

## **Negotiating Group on Trade Facilitation**

### **WTO NEGOTIATIONS ON TRADE FACILITATION SELF ASSESSMENT GUIDE<sup>1</sup>**

#### Revision

A guide to assist developing and least-developed Members to assess their technical assistance and capacity building support needs and priorities to implement Members' proposals on how to clarify and improve GATT Articles V, VIII and X.

This revision is based on the Secretariat Compilation TN/TF/W/43/Rev.17. In addition, it incorporates the following new submissions:

- TN/TF/W/155/Rev.1 from Hong Kong China, Japan, Mongolia, Norway, Switzerland and Turkey.
- TN/TF/W/158 from Honduras, Norway and Switzerland.

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<sup>1</sup> Original version prepared by Canberra University on behalf of World Bank with input from WTO Secretariat and Annex D organizations. Revisions prepared WTO Secretariat in cooperation with Annex D organizations.

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## GLOSSARY

<b>Annex D</b>	An Annex to the WTO July Package that sets out the modalities for the WTO trade facilitation negotiations
<b>Article V</b>	GATT Article dealing with freedom of transit for goods
<b>Article VIII</b>	GATT Article dealing with fees and formalities connected with importation and exportation
<b>Article X</b>	GATT Article requiring all trade regulations to be clearly published and fairly administered
<b>Doha Development Agenda</b>	The current multilateral trade negotiations that were launched at the 4 <sup>th</sup> WTO Ministerial Conference held in Doha, Qatar in November 2001
<b>Gap Analysis</b>	A technique that may be used to determine the distance between the current situation of a given country and that required by compliance with the compulsory content of a rule or in this case the standards set out in this Guide that are based on WTO Members' proposals
<b>July Package</b>	The agreed work programme for achieving a negotiated outcome in the Doha Development Agenda
<b>Member</b>	A member of the WTO
<b>Observer</b>	An observer to the WTO. Countries in accession are observers.
<b>Situation analysis</b>	A technique that may be used to determine whether national legislation, current procedures and documentation are relevant in terms of compliance with a proposal or agreement

## List of Abbreviations

**ACP** – African, Caribbean and Pacific Group (Lomé Convention)  
**ASYCUDA** – Automated System for Customs Data  
**CB** – Capacity Building  
**CVA** – Customs Valuation Agreement  
**DSB** – Dispute Settlement Body (WTO)  
**DSU** – Dispute Settlement Understanding. WTO Understanding on Rules and Procedures Governing the Settlement of Disputes  
**FIATA** – International Federation of Freight Forwarders Association  
**GATS Agreement** – General Agreement on Trade in Services  
**GATT** – General Agreement on Tariffs and Trade  
**HS Convention** – Harmonized Commodity Description and Coding System (World Customs Organization)  
**ICT** – Information and communication technology  
**IDB** – Inter-American Development Bank  
**IMF** – International Monetary Fund

**JITAP** – Joint Integrated Technical Assistance Program  
**LDC** – Least Developed Country  
**LLDC** – Land locked Developing Country  
**MFN** – Most Favored Nation  
**NAMA** – Non Agricultural Market Access  
**NGTF** – Negotiating Group on Trade Facilitation (WTO)  
**OAS** – Organization of American States  
**OECD** – Organization for Economic Co-operation and Development  
**PSI** – Pre-Shipment Inspection  
**RKC** – Revised Kyoto Convention (World Customs Organization document- official title is International Convention on the Simplification and Harmonization of Customs Procedures)  
**S&DT, SDT** – Special and Differential Treatment  
**SME's** - Small and Medium Enterprises  
**SNFP** – Single National Focal Point  
**SPS** – Sanitary and Phytosanitary Measures (WTO Agreement on the Application of Sanitary and Phytosanitary Measures)  
**SVE** – Small Vulnerable Economies  
**TA** – Technical Assistance  
**TA&CB** – Technical Assistance and Capacity Building  
**TBT** – Technical Barriers to Trade (WTO Agreement on Technical Barriers to Trade or Standards Agreement)  
**TIR** - Customs Convention on the International Transport of Goods  
**TN/TF/ . . .** – WTO document symbols for trade facilitation negotiation documents  
**TRIPS Agreement** – Trade Related Aspects of Intellectual Property Rights  
**UN/EDIFACT** - United Nations Electronic Data Interchange For Administration Commerce and Transport  
**UNCTAD** – United Nations Conference on Trade and Development  
**UNECA** – United Nations Economic Commission for Africa  
**UNECE** – United Nations Economic Commission for Europe  
**UR** – Uruguay Round  
**WB** – World Bank  
**WCO** – World Customs Organization  
**WTO** – World Trade Organization

## **PART A**

### **A. INTRODUCTION**

#### ***Background: Trade Facilitation Negotiations***

Trade facilitation is one of the topics being negotiated by World Trade Organization (WTO) Members under the Doha Development Agenda (DDA) round of negotiations. The mandate for the trade facilitation negotiations is set out in Annex D of the Doha Work Programme Decision.<sup>2</sup> This mandate was developed by WTO Members to set out the scope of negotiations.

Under this mandate WTO Members<sup>3</sup> are tasked to clarify and improve relevant aspects of GATT Articles V (Freedom of transit), VIII (fees and formalities connected with importation/exportation) and X (publication and administration of trade regulations) with a view to further expediting the movement, release and clearance of goods, including goods in transit. They further aim for the provision of effective cooperation between customs and other appropriate authorities on trade facilitation and customs compliance issues. In addition to the technical measures, special and differential treatment (SDT)<sup>4</sup> and technical assistance are equally important components of the negotiations.

To negotiate these issues WTO Members make proposals on what they would like to see in a final text or Agreement. These proposals are discussed in the meetings of the WTO Negotiating Group on Trade Facilitation (NGTF). To facilitate the negotiations, the WTO Secretariat has published a compilation of Members' proposals (TN/TF/W/43<sup>5</sup>) that is frequently updated as the negotiations progress.

#### ***No "One Size Fits All"***

The negotiations on trade facilitation, which began in July 2004, have disclosed a degree of consensus among Members in terms of the various reform proposals. However, they have also reinforced the conclusion that there is no "one size fits all" solution to implementation of trade facilitation principles. In fact, a range of possible approaches to implementation, both in terms of resources and in pace, may be adopted by individual countries depending upon their specific circumstances and the relative priorities they accord to specific items within their reform and modernization programs.

