain**: data model based on WCO DM (World Customs Organisation Data Model) and EU NCTS (European Union New Computerised Transit System); 2. SEED+ messages for **Export Declarations**: data model based on WCO DM and EU ECS (Export Control System); 3. SEED+ message for **Import Declarations**: data model based on WCO DM and EU ICS (Import Control System) – this message will be used for data matching, and will not be transmitted to the neighbouring CEFTA Party; 4. SEED+ messages for **TIR carnets**: data model based on UNECE (United Nations Economic Committee for Europe) eTIR data model; 5. SEED+ messages for **ATA carnets**; 6. SEED+ messages for **Simplified Procedure** accompanying document (Invoice); 7. SEED+ message for crossings of **Empty Trucks**;
TRIGGER LAYER	Events initiating the data flow: 1. **Pre-arrival**: the commencement of the Customs procedure in the Administration of Departure. At the moment of acceptance of Customs Document – Export Single Administrative Document (SAD), Transit SAD, TIR carnet, Simplified Procedure accompanying document. These data will be used for speeding-up of customs and inspection procedures and risk analysis /generation of alarms. 2. **Exit**: ending the Customs procedure in the Administration of Departure. At the moment of confirming the arrival of the truck at the exit Customs Office in the neighbouring Administration and verification of the truck exiting the neighbouring CEFTA Party. These data will be used as reference for automatic data matching. 3. **Entry**: the commencement of the Customs procedure in the Administration of Arrival. At the moment of acceptance of the Customs Documents at the Customs Office of Entry the data will be used for automatic comparison with reference data received from the neighbouring Administration of Departure AoD.
INTERFACE	Technical messages associated with the data cluster and trigger layers are based on the following customs documents:

	- SAD Transit Messages; - SAD Export Messages; - SAD Import Messages; - TIR Carnets; - ATA Carnets; - Simplified Procedure accompanying documents; - Empty Truck records; Technical messages are described by the Extensible Markup Language (XML) schemes and Web Services definition in Web Services Definition Language (WSDL).
INTEGRATION	Customs SEED+ has "point-to-multipoint" topology, which means that each participating Customs Administration will have its own SEED+ node, connected with the respective SEED+ nodes in a all other CEFTA Parties. SEED+ node should be fully integrated into the national Customs IT infrastructure, and connected with other national applications through Enterprise Service Bus (ESB) and standard WSDL interfaces.
COMMUNICATION	The information exchange shall take place via Internet, and through Virtual Private Networks (VPNs). The security of messages shall be additionally ensured by an asymmetric key encryption (using digital security certificates, issued by the relevant qualified Certificate Authorities). SEED+ node should be built as Service Oriented Architecture (SOA), implemented by the Web Services (WS) technology and standards. Interface(s) should be based on "Enterprise Service Bus" (ESB) software architecture allowing flexible configuration for interconnectivity.

PURPOSE	- To specify the process that regulates the information interaction between Customs Administrations of the CEFTA Parties ("partners"), and involved traders, that subscribe to an AEO Mutual Recognition Arrangement/Agreement (MRA); - To enable each of the partners to grant benefits to AEOs of all other CEFTA Parties in which both legislation and implementation of national programme is fully in line with the relevant EU acquis ;
ADVANTAGE FOR GOVERNMENT	- Streamlined process for exchange of data allowing the re-use of this same approach for all bilateral AEO MRAs to which a CEFTA Party subscribes; - Reassurance of a consistent and coherent automatic implementation of the bilateral AEO MRAs across all CEFTA Parties, promoting all the foreseen benefits across the geographical footprint of the bilateral AEO MRA (better control targeting, as a direct result of more effective automated risk analysis); - Low costs to establish the bilateral AEO MRA with high opportunity for reuse and therefore reduction in the costs for the IT implementation.
ADVANTAGES FOR BUSINESSES / STAKEHOLDERS	- Transparency and predictability of the AEO benefits granted by CEFTA Parties; - Reassurance that the CEFTA Parties are committed to successfully implement the bilateral AEO MRA and to grant benefits to the recognised AEO (facilitation, lower risk score, reduction of control at export and import, expedited release time) in a systematic and predictable way; - Brings a full transparency on the Trader Identification Number(s) (TIN) that need to be used with each of the CEFTA Parties to ensure the recognition of their AEO status.
LEGAL FRAMEWORK AND COMPLIANCE	- Legal Framework – Additional Protocol 5, Technical Annex and bilateral AEO MRAs between partners; - Compliance - the CEFTA Parties must ensure that the AEO information exchanges and all related data comply with the data protection legislation of each Party; that the data remains secured in their respective systems and is synchronised across the IT systems of all involved CEFTA Parties. The availability of the AEO information is specified and measures are defined, in the case where AEO information would not be available for the processing of a Customs notification or Customs declaration.
ENTITIES LAYER	*Partner* refers to the contracting CEFTA Party (its Customs Administration) to the bilateral AEO MRA. It is important to note that every partner will act in two distinct roles: **"Granting" role**: As the "Granting" partner allocating the

