

**RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL
CONCERNING THE ELECTRONIC TRANSMISSION AND AUTHENTICATION
OF CUSTOMS AND OTHER RELEVANT REGULATORY INFORMATION**

(16 June 1981 revised 24 June 2005)

THE CUSTOMS CO-OPERATION COUNCIL,

DESIROUS of enabling Customs administrations and international traders to make greater use of their computer systems, by making it possible for declarants to transmit Customs information to the Customs by electronic or other automatic means,

CONSIDERING that automated data processing, e-commerce incl. Electronic Data Interchange (EDI) and security techniques make it possible to transmit, validate and authenticate computer processed Customs regulatory information (such as Goods declarations, manifest data, licence information, etc.) other than by paper documentation and a handwritten signature; that these methods include the use of unique passwords linked to the declarant and transmitted with the information, software keys for the encryption of data and the generation of electronic signatures; that, in accordance with the provisions of national legislation or under the terms of an undertaking signed by the declarant, the use of such security techniques for the transmission of Customs information may be regarded as just as binding upon the declarant as a handwritten signature on paper documentation,

TAKING INTO ACCOUNT the "Recommendation on the authentication of trade documents by means other than signature", also adopted in March 1979 by the above-mentioned Working Party, which points out that the general adoption of electronic or other automatic means of data transfer require changes in existing national laws and international Conventions and in current commercial practice concerning signature,

AND FURTHER TAKING INTO ACCOUNT the "Model Law on Electronic Commerce" of the United Nations Commission on International Trade Law (UNCITRAL), adopted by the United Nations in December 1996 and the UNCITRAL "Model Law on Electronic Signatures" adopted by the United Nations in December 2001 as useful references for the development of national e-commerce and digital signature legislation,

RECOMMENDS that Members of the Council and members of the United Nations Organization or its specialized agencies, and Customs or Economic Unions, should :

1. Allow, under conditions to be laid down by the Customs authorities, declarants to use various electronic media (including value added networks, Internet,

^{1[1]} Customs Co-operational Council (CCC) is the official name of the World Customs Organization

wireless networks, disc, tape, etc.) for the transmission of Customs regulatory information to the Customs authorities for automatic processing and to receive an automatic response to such information, from the Customs;

2. Accept, under conditions to be laid down by the Customs authorities, Customs regulatory information from declarants and other government agencies, which is transmitted by use of electronic media, validated and authenticated by security technology, without the need to produce paper documentation with a handwritten signature;
3. Ensure, where governments do not operate an electronic "Single Window" for declarants to submit regulatory information for international cross-border transactions only once to a single access point, that requirements and technical specifications concerning the authentication of electronic exchanges of regulatory information are co-ordinated among all government agencies involved;
4. Accept, where legal recognition of electronically transmitted Customs regulatory information is not yet resolved, that the Customs should authorize declarants, under conditions to be laid down by the Customs or other competent authorities, to produce Customs regulatory information on plain paper;
5. Accept, where EDI security and automated processing techniques are used but where, due to legal constraints, the production of paper documentation and hand written signatures are still required, the periodic submission of paper documentation or their storage on the premises of the declarant, under conditions laid down by the Customs;

REQUESTS Members of the Council and members of the United Nations Organization or its specialized agencies, and Customs or Economic Unions which accept this Recommendation to notify the Secretary General of the Council of the date from which they will apply the Recommendation and of the conditions of its application. The Secretary General will transmit this information to the Customs administrations of all Members of the Council. He will also transmit it to the Customs administrations of the members of the United Nations Organization or its specialized agencies and to Customs or Economic Unions which have accepted this Recommendation.