### **B. THE NEEDS ASSESSMENT**

The identification of needs and priorities will help Members to negotiate more effectively on all aspects of the negotiations; the proposed measures as well as the special and differential treatment and technical assistance necessary for the implementation of the proposed measures. The importance of individual assessments of needs and priorities was stated in the mandate as follows:

"As an integral part of the negotiations, Members shall seek to identify their trade facilitation needs and priorities, particularly those of developing and least-developed countries, and shall

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<sup>2</sup> Doha Work Programme Decision Adopted by the General Council on 1 August 2004 (WT/L/579).

<sup>3</sup> WTO Observer countries can participate fully in the negotiations however decisions on the outcome shall be taken only by WTO Members. (WT/MIN(01)/DEC/1 20 November 2001 paragraph 48). For ease of reference only the term Member will be used throughout the Guide.

<sup>4</sup> Special and differential treatment provisions allow developed countries to provide special rights to developing and LDC countries which treat them more favourably than other countries. These provisions include, for example, longer time periods for implementation of commitments.

<sup>5</sup> The compilation is periodically revised. The latest revision can be found on the WTO website.

also address the concerns of developing and least-developed countries related to cost implications of proposed measures."

To facilitate the process, the WTO Secretariat in cooperation with the World Bank, IMF, OECD, UNCTAD and WCO (hereinafter referred to as Annex D organizations<sup>6</sup>) have produced this Self Assessment Guide for the WTO Negotiations on Trade Facilitation (TN/TF/W/143) (hereinafter the Guide). The primary purpose of the Guide is to provide developing and least-developed Members with a practical method for assessing the type and level of actions required to implement the range of Members' proposals. Some of these actions can be undertaken locally by the concerned country, while others will require technical assistance and capacity building support, as noted by the Negotiating Group on Trade Facilitation:

"To bring the negotiations to a successful conclusion, special attention needs to be paid to support for technical assistance and capacity-building that will allow developing countries and LDCs to participate effectively in the negotiations, and to technical assistance and capacity-building to implement the results of the negotiations that is precise, effective and operational, and reflects the trade facilitation needs and priorities of developing countries and LDCs."<sup>7</sup>

Members have stressed the importance for the identification of needs and priorities to be conducted as a self-assessment, however, the need for technical assistance for this exercise has also been identified. To fulfil this need the WTO Secretariat, with the cooperation of the Annex D organizations, has established a special program of technical assistance funded by WTO donor Members and using this Guide.

#### ***Objectives of the Needs Assessment:***

The objective of the WTO trade facilitation technical assistance program is to assist WTO Members and Observers in conducting a self assessment so that they can participate more effectively in the WTO trade facilitation negotiations. The goal of each needs assessment is to obtain the following:

- Identification of compliance level for each proposed trade facilitation measure.
- Identification of a national negotiation position for each proposed measure.
- Identification of special and differential treatment, technical assistance and capacity building needs and priorities.
- Development of the capacity to continue the assessment of needs and priorities and provide more effective continued assistance to Geneva-based negotiators as negotiations progress.

#### ***Other Benefits:***

Participants of needs assessments have identified many other benefits gained as a result of the assessment. Some of these benefits include:

- The results provide a snapshot of the country's current trade facilitation situation.
- The country is better prepared for implementation.
- Better understanding of the role and status of various border agencies and of the private sector.

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<sup>6</sup> These organizations are referred to as Annex D organizations because the WTO trade facilitation negotiation mandate (Annex D) states that in order to make technical assistance and capacity building more effective and operational, other international organizations should be invited to cooperate. These international organizations include IMF, OECD, UNCTAD, World Bank and WCO.

<sup>7</sup> WT/MIN(05)/DEC.

- Better understanding by all stakeholders of WTO trade facilitation and possible results of the negotiations.
- Better understanding of the proposed measures.
- New personal relationships which promote better communication and cooperation.
- Results are useful for current reform projects to ensure they are in line with WTO negotiations.
- Useful for bi-lateral and regional negotiations.

## **C. PARTICIPATION**

### ***The Need to Involve Stakeholders in the Assessment Process***

Effective consultation with relevant stakeholders serves to ensure that Geneva-based negotiators have the best and most complete information and advice upon which to participate in the negotiations. It also encourages the sharing of information, expertise and perspectives by those who are likely to be affected by the outcome of the negotiations. This in turn assists the process of assessing the likely impact of particular proposals, highlighting potential implementation difficulties and identifying the most appropriate approaches for implementation and enforcement. Effective consultation, therefore, facilitates the identification of technical support and capacity building needs and priorities.

Effective consultation with both public and private sector stakeholders is fundamental to achieving ownership of the results. The approach adopted in this Guide has been developed on this basis.

### ***Stakeholder Identification***

Stakeholders are those people, groups and institutions that perform functions related to the movement of goods across the border, and those which will be effected by the outcome of the negotiations and the implementation process. Therefore, they include public authorities administering trade legislation and procedures as well as services providers and service users.

To facilitate the process of stakeholder identification in the current context, it is useful to envisage the entire international supply chain and consider those who may be involved at any point in dealing with the goods and the associated documentation, formalities, payments and transport, either from a regulatory or commercial perspective.

### ***The Public Sector***

Many of the measures under negotiation focus on improving Customs systems and procedures, however, Customs is not the only government agency involved in processing and clearing international cargo. In most countries, multiple government agencies have an interest in the movement of goods, including agencies responsible for health and safety, food inspection, import licensing, tax collection, quality inspection and enforcement. Consequently, the policies and procedures of a number of other agencies are clearly included in the negotiation agenda. Therefore an effective coordination mechanism is crucial to ensure that the assessment addresses all relevant aspects of government responsibility.

The first step in developing a coordination mechanism is to designate a single ministry or agency that will have overall responsibility for coordinating the assessment process. Such ministry or agency should ideally have policy or administrative responsibilities that are relevant to the trade facilitation agenda as well as the capacity to support and drive the assessment process. In most cases this will be the agency that has overall responsibility for trade policy.

The next step is to identify the stakeholders that should take part in the needs assessment. Often an existing trade facilitation task force or committee can be the basis with some possible changes needed to reflect the scope of trade facilitation at the WTO.

### ***The Business Community***

To achieve a successful outcome on trade facilitation, it is imperative to actively engage the business community and to take its views into consideration. Consequently, it is important to have a good understanding of the interests of the private sector and communicate regularly with the organizations and members of the private sector that may be impacted by particular aspects of the negotiations and their implementation.

The significance of engagement with the business community can be demonstrated by reference to trade agreements where negotiators have secured access to export markets and subsequently discovered that their private sector had no capacity to supply those markets. Conversely, a potentially adverse impact on the domestic industry may emerge that is neither highlighted nor anticipated during the course of negotiations, which points to the importance of involving these stakeholders at an early stage.