	AEO status to a trader, performing re-assessment and evaluation of this AEO.
	• **"Lodgement" role**: As the "Lodgement" partner processing a notification/declaration lodged in its Customs transaction system by a trader.
	Trader refers to the economic operators which play an active supporting role in the information exchange underpinning the bilateral AEO MRA process. Two trader roles participate in the bilateral AEO MRA process:
	• "**AEO**": As the trader certified as an AEO by the "Granting" partner;
	• "**Lodging**" **trader:** As the trader lodging a notification/declaration to the "Lodgement" partner making reference to his AEO status and the AEO status of his partners.
	The bilateral AEO MRA process choreographs the exchange of information between the partners. The two trader roles are included in order to illustrate the end-to-end process. However, it must be noted that the first pillar only covers Customs-to-Customs interactions.
BUSINESS RULES LAYER	Comprises a number of detailed rules concerning the following:
	• Contact points between partners (CEFTA Parties);
	• Requirements for:
	o the AEO information;
	o the trader as one of the supporting participants in the end-to-end business process;
	o Customs transaction systems in the "Lodgement" partner;
	o the risk analysis systems in the "Lodgement" partner;
	o AEO Identity Management and, in particular, the aliasing process by the "Lodgement" partner;
	o the nature and frequency of data exchange, monitoring and statistical requirements.
	The compliance of all partners of the bilateral AEO MRA to the WCO standard regarding the TIN structure is a MAJOR simplification opportunity.
DATA CLUSTER LAYER	The AEO MRA relies on the exchange of two functional messages:
	• "Granted" AEO information;
	• "Alias" TIN between the "Granting" partner and the "Lodgement" partner.
TRIGGER LAYER	The AEO MRA features three variations for choreographing the interactions between the partners according to the following criteria:
	• Whether or not there is the need for the "Lodgement" partner to assign an "Alias" TIN (triggered by misaligned structures of the TIN numbers between the partners);
	• and in the case of alignment of the TIN structure between the partners, the choice for a "Lodgement" partner to opt for a "Pull" mode (instead of "Push" mode) to access the

	AEO information from the "Granting" partner. The three options are: • "Push" of "Granted" AEO information and "Push" back of "Alias" TIN between the "Granting" partner and the "Lodgement" partner, for those cases that the partners have misaligned TINs; • "Push" of "Granted" AEO from the "Granting" partner to the "Lodgement" partner when partners have aligned TINs; • "Pull" of the "Granted" AEO information by "Lodgement" partner from the "Granting" partner, which requires TIN alignment.
INTERFACE	The AEO MRA defines the set of four technical messages associated with the following three options in the trigger layer: • "Granted" AEO information is sent from the "Granting" partner and the "Alias" TIN is returned from the "Lodgement" partner, for those cases that the partners have misaligned TINs; • When partners have aligned TINs, "Granted" AEO is sent from the "Granting" partner to the "Lodgement" partner; • "Granted" AEO information is acquired directly by the "Lodgement" partner from the "Granting" partner. It also provides the technical messages in Extensible Markup Language (XML) schemas and Web Services definition in Web Services Definition Language (WSDL).
INTEGRATION	The integration layer needs to be profiled by each partner of the Bilateral AEO MRA. This includes the business case for national profiling, the use of the AEO information for the risk assessment of notification/declaration, and national provisions for AEO identification. It also sets the requirement for the availability of the exchanged data, provides an indication of the possible data volumes, and the compliance and infrastructure requirements.
COMMUNICATION	The information exchanges take place over the internet. The security of the exchanges is ensured by establishing of Virtual Private Networks (VPN) connections and encryption using security certificates.