Keep in mind that the goal of the negotiations is to obtain commitments from your trading partners so it is vital understand the problems faced by your exporters. However, since you will also have to make the same commitments to other WTO Members input from your importers is equally vital.

*The following list provides examples of agencies and organizations that are typically involved in cross-border trade issues.*

- Implementing agencies (Customs, Quarantine, Standards Board, Port Authority and Airport Authority, etc.).
- Attorney General or Legal Department of Cabinet (legal matters, e.g., appeals).
- Ministry of Transport (physical control of goods flow).
- Ministry of Commerce (negotiations, competitiveness, trade flow, control request for industry protection, consumer protection).
- Foreign Affairs (negotiations).
- Economy and Finance (trade flow, controls requests for budgetary reasons and price stability).
- Ministry of Agriculture and Animals (controls requests for sanitary/phytosanitary reasons)
- Ministry of Food and Drugs (controls requests for human health reasons).
- Ministry of Environment (controls requests for human health and wildlife conservation).
- Private sector (a cross-section to reflect wide interests: large and small, importers and exporters, carrier, cargo forwarders and cargo owners, Chamber of Commerce, shippers association, cargo forwarders association, etc.).
- Specialists from donor agencies working in your country on customs reform or other relevant issues.
- Delegate from Geneva or Brussels that participates in the trade facilitation negotiations.

It is important to bear in mind that the WTO negotiations on trade facilitation can be very technical. Government officials that participate should be in a position to make decisions but must also have good overall technical knowledge.



## D. USING THE GUIDE

### *Overview*

The Guide provides a practical and uniform approach to assist with the identification of needs and priorities in the WTO trade facilitation negotiations. This is achieved by comparing the current situations with a **basic standard** and text of **proposal(s)** that distil the essence of Members' proposals.

It provides useful guidance on assessing a Member's needs and priorities for local action and for technical support and capacity building against each of these standards.

The Guide consists of Part A and Part B.

- Part A provides a brief overview of the Guide and sets out the approach that is recommended for the assessment.
- Part B consists of standards and proposed text for each of the WTO Members' proposals. It follows the same format as the WTO Secretariat Compilation (TN/TF/W/43 as revised), which sets out the format used in the negotiations. For each measure a chart is provided that is the tool to be used to determine needs and priorities to implement the measure.

For practical purposes the guide makes some basic assumptions about the various proposals, and highlights the main elements to be considered. However, users of this Guide should use their own judgement to determine the key elements of each proposal. However, it should be kept in mind that all proposals remain subject to change in the context of the ongoing negotiations. Any new or revisions to proposed measures, which can be found in the Secretariat Compilation of Proposals (TN/TF/W/43 as revised) and the proposals themselves, should take precedence over the Guide.

### *Suggested Approach to Assessment*

Prior to launching the assessment, identify all relevant stakeholders from both the public and private sectors who should participate in the assessment.

During the assessment, participants should assess each proposal by using the standard, text and chart in Part B. The most recent revision of secretariat compilation TN/TF/W/43/Rev.(highest number) and the Members' proposal can also be used to make sure that the most up to date scope of the proposals are assessed.

### *Overview of Part B of the Guide - Description of the Proposed Measures*

Part B of this Guide addresses each sub-category of Members' proposals, as identified in WTO document TN/TF/W/43, by providing:

- A **general description** of the proposals that have been put forward, based on how the proposed measure is commonly used or applied. This description is for information purposes only.
- The **basic standard** that is likely to apply to Members in the event that the proposals are adopted. This is a common minimum standard against which compliance should be assessed.
- The text of the **proposal(s)** provides the actual proposals for each measure. For your convenience the main elements of the proposal are in bold with key words in the chart. However, each Member should determine the main elements so all texts should be carefully reviewed and all important points should be considered.

- The **requirements** that a Member must satisfy in order to meet the Basic Standard. This section contains measures, legal requirements, etc. that would be necessary to implement the proposed measure. These requirements have not necessarily been mentioned in any proposal but would have to be in place or occur for implementation of the proposal.

***Overview of Annex A - The Assessment Tool***

This annex contains charts that should be filled in for each proposal using the general description, basic standard and text of proposal(s) provided for in Part B.

Note: Many of the transit proposals overlap with proposals in GATT Articles VIII and X. When this is the case the transit proposal is included with the overlapping Art.VIII or X proposal. For instance, publication for transit is included with publication requirements proposed under GATT Article X.

Instructions are provided below on how to complete the chart.

**A.1 PUBLICATION AND NOTIFICATION OF TRADE REGULATIONS AND OF PENALTY PROVISIONS;**  
**L.5(a) PUBLICATION FOR TRANSIT**

**Basic Standard:** Member shall publish promptly all laws, regulations, judicial decisions and administrative rulings of general application relating to or affecting trade in goods as to enable governments and traders to become acquainted with them.

[2] COMPLY: Yes: ___ No: ___ Partially: ___ Not applicable: ___		[10] National Priority: High: ___ Medium: ___ Low: ___ None: ___	
Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2) for points not compliant- use same numbering system- add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
[1] Customs	[3]	[4]	[5]
1.----			→
2.----			→
Standards			→
1.----			→
Agriculture			→
1.----			→
<b>Priority for Technical Assistance:</b> High: ___ Medium: ___ Low: ___ None: ___ <b>Comments:</b> [6]			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b> [7]			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b> [8]			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b> [9]			

**[1] Current situation relative to the requirements to the proposed measure:** What is currently in practice compared to the basic standard and text of the proposals. **It is very important to describe thoroughly with complete details including names and citations of legislation.** This is important for your negotiators but in addition it is crucial for continued review of the results of the needs assessment, for future implementation and for requests for technical assistance. Begin with a general description and then address your current situation for each of the specific elements of the proposals. **Complete this column even if you are fully in compliance.**

Refer to the Secretariat Compilation or the proposal for the most up-to-date texts.

It is important to list the current situation for all agencies that would fall under the proposal. If the situation is different in the different agencies then it should be set out agency by agency in this column.

**[2] COMPLY: yes ☐ no ☐ partially ☐ not applicable ☐:** Determine whether the current situation represents full compliance, partial compliance, or non-compliance with the basic standard and text of the proposal, or whether it is not applicable to the country. **Not applicable** means that the situation described in the measure does not concern the country (for example, elimination of the mandatory use of PSI is not applicable if there is no legal requirement in the country to use PSI). This should be completed after the discussions about the current situation have been completed.

The participant presentations on the last day of the needs assessment include a count of the number of proposals in full, partial, non-compliance, or not applicable.

**Next steps:** Go across line by line and complete the other columns for any current situation that is not in compliance with the basic standard. There can be more than one reason/barrier for non-compliance.

**[3] Reason for non-compliance/ barriers: Identify the reasons for non-compliance or key barriers** for each non-compliant area noted in column one. It is important to make sure the real reason is understood. For example, participants may say that a particular measure (or element thereof) is on the planning agenda in their country but there hasn't been time to implement. This might really mean that it is not a high priority or the necessary political will is not behind it. Is important to think beyond the obvious initial response.

**[4] What can be done locally to address barriers? (Specify in detail):**

Any action that your country can undertake by itself to overcome the non-compliance/barrier would be local action. Consider the categories listed below under "Actions needed to meet basic standards" This should be as specific as possible so that the results will be useful at the time of implementation. For example, if training is needed describe the type of training needed, who should be trained and who will provide the training.

**[5] Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.**

Anything requiring outside assistance would be technical assistance. Consider the categories listed below under "Actions needed to meet basic standards". It is important to make this as specific as possible to assist your Geneva delegate in negotiating technical assistance and SDT. For example, training on establishment of an advance ruling program/drafting of rulings for 60 customs officers at the management level.

Include the estimated costs and implementation times wherever possible.

**[4-5] Actions needed to meet basic standard (*Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.*)**

Identify actions that must be taken in order to achieve full compliance with the basic standard and requirements. In this context, the following matters should be considered:

- What initiatives are required to manage the required change, including political and administrative issues<sup>8</sup>?
- What legislative changes are required?
- What policy, system and procedural changes are required?
- What human resource implications are involved including any indirect human resource management implications?
- What training in the public and private sector is required, including any indirect human resource management implications?
- What equipment/infrastructure resources are required including implementation or modification of existing or new hardware and software?
- What organizational or structural changes are required?

**[6] Priority for Technical Assistance: High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_**

**Comments:** This is necessary for negotiations for special and differential treatment, and technical assistance for each measure as well as for the development of a technical assistance plan.

**[7] Lead agency or organization and other stakeholders** that would be responsible for implementation of this measure:

Identify which agency should have overall responsibility to oversee implementation of the measure or implementation of technical assistance. Also identify all stakeholders that would be affected by implementation.

**[8] Stakeholders not participating in assessment of this measure(s) that should be consulted:**

All relevant stakeholders should take part in the assessment, however, sometimes an agency is unable or unwilling to participate. Any agency relevant for the particular proposal that is not participating should be listed here in order to identify who needs to be consulted to finalize the results of the assessment and participate in future updates. For example, if it is a transit proposal but no one from the Ministry of Transport or freight forwarders was involved then this should be noted and the results of the needs assessment should be sent to them for comment/consultation.

**[9] Issues to note (any comments or recommendations for negotiators, etc.):**

This box is to allow comments for the Geneva negotiator, such as whether stakeholders are in support or oppose the measure. If a proposal or certain elements of a proposal are unclear then the negotiator can be instructed to seek clarification through the negotiations.

This space can also be used to provide additional information that could be useful for the negotiations, for example: "legislation that would allow for implementation of this proposal is currently before the Parliament." Or comments could be made on any difficulties in completing the needs assessment - for example - assumptions made if the standard is too general or vague.

It does not need to be filled in for all proposals but only where there is a particular message.

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<sup>8</sup> There are three principal considerations in any change process – (a) identifying what needs to change, (b) determining how it should be changed, and (c) setting up the change management process.

**[10] National Priority: High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_**

Is this proposal a high priority for your country in the negotiations? Remember that the benefit gained from the WTO negotiations is commitments from your trading partners so it is very important to have the opinion of your exporters.

#### **AFTER THE NEEDS ASSESSMENT – WHAT NEXT?**

This will depend on when your needs assessment is conducted in relation to the negotiations. Any technical assistance to implement these proposed measures will most likely not be provided until after the completion of the negotiations. If your needs assessment is conducted early on then you might not see the results for quite some time. However, you can work with donors currently conducting relevant reform projects in your country to incorporate your trade facilitation needs in their reform package. Local action can be undertaken immediately so that you are ready as soon as the technical assistance is offered.

One of the main goals of the needs assessment is to help your country negotiate more effectively. Often the negotiator in Geneva is not in a position to know the status of implementation of proposed measures or to keep up with, often rapid, reforms at home. As the negotiations progress and as the situation at home changes it is important for stakeholders to continue to update the results of the needs assessment and to communicate these changes to the negotiator(s). Effective continued communication between the capital and Geneva is essential to ensure that the needs of your stakeholders can be considered by your negotiators.

## PART B: GUIDE TO IMPLEMENTATION

### A. PUBLICATION

#### A.1 Publication of Trade Regulations and of Penalty Provisions

##### General Description

These proposals seek to provide transparency of trade legislation and relevant information relating to or affecting the international trade in goods by publishing promptly and making it available to interested parties.

##### Basic Standard

A Member shall publish promptly all laws, regulations, judicial decisions and administrative rulings of general application relating to or affecting trade in goods as to enable governments<sup>9</sup> and traders to become acquainted with them.

##### Text of the Proposal(s)

#### 1. Publication

Hong Kong, China, Japan, Mongolia, Norway, Switzerland and Turkey, TN/TF/W/155/Rev.1

"1. Each Member shall **publish promptly**<sup>10</sup> all **laws, regulations, judicial decisions and administrative rulings of general application** as specified in Article X of GATT 1994, including but not limited to:

- (a) Importation, exportation or transit procedures required by Government (including port, airport, and other entry-point procedures and required forms and documents);
- (b) Rate of duties and taxes imposed on or in connection with importation, exportation or transit (including applied tariff rates);
- (c) General rule for classification of products for customs purposes as well as examples of such classifications;
- (d) Import, export or transit requirements, restrictions or prohibitions;
- (e) Fees and charges imposed on or in connection with importation, exportation or transit procedures as required by Government;
- (f) Penalty provisions against breaches of import, export or transit formalities;
- (g) Appeal procedures;
- (h) Agreements or parts thereof with any country or countries relating to the importation, exportation or transit.

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<sup>9</sup> The term "governments" is deemed to include the competent authorities of any Separate Customs Territory Member and the European Communities.

<sup>10</sup> The paragraphs of proposals TN/TF/W/115/Rev.1 and TN/TF/W/132/Rev.1 concerning prior publication provide further clarification of the term "promptly."