ANNEX II

MATRIX OF MEMORANDA OF UNDERSTANDING SIGNED BETWEEN CUSTOMS AUTHORITIES AND COMPETENT AUTHORITIES REGARDING ELECTRONIC EXCHANGE OF DATA

	Veterinary Authority	National Food Authority	National Phytosanitary Authority	National Authority for Pharmaceutical Products	National Transport Authority	National Authority of Technical Inspection	National Police
Customs Administration	DS DA						

DS: Date of signing
DA: Date of application

ANNEX III

Authorised economic operator

TITLE I

GRANTING OF THE STATUS OF AUTHORISED ECONOMIC OPERATOR AT THE NATIONAL LEVEL BY EACH CEFTA PARTY

Article 1
Application and authorisation

1. An economic operator who is established in CEFTA Parties and who meets the criteria set out in Article 2 of this Annex may apply for the status of authorised economic operator.

    The customs authorities shall, following consultation with other competent authorities if necessary, grant that status, which shall be subject to monitoring.

2. The status of authorised economic operator shall consist in the following types of authorisations:

    (a) that of an authorised economic operator for customs simplifications, which shall enable the holder to benefit from certain simplifications in accordance with the customs legislation (AEOC- Customs simplifications); or

    (b) that of an authorised economic operator for security and safety that shall entitle the holder to facilitations relating to security and safety (AEOS - Security and safety).

    (c) both types of authorisations referred to in paragraph 2 may be held at the same time (AEOF - Customs simplifications/security and safety).

    Where an applicant is entitled to be granted both an AEOC and an AEOS authorisation, the customs authority competent to take the decision shall issue one combined authorisation.

Article 2
Granting of status

1. The criteria for the granting of the status of authorised economic operator shall be the following:

    (a) the absence of any serious infringement or repeated infringements of customs legislation and taxation rules, including no record of serious criminal offences relating to the economic activity of the applicant;

(b) the demonstration by the applicant of a high level of control of his or her operations and of the flow of goods, by means of a system of managing commercial and, where appropriate, transport records, which allows appropriate customs controls;

(c) financial solvency, which shall be deemed to be proven where the applicant has good financial standing, which enables him or her to fulfil his or her commitments, with due regard to the characteristics of the type of business activity concerned;

(d) with regard to the authorisation referred to in point (a) of Article 1(2) of this Annex, practical standards of competence or professional qualifications directly related to the activity carried out; and

(e) with regard to the authorisation referred to in point (b) of Article 1(2) of this Annex, appropriate security and safety standards, which shall be considered as fulfilled where the applicant demonstrates that he or she maintains appropriate measures to ensure the security and safety of the international supply chain including in the areas of physical integrity and access controls, logistical processes and handling of specific types of goods, personnel and identification of his or her business partners.

2. Each CEFTA Party shall determine the procedures for requesting and granting the status of authorised economic operator, and the legal effects of this status.

3. The customs authorities shall monitor the conditions and criteria to be fulfilled by the AEO authorisation holder. They shall also monitor compliance with the obligations resulting from the AEO authorisation. Where the AEO has been established for less than three years, the customs authorities shall closely monitor it during the first year after granting the AEO status.

Article 3
Compliance

1. Where the applicant is a natural person, the criterion laid down in Article 2 (1a) of this Annex shall be considered to be fulfilled if, over the last 3 years, the applicant and where applicable the employee in charge of the applicant's customs matters have not committed any serious infringement or repeated infringements of customs legislation and taxation rules and have had no record of serious criminal offences relating to their economic activity.

Where the applicant is not a natural person, the criterion laid down in Article 2 (1a) of this Annex shall be considered to be fulfilled where, over the last 3 years, none of the following persons has committed a serious infringement or repeated infringements of customs legislation and taxation rules or has had a record of serious criminal offences relating to his economic activity:

(a) the applicant;

(b) the person in charge of the applicant or exercising control over its management;

(c) the employee in charge of the applicant's customs matters.

2. However, the criterion referred to in Article 2(1a) of this Annex may be considered to be fulfilled where the customs authority competent to take the decision considers an infringement to be of minor importance, in relation to the number or size of the related operations, and the customs authority has no doubt as to the good faith of the applicant.

3. Where the person referred to in paragraph 1(b) is established or has his residence in a third country, the customs authority competent to take the decision shall assess the fulfilment of the criterion referred to in Article 2(1a) of this Annex on the basis of records and information that are available to it.