#### AVAILABILITY

1. Each Member shall ensure that the information referred to in paragraph 1 is made available in **a non-discriminatory and convenient manner**, in order to enable interested parties to become acquainted with them, **via officially designated sources**.

#### UNIFORM ADMINISTRATION

Each Member shall administer in **a uniform, impartial and reasonable manner** all its laws, regulations, judicial decisions and administrative rulings of the kind described in paragraph 1.

#### GENERAL OBSERVATIONS

Nothing in these provisions shall be construed as requiring:

- (a) The publication or provision of information referred to in paragraph 1 other than in the language of the Member except as stated in paragraph 4; or
- (b) Members to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private."

#### **L.5(a) Publication for transit**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Publication: Each Member shall publish all **transit formalities and documentation requirements**, and **regional transit agreements or arrangements** [[except if a non-Member-Party to such an agreement or arrangement opposes publication]]. The information shall be published via an **officially designated source**, such as the official gazette, the official journal or an official web-site.

#### Requirements to Meet the Basic Standard

- (a) The Member publishes all information covered by the Text of the Proposal(s) in a manner to be made available to governments and traders.
- (b) All amendments to relevant material are made public in the same way as the original publication. The Member has organizational and other mechanisms in place to ensure that the information which it makes available is complete, accurate, relevant and timely.



**A.1 PUBLICATION AND NOTIFICATION OF TRADE REGULATIONS AND OF PENALTY PROVISIONS**  
**L.5(a) PUBLICATION FOR TRANSIT**

**Basic Standard:** Member shall publish promptly all laws, regulations, judicial decisions and administrative rulings of general application relating to or affecting trade in goods as to enable governments and traders to become acquainted with them.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate), e.g., for publication, it could be useful to list Name of official publication, how often published, where sold, price, etc.</p> <p>Specific to the proposal(s):</p> <p>1. Publish promptly: regulations, judicial decisions and administrative rulings of general application, and regional transit agreements</p> <p>(a) Procedures of border agencies;</p> <p>(b) Rate of duties and taxes;</p>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
(c) Decisions/examples of customs classification;  (d) Import, export or transit restrictions;  (e) Fees and charges; (f) Penalty provisions; (g) Appeal procedure; and (h) Agreements with country(s) (i) Transit formalities and documents.  2. Non-discriminatory manner. 3. Convenient manner 4. Via officially designated sources.  5. Administer in a uniform, impartial and reasonable manner.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Issues to note (any comments or recommendations for negotiators, etc.):			

## A.2 Internet Publication/ Establishment of Official Website

### General Description

The publication of relevant information on an official website provides particularly high levels of both transparency and accessibility. It also allows timely publication of new and amended information.

These proposals seek to provide greater transparency of and accessibility to trade regulations by making available to interested parties, via the internet, all legislation and trade-related procedures relating to or affecting the international trade in goods.

### Basic Standard

A Member shall publish all trade related legislation, procedures and documents on a national official internet site or sites.

### Text of the Proposal(s)

#### United States, TN/TF/W/145

"Internet Publication

Each Member shall make available and **keep current**, on a **publicly accessible Internet website**:

- (a) **A full and precise description of its customs procedures**, including procedures for **the appeal of customs determinations**; and
- (b) **The forms and documents required** for importation into or exportation from the territory of that Member."

#### Hong Kong, China, Japan, Mongolia, Norway, Switzerland and Turkey, TN/TF/W/155/Rev.1

"Recognizing that electronic means of publication would be the most cost effective and easily accessible format for publication of information, each Member shall make available and keep updated **on one or more publicly accessible official websites**:

- (a) A description of procedures required by Government in connection with importation, exportation or transit, including the appeal procedures, its import, export or transit requirements, restrictions or prohibitions as well as references to the relevant laws, regulations, judicial decisions and administrative rulings of general application as specified in Article X of GATT 1994;
- (b) All required forms and documents referred to in paragraph 1(a), as well as electronic links to them, where applicable.

The language of publication for the description referred to in paragraph 3(a) shall, whenever practicable, be one of the official languages of the WTO.

Requirements to Meet the Basic Standard

The Member has organizational and other mechanisms in place to ensure that the information which it makes available is complete, accurate, relevant and timely. This may include the establishment of a national coordination point.

## A.2 INTERNET PUBLICATION/ ESTABLISHMENT OF OFFICIAL WEBSITE

**Basic Standard:** A Member shall publish all trade related legislation, procedures and documents on a national official internet site or sites.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_

**National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate):</p> <p>Specifics describe for each agency (customs, standards, agriculture, etc. where practices differ) provide website address:</p> <ol style="list-style-type: none"> <li>Publicly accessible internet website.</li> <li>Keep current.</li> <li>Full and precise description of customs procedures.</li> <li>The appeal of customs determinations.</li> <li>Forms and documents.</li> <li>Electronic links to forms and documents.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
7. Description of border agencies' procedures. 8. Requirements, restrictions, prohibitions. 9. References to the relevant trade-related legislation. 10. One of the official languages.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

### A.3 Establishment of Enquiry Points

#### General Description

Transparency and accessibility of information is important for traders to be able to efficiently undertake their business. These proposals seek to provide greater accessibility to trade-related information and documents by providing access through enquiry points for all interested parties. Members are already required to have enquiry points for SPS (sanitary and phytosanitary) and TBT (technical barriers to trade (standards)) matters. This proposal would add an additional requirement for an enquiry point(s) for other trade-related information.

#### Basic Standard

A Member shall establish a national or regional enquiry point which is responsible for providing, or facilitating access to, trade-related information and documents to interested parties.

#### Text of the Proposal(s)

Hong Kong, China, Japan, Mongolia, Norway, Switzerland and Turkey, TN/TF/W/155/Rev.1

"Each Member shall ensure that at least **one or more enquiry points** are exists. The enquiry points **shall answer all reasonable enquiries** on the issues covered in paragraph 1 from interested parties as well as to **provide the required forms** referred to in paragraph 1(a).