4. Where the applicant has been established for less than 3 years, the customs authority competent to take the decision shall assess the fulfilment of the criterion referred to in Article 2(1a) of this Annex on the basis of the records and information that are available to it.

Article 4
Satisfactory system of managing commercial and transport records

1. The criterion laid down in Article 2(1b) of this Annex shall be considered to be fulfilled if the following conditions are met:

(a) the applicant maintains an accounting system which is consistent with the generally accepted accounting principles applied in the Member State where the accounts are held, allows audit-based customs control and maintains a historical record of data that provides an audit trail from the moment the data enters the file;

(b) records kept by the applicant for customs purposes are integrated in the accounting system of the applicant or allow cross checks of information with the accounting system to be made;

(c) the applicant allows the customs authority physical access to its accounting systems and, where applicable, to its commercial and transport records;

(d) the applicant allows the customs authority electronic access to its accounting systems and, where applicable, to its commercial and transport records where those systems or records are kept electronically;

(e) the applicant has a logistical system which identifies goods as domestic or foreign goods and indicates, where appropriate, their location;

(f) the applicant has an administrative organisation which corresponds to the type and size of business and which is suitable for the management of

the flow of goods, and has internal controls capable of preventing, detecting and correcting errors and of preventing and detecting illegal or irregular transactions;

(g) where applicable, the applicant has satisfactory procedures in place for the handling of licences and authorisations granted in accordance with commercial policy measures or relating to trade in agricultural products;

(h) the applicant has satisfactory procedures in place for the archiving of its records and information and for protection against the loss of information;

(i) the applicant ensures that relevant employees are instructed to inform the customs authorities whenever compliance difficulties are discovered and establishes procedures for informing the customs authorities of such difficulties;

(j) the applicant has appropriate security measures in place to protect the applicant's computer system from unauthorised intrusion and to secure the applicant's documentation;

(k) where applicable, the applicant has satisfactory procedures in place for the handling of import and export licences connected to prohibitions and restrictions, including measures to distinguish goods subject to the prohibitions or restrictions from other goods and measures to ensure compliance with those prohibitions and restrictions.

2. Where the applicant applies only for an authorisation as an economic operator authorised for security and safety as referred to in Article 1(2b) of this Annex, the requirement laid down in paragraph 1(e) shall not apply.

Article 5
Financial solvency

1. The criterion laid down in Article 2(1c) of this Annex shall be considered to be fulfilled where the applicant complies with the following:

(a) the applicant is not subject to bankruptcy proceedings;

(b) during the last 3 years preceding the submission of the application, the applicant has fulfilled his financial obligations regarding payments of customs duties and all other duties, taxes or charges which are collected on or in connection with the import or export of goods;

(c) the applicant demonstrates on the basis of the records and information available for the last 3 years preceding the submission of the application that he has sufficient financial standing to meet his obligations and fulfil his commitments having regard to the type and volume of the business activity, including having no negative net assets, unless where they can be covered.

2. If the applicant has been established for less than 3 years, his financial solvency as referred to in Article 2(1c) of this Annex shall be checked on the basis of records and information that are available.

Article 6
Practical standards of competence or professional qualifications

1. The criterion laid down in Article 2(1d) of this Annex shall be considered to be fulfilled if any of the following conditions are met:

    (a) the applicant or the person in charge of the applicant's customs matters complies with one of the following practical standards of competence:
        (i) a proven practical experience of a minimum of 3 years in customs matters;

        (ii) a quality standard concerning customs matters adopted by a European Standardisation body;

    (b) the applicant or the person in charge of the applicant's customs matters has successfully completed training covering customs legislation consistent with and relevant to the extent of his involvement in customs related activities, provided by any of the following:

        (i) a customs authority of a CEFTA Party;
        (ii) an educational establishment recognised, for the purposes of providing such qualification, by the customs authorities or a body of a CEFTA Party responsible for professional training;

        (iii) a professional or trade association recognised by the customs authorities of CEFTA Party or accredited in the CEFTA Party, for the purposes of providing such qualification.

2. Where the person in charge of the applicant's customs matters is a contracted person, the criterion laid down in Article 2(d) of this Annex shall be considered to be fulfilled if the contracted person is an economic operator authorised for customs simplifications as referred to in Article 1(2a) of this Annex.