(Paragraph 1 from proposal on Publication A.1:

*"1. Each Member shall **publish promptly all laws, regulations, judicial decisions and administrative rulings of general application** as specified in Article X of GATT 1994, including but not limited to:*

- (a) **Importation, exportation or transit procedures required by Government (including port, airport, and other entry-point procedures and required forms and documents);***
- (b) **Rate of duties and taxes imposed on or in connection with importation, exportation or transit (including applied tariff rates);***
- (c) **General rule for classification of products for customs purposes as well as examples of such classifications;***
- (d) **Import, export or transit requirements, restrictions or prohibitions;***
- (e) **Fees and charges imposed on or in connection with importation, exportation or transit procedures as required by Government;***
- (f) **Penalty provisions against breaches of import, export or transit formalities;***
- (g) **Appeal procedures;***
- (h) **Agreements or parts thereof with any country or countries relating to the importation, exportation or transit).***



Where a Member requires payment of a fee for enquiries, such fees **shall not exceed the approximate cost of the service rendered.**

The enquiry points shall **reply to enquiries within a reasonable time period set by each individual Member.**

Members involved in a regional integration may establish enquiry points at **the regional level.**"

Barbados, Cuba, Fiji, Papua New Guinea, Solomon Islands, TN/TF/W/129/Rev.2

*"Small Economies/developing countries which are members of a Customs Union or a regional economic arrangement shall have the option of establishing one or more enquiry points **at the regional level.** The existence of a notified regional enquiry point would satisfy the requirements for the existence of an enquiry point under this current provision."*

Requirements to Meet the Basic Standard

- (a) **The Member provides competent staff to service such enquiry points.**
- (b) **The Member provides basic communication equipment (telephones and fax machines) computers with internet access and email.**
- (c) **The Member has formal mechanisms in place to ensure coordination between all relevant agencies/enquiry point, enquiry point/stakeholders, and enquiry point/foreign enquiry points.**
- (d) **The Member has formal mechanisms in place to ensure the information and documents are routinely updated as needed.**
- (e) **The Member has formal mechanisms in place to notify and regularly update the WTO of the contact information for the enquiry points.**

### A.3 ESTABLISHMENT OF ENQUIRY POINTS

**Basic Standard:** A Member shall establish a national or regional enquiry point which is responsible for providing, or facilitating access to, trade-related information and documents to interested parties.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: Provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>1. Establishment of a national or regional enquiry point(s) established for trade-related legislation and procedures, information and documents.</p> <p>2. Any fees charged reflect the approximate cost of the service rendered.</p> <p>3. Reply within a reasonable time period set nationally.</p>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>	<b>Reason for non-compliance/ barriers</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
<b>(Put in bold the points where you are not in compliance)</b>	<b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

#### A.4 Notification

##### General Description

The purpose of notification to the WTO is to provide transparency. All official notifications are translated and distributed in the three official WTO languages and circulated or made available to all WTO Members and Observers.

##### Basic Standard

A Member shall establish procedures to notify official sources, website and enquiry point to the WTO.

##### Text of Proposal(s)<sup>11</sup>

Hong Kong, China, Japan, Mongolia, Norway, Switzerland and Turkey, TN/TF/W/155

"Each Member shall **notify to the [Trade Facilitation Committee] the officially designated sources** referred to in [the] paragraph [on availability], **the official websites** referred to in [the] paragraph [on the establishment of an official website], as well as **the contact information of the enquiry points** referred to in [the] paragraph [on the establishment of enquiry points]."

##### Requirements to Meet the Basic Standard

Coordination- cooperation notifications mechanism.

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<sup>11</sup> Includes similar issues relating to transit in L.4(a).

#### A.4 NOTIFICATION

**Basic Standard:** A Member shall establish procedures to notify official sources, website and enquiry point to the WTO.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>1. Establishment of notification procedures for:</p> <p>(a) Official publication sources;</p> <p>(b) Official website;</p> <p>(c) Enquiry point.</p>			
<p><b>Priority for Technical Assistance:</b> High: __ Medium: __ Low: __ None: __ <b>Comments:</b></p>			
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>			

Current situation relative to the Proposed Measure. Describe in detail.	Reason for non-compliance/ barriers	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
(Put in bold the points where you are not in compliance)	(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Stakeholders not participating in assessment of this measure(s) that should be consulted:			
Issues to note (any comments or recommendations for negotiators, etc.):			

## **B. PRIOR PUBLICATION AND CONSULTATION**

### **B.1 Interval Between Publication and Entry Into Force**

#### General Description

These proposals seek to ensure that a reasonable period is provided between the publication of proposed new and amended laws, regulations, rulings etc. and their entry into force in order to contribute to informed compliance, by providing an opportunity for stakeholders to become acquainted with them and prepare for compliance.

#### Basic Standard

A Member shall ensure that, in principle, information relating to proposed new and amended rules of general application is made available to interested persons in advance of their entry into force.

#### Text of the Proposal(s)

Hong Kong, China, Japan, Korea, Mongolia and Switzerland, TN/TF/W/115/Rev.1

"Except in urgent circumstances and other limited exceptions which are made public, Members shall ensure, within the competence of their respective government, that a **reasonable interval is provided between the publication of new or amended laws, regulations and administrative rulings of general application, or their drafts or summaries, and their entry into force in such a manner as to allow traders to become acquainted with and well prepared for the compliance** with them."

#### **L.5(a) Publication- for transit**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

Prior publication: Except in urgent circumstances and other limited exceptions, which are made public, Members shall accord an adequate time period between the publication of new or amended transit formalities and documentation requirements and their entry into force."

#### Requirements to Meet the Basic Standard

The Member has in place legislation or administrative arrangements which clearly set out timeframes and procedures relating to the publication of new and amended rules prior to their entry into force.

**B.1 INTERVAL BETWEEN PUBLICATION AND ENTRY INTO FORCE**  
**L.5(a) PUBLICATION- FOR TRANSIT**

**Basic Standard:** A Member shall ensure that, where practicable, information relating to proposed new and amended rules of general application is made available to interested persons in advance of their entry into force.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>1. Interval between the publication and entry into force of new or amended laws, regulations and administrative rulings of general application, or their drafts or summaries.</p> <p>2. Interval between the publication and entry into force of new or amended transit formalities and documents.</p>			



Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
3. In a manner for acquaintance and compliance.			
Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:			
Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:			
Stakeholders not participating in assessment of this measure(s) that should be consulted:			
Issues to note (any comments or recommendations for negotiators, etc.):			

## **B.2 Prior Consultation and Commenting on New and Amended Rules**

### General Description

Public consultation and feedback improves the predictability of the regulatory environment, increases transparency, results in more realistic and fair rules which contributes to an improved the level of compliance. Such consultation and feedback may be organized by the relevant ministry or regulatory agency.

These proposals seek to ensure effective consultation at the national level on proposed trade-related laws, regulations, administrative rulings, etc. in order to provide interested persons with an opportunity to comment on the proposed new or amended trade related rules, and for Members to take such comments into account, as appropriate, prior to their implementation.