Article 7
Security and safety standards

1. The criterion laid down in Article 2(e) of this Annex shall be considered to be fulfilled if the following conditions are met:

(a) buildings to be used in connection with the operations relating to the AEOS authorisation provide protection against unlawful intrusion and are constructed of materials which resist unlawful entry;

(b) appropriate measures are in place to prevent unauthorised access to offices, shipping areas, loading docks, cargo areas and other relevant places;

(c) measures for the handling of goods have been taken which include protection against the unauthorised introduction or exchange, the mishandling of goods and against tampering with cargo units;

(d) the applicant has taken measures allowing to clearly identify his business partners and to ensure, through implementation of appropriate contractual arrangements or other appropriate measures in accordance with the applicant's business model, that those business partners ensure the security of their part of the international supply chain;

(e) the applicant conducts in so far as national law permits, security screening on prospective employees working in security sensitive positions and carries out background checks of current employees in such positions periodically and where warranted by circumstances;

(f) the applicant has appropriate security procedures in place for any external service providers contracted;

(g) the applicant ensures that its staff having responsibilities relevant for security issues regularly participate in programmes to raise their awareness of those security issues;

(h) the applicant has appointed a contact person competent for safety and security related questions.

2. Where the applicant is a holder of a security and safety certificate issued on the basis of an international convention or of an International Standard of the International Organisation for Standardisation, or of a European Standard of a European standardisation body, these certificates shall be taken into account when checking compliance with the criteria laid down in Article 2(e) of this Annex.

The criteria shall be deemed to be met to the extent that it is established that the criteria for issuing that certificate are identical or equivalent to those laid down in Article 2(e) of this Annex.

3. Where the applicant is a regulated agent (an air carrier, agent, freight forwarder or any other entity who ensures security controls in respect of cargo or mail) or a known consignor (a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of cargo or mail on any aircraft) and fulfils the requirements of the common basic standards on aviation security, the criteria laid down in paragraph 1 shall be deemed to be met in

relation to the sites and the operations for which the applicant obtained the status of regulated agent or known consignor to the extent that the criteria for issuing the regulated agent or known consignor status are identical or equivalent to those laid down in Article 2(e) of this Annex.

Article 8
Conditions for the acceptance of an application for the status of AEO

1. In addition to the conditions for the acceptance of an application in general, in order to apply for the status of AEO the applicant shall submit a self-assessment questionnaire, which the customs authorities shall make available, together with the application.

2. An economic operator shall submit one single application for the status of AEO covering all its permanent business establishments in the customs territory of a CEFTA Party.

TITLE II

BENEFITS RESULTING FROM THE STATUS OF AEO TO BE GRANTED BY NATIONAL AEO PROGRAMMES IN CEFTA PARTIES

Article 9
Facilitations regarding pre-departure declarations

1. Where an economic operator authorised for security and safety as referred to in Article 1(2b) of this Annex lodges on his own behalf a pre-departure declaration in the form of a customs declaration or a re-export declaration, no other particulars than those stated in those declarations shall be required.

2. Where an AEOS lodges on behalf of another person who is also an AEOS a pre-departure declaration in the form of a customs declaration or a re-export declaration, no other particulars than those stated in those declarations shall be required.

Article 10
More favourable treatment regarding risk assessment and control

1. An authorised economic operator (AEO) shall be subject to fewer physical and document-based controls than other economic operators.

2. Where an AEOS has lodged an entry summary declaration or a customs declaration or a temporary storage declaration or where an AEOS has lodged a notification and given access to the particulars related to his entry summary declaration in his computer system, the customs office of first shall, where the consignment has been selected for physical control, notify that AEOS of that fact. That notification shall take place before the arrival of the goods in the customs territory of the CEFTA Party.

   That notification shall be made available also to the carrier if different from the AEOS referred to in the first subparagraph, provided that the carrier is an AEOS and is connected to the electronic systems relating to the declarations referred to in the first subparagraph.

   That notification shall not be provided where it may jeopardise the controls to be carried out or the results thereof.

3. Where an AEO lodges a temporary storage declaration or a customs declaration prior to the presentation of the goods the customs office competent to receive that temporary storage declaration or that customs declaration shall, where the consignment has been selected for customs control, notify the AEO of that fact. That notification shall take place before the presentation of the goods to customs.

That notification shall not be provided where it may jeopardise the controls to be carried out or the results thereof.