### Basic Standard

A Member shall provide opportunities for interested parties to comment on proposed new trade-related rules and procedures, or proposed amendments to existing rules or procedures, prior to their entry into force.

### Text of the Proposal(s)<sup>12</sup>

Hong Kong, China, Japan, Korea, Mongolia and Switzerland, TN/TF/W/115/Rev.1

"Except in urgent circumstances and other limited exceptions which are made public, Members shall afford, within the competence of their respective government, appropriate opportunities to interested parties within their territories **to comment on proposed introduction or amendment of trade-related laws, regulations and administrative rulings of general application**. Members shall provide information of **their policy objectives** pursued and allow **reasonable period for interested parties to submit comments**."

Turkey, TN/TF/W/132/Rev.1

"Members shall ensure that new or amended trade-related legislation and procedures be published on the national website at least [ ] days before its entry into force so that the interested parties shall be able to submit their comments on the legislation and take necessary measures for the adaptation. Exceptions to this provision are the legislation requiring urgency [and cases where publication in advance may distort market conditions]."

## **L.8(b) Between Authorities and the Private Sector- on transit**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Between authorities and the private sector: Members shall provide opportunities for interested traders or their representatives to comment on the transit regime and its operation, including with regard to the introduction of new or amended transit fees and charges, and transit formalities and documentation requirements, with a view to minimizing unnecessary delays and restrictions on traffic in transit."

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<sup>12</sup> Includes similar issues relating to transit in L.4(a).

Requirements to Meet the Basic Standard

- (a) The Member conducts regular, formal consultations at the national level with the public and private sector on proposed new or amended legislative and administrative arrangements. Such mechanisms include:
- Procedures for obtaining comments from interested persons;
  - Procedures for taking such comments into account prior to entry into force, and for providing public feedback on the acceptance or otherwise of the comments received;
  - Reasonable timeframes.
- (b) The Member provides competent staff to undertake such consultation.

**B.2 PRIOR CONSULTATION AND COMMENTING ON NEW AND AMENDED RULES**  
**L.8(b) BETWEEN AUTHORITIES AND THE PRIVATE SECTOR- ON TRANSIT**

**Basic Standard:** A Member shall provide opportunities for interested parties to comment on proposed new trade-related rules, or proposed amendments to existing rules, prior to their entry into force.

**COMPLY: Yes: \_\_\_ No: \_\_\_ Partially: \_\_\_ Not applicable: \_\_\_ National Priority: High: \_\_\_ Medium: \_\_\_ Low: \_\_\_ None: \_\_\_**

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Publication on website of new.</li> <li>2. or amended trade-related legislation and procedures.</li> <li>3. Information on their policy objectives.</li> <li>4. Procedures for submission of comments.</li> <li>5. Procedures for consideration of comments.</li> </ol>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  (Put in bold the points where you are not in compliance)	<b>Reason for non-compliance/ barriers</b>  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

### **B.3 Regular Consultation**

#### General Description

In order to ensure greater compliance with laws and regulations government agencies and traders should regularly consult. This is necessary to implement many of the measures proposed in these negotiations.

#### Basic Standard

Members shall hold regular consultations between border agencies and traders within their territories.

#### Text of the Proposal(s)<sup>13</sup>

Hong Kong, China, Japan, Korea, Mongolia and Switzerland, TN/TF/W/115/Rev.1

"Members shall hold **regular consultations between border agencies and traders** within their territories."

#### Requirements to Meet the Basic Standard

- The Member provides competent staff to undertake such consultation.

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<sup>13</sup> Includes similar issues relating to transit in L.4(a).

### B.3 REGULAR CONSULTATION

**Basic Standard:** Members shall hold regular consultations between border agencies and traders within their territories.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>1. Regular consultations between border agencies and traders.</p>		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Issues to note (any comments or recommendations for negotiators, etc.):			



## C. ADVANCE RULINGS

### C.1 Provision of Advance Rulings

#### General Description

In order to provide the international trading community with greater commercial predictability and certainty, and to facilitate their compliance with regulatory requirements, many administrations have implemented a system of advance rulings. This system allows a trader to apply for a written ruling on how the laws in the country of importation will be applied to their specific factual situation when they import. These rulings generally apply to tariff classification, valuation and origin. Such rulings are supplied by Customs on request, and in many cases are legally binding, provided they are based on complete and accurate information. The WTO Rules of Origin Agreement already requires Members to provide advance rulings on origin. These proposals seek to establish such a system of binding rulings in other customs areas.

#### Basic Standard

A Member shall issue rulings in a timely manner, and in advance of the relevant trade transaction, at the written request of an applicant<sup>14</sup> has provided the Member with all necessary information.

#### Text of the Proposal(s)

#### Australia, Canada, Turkey the United States, TN/TF/W/153

A Member **shall issue an advance ruling in a time bound manner** to an applicant submitting a written request which contains all necessary information. A Member's authority that declines to issue an advance ruling shall **promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.**

1. An advance ruling applies in respect of the applicant for a reasonable period of time after its issuance, unless the facts or circumstances supporting the original ruling have changed. Where the issuing authority revokes or modifies the ruling, the authority shall notify the applicant in writing, setting out the relevant facts and the basis for its decision.

2. A Member shall **publish**, at a minimum:

- (i) The **time period by which it will issue** an advance ruling,
- (ii) The **length of time for which the advance ruling is valid**, and
- (iii) What **information is necessary** from the applicant to issue an advance ruling.<sup>15</sup>

3. A Member shall provide, upon the request of the applicant, for a **review** by the issuing authority of the advance ruling or the decision to revoke or modify the advance ruling.<sup>16</sup>

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<sup>14</sup> "An applicant" is an importer, exporter or producer, a representative of an importer, exporter or producer, or any person with a justifiable cause. As defined in TN/TF/W/153.

<sup>15</sup> Note to the reader: This language may be dropped from the proposed article should it be adequately covered by the Article on publication and availability of information.

4. A Member shall endeavour to **make available information** on advance rulings which it considers to be of significant interest to other traders, taking into account the need to protect commercially confidential information.

#### Definitions

An "advance ruling" is a determination of a Member, provided in writing to an applicant prior to the commencement of trade in the good concerned that sets forth the treatment the Member shall provide the applicant, in connection with an importation covered by the application, with regard to:

[NOTE: The co-sponsors have bracketed several items which might be included in the scope of this proposal in recognition of the interest of Members in discussing the issue further.]

- (a) The **good's tariff classification**;
- (b) [The application of **customs valuation criteria for a particular case**;
- (c) The application of **duty drawback, deferral, or other relief from customs duties**;
- (d) The application of **quotas**].