4. Where consignments declared by an AEO have been selected for physical or document-based control, those controls shall be carried out as a matter of priority.

   On request from an AEO the controls may be carried out at a place other than the place where the goods have to be presented to customs.

5. The notifications referred to in paragraphs 2 and 3 shall not concern the customs controls decided on the basis of the temporary storage declaration or the customs declaration after the presentation of the goods.

Article 11
Exemption from favourable treatment

The more favourable treatment referred to in Article 10 of this Annex shall not apply to any customs controls related to specific elevated threat levels or control obligations set out in other national legislation of a CEFTA Party.

However, customs authorities shall carry out the necessary processing, formalities and controls for consignments declared by an AEOS as a matter of priority.

TITLE III

SUSPENSION, REJECTION, REVOCATION AND ANNUMILATION OF THE STATUS OF AUTHORISED ECONOMIC OPERATOR IN NATIONAL AEO PROGRAMMES OF CEFTA PARTIES

Article *12*
Legal effects of suspension

1. Where an AEO authorisation is suspended due to the non-compliance with any of the criteria referred to in Article 2 of this Annex, any decision taken with regard to that AEO which is based on the AEO authorisation in general or on any of the specific criteria which led to the suspension of the AEO authorisation, the customs authority having taken that decision shall suspend it.

2. The suspension of a decision relating to the application of the customs legislation taken with regard to an AEO shall not lead to the automatic suspension of the AEO authorisation.

3. Where a decision relating to a person who is both an AEOS and an economic operator authorised for customs simplifications as referred to in Article 1(2a) of this Annex (AEOC) is suspended instead of annulling, revoking or amending where:

   (a) the customs authority considers that there may be sufficient grounds for annulling, revoking or amending the decision, but does not yet have all necessary elements to decide on the annulment, revocation or amendment;

   (b) the customs authority considers that the conditions for the decision are not fulfilled or that the AEO does not comply with the obligations imposed under the AEO authorisation, and it is appropriate to allow the AEO time to take measures to ensure the fulfilment of the conditions or the compliance with the obligations;

   (c) the AEO requests such suspension because he is temporarily unable to fulfil the conditions laid down for the decision or to comply with the obligations imposed under that decision due to non-fulfilment of the conditions laid down in Article 2(d) of this Annex, his AEOC authorisation shall be suspended, but his AEOS authorisation shall remain valid.

   Where a decision relating to a person who is both an AEOS and an AEOC is suspended in accordance with 3(a), 3(b) or 3(c) due to non-fulfilment of the conditions laid down in Article 2(e) of this Annex, his AEOS authorisation shall be suspended, but his AEOC authorisation shall remain valid.

Article 13
Rejection of an application

The rejection of an AEO application shall not affect existing favourable decisions taken with regard to the applicant in accordance with the customs legislation, unless the granting of those favourable decisions is based on the fulfilment of any of the AEO criteria that have been proven not to be met during the examination of the AEO application.

Article 14
Revocation of an authorisation

1. The revocation of an AEO authorisation shall not affect any favourable decision which has been taken with regard to the same person unless AEO status was a condition for that favourable decision, or that decision was based on a criterion listed in Article 2 of this Annex which is no longer met.

2. The revocation or amendment of a favourable decision which has been taken with regard to the holder of the authorisation shall not automatically affect the AEO authorisation of that person.

3. Where the same person is both an AEOC and an AEOS is applicable owing to the non-fulfilment of the conditions laid down in Article 2(d) of this Annex, the AEOC authorisation shall be revoked and AEOS authorisation shall remain valid.

    Where the same person is both an AEOS and an AEOC, owing to the non-fulfilment of the conditions laid down in Article 2(e) of this Annex, the AEOS authorisation shall be revoked and AEOC authorisation shall remain valid.

Article 15
Annulment

1. The customs authorities shall annul an AEO authorisation if all the following conditions are fulfilled:

    (a) the decision on AEO authorisation was taken on the basis of incorrect or incomplete information;

    (b) the AEO knew or ought reasonably to have known that the information was incorrect or incomplete;

    (c) if the information had been correct and complete, the decision on AEO authorisation would have been different.

2. The AEO shall be notified of its annulment.

3. Annulment shall take effect from the date on which the initial decision took effect, unless otherwise specified in the AEO authorisation in accordance with the customs legislation.