[NOTE: Advance rulings on the good's country of origin are already provided for in the Agreement on Rules of Origin].

An "applicant" is an importer, exporter or producer, a representative of an importer, exporter or producer, or any person with a justifiable cause."

#### Requirements to Meet the Basic Standard

- (a) The Member has in place national legislation or administrative arrangements which set out transparent and predictable procedures for applying for, issuing, modifying and revoking an advance ruling, including:
  - The procedures and formalities to be followed, including review, appeal and revocation procedures;
  - The format in which the ruling is provided, which must include reasons for the decision;
  - Circumstances under which a ruling ceases to have effect.
- (b) All such rulings are honoured by the issuing authority in respect of the applicant's goods concerned at any border post and for the specified period, provided the facts and circumstances on which the ruling is based remain unchanged.
- (c) The maintenance of comprehensive records relating to all aspects of the advance ruling system.

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<sup>16</sup> Note to the reader: This provision may be dropped from the proposed article should it be adequately addressed in the context of the current proposals designed to clarify appeal and review procedures under Article X, which also include an initial right to review within the *issuing authority*.

## C.1 PROVISION OF ADVANCE RULINGS

**Basic Standard:** A Member shall issue rulings in a timely manner, and in advance of the relevant trade transaction, at the written request of an applicant who has provided the Member with all necessary information.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>Scope:</p> <p>Advance rulings in areas such as:</p> <ol style="list-style-type: none"> <li>Tariff classification.</li> <li>Duty drawback, deferral, other relief from duties.</li> <li>Quotas.</li> <li>Customs valuation.<sup>17</sup></li> </ol> <p>An advance ruling programme should provide the following:</p> <ol style="list-style-type: none"> <li>Application of the ruling.</li> </ol>			

<sup>17</sup> Not in relation to the value of the goods, but in relation to the treatment of particular aspects of the transaction for valuation purposes.

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
2. Written revocation. 3. Declined in writing. Right to appeal. Available to other traders. Publication of time period, validity period, the information that must be provided by the applicant.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## D. APPEAL PROCEDURES

### D.1 Right of Appeal

#### General Description

Government agency decisions can have an immediate and detrimental effect on traders affected by the decisions. These proposals seek to introduce effective appeal procedures that will enable affected traders to seek review of decisions made and to receive a prompt and considered response to their appeals.

#### Basic Standard

A Member shall provide a legal right of appeal in customs and other trade-related matters.

#### Text of the Proposal(s)

Japan and Mongolia, TN/TF/W/116/Rev.1

"RIGHT OF APPEAL

1. Each Member shall provide that **any person to whom customs or another relevant border agency issues a decision** has the right, within its territory, **without penalty**, to:

- (a) **Administrative appeal independent** of the employee or office of the agency which issued the decision; and
- (b) **Judicial appeal** of the decision.

2. The legislation of each Member may require administrative appeal to be initiated prior to judicial appeal.

TRANSPARENCY

3. Members shall ensure that appeal procedures are carried out in a **non-discriminatory manner**, and **that information concerning such procedures is made available to traders in such a manner as defined in Article [X]**. Traders shall be allowed to be **represented at all stages of appeal procedures by independent legal counsel**.

SET PERIOD

4. Members shall ensure that **customs and other relevant border agencies adopt and maintain set periods for their review and correction of decisions** under the appeal procedures. The **appellant shall have the right, for procedures mentioned in paragraph 1(a), in a case of undue delay, to bring the case to the next higher instance**.

OPPORTUNITIES TO RECEIVE INFORMATION AND GRIEVANCES

5. Members shall ensure that **customs and other relevant border agencies afford opportunities for traders, upon request, to receive information concerning the administrative decision such as the reasoning of the decision including applied laws and regulations**.

6. Members shall ensure that **customs and other relevant border agencies receive grievances from traders concerning the administrative decision** they are addressed to."<sup>18</sup>

Requirements to Meet the Basic Standard

- (a) The Member has in place national legislation that provides a right to affected persons to be given, upon written request, an explanation of the reasons for a trade-related decision; and for the person to have a right of appeal to a competent authority which may be the agency concerned, another administrative authority, arbitration, a special tribunal or, in the final instance, a judicial authority.
- (b) The appeal procedures are clearly outlined in national legislation, and the legal requirements and procedures for filing an appeal are readily accessible to the trade community and the general public, and address all elements identified in the Text of the Proposal(s) including:

Requirements for an appeal to be lodged in writing stating the grounds on which the appeal is being made.

- The time limits within which an appeal must be lodged;
  - Requirements for the decision in relation to the appeal to be provided to the appellant in writing, together with the reasons for that decision and advice as to the appellant's further rights of appeal and relevant time limits.
- (c) National legislation outlines the specific types of decisions that may be subject to appeal, such as decisions on tariff classification, valuation, origin, licensing, permits to import or export, refunds, etc.

**D.2 Appeal Mechanism in a Customs Union** – *this proposal applies only to customs unions that are themselves WTO Members. The European Union is the only such customs union so it is not necessary to consider this proposal for your needs assessment.*

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<sup>18</sup> Note: Grievances would be received, for example, at existing enquiry points, divisions, sections of customs and other border agencies concerned depending on each Member's situation.

## D.1 RIGHT OF APPEAL

**Basic Standard:** A Member shall provide a legal right of appeal in customs and other trade-related matters.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Non discriminatory/ accessible.</li> <li>2. Without penalty.</li> <li>3. Provides reasons.</li> <li>4. Independent administrative.</li> <li>5. Right to representation.</li> <li>6. Timeframe.</li> <li>7. Right to take to next higher instance.</li> <li>8. Information/reasoning on decision.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
9. Informal complaints.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			



## **E. OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY**

### **E.1 Import Alerts/Rapid Alerts**

#### General Description

The Import alert/rapid alert is a border control mechanism as defined in the proposal provided below. These proposals seek to ensure that if a country uses such a mechanism, it does not create a barrier to trade.

#### Basic Standard

A Member shall not operate an import alert/rapid alert system in a way that creates an unnecessary barrier to trade.

#### Text of the Proposal(s)

### **1. Import Alerts/Rapid Alerts**

#### India, TN/TF/W/122

"Import alert/rapid alert is a border control mechanism adopted by some countries as well as customs unions to monitor and ensure the quality of imported food product. This is operated by issuing a notification to all member states of a customs union/or to all ports of a country as well as to the exporter in case of detection of contaminated imports or import of products not meeting the required standards. As a result of such alert, a predetermined number of subsequent export consignments of the same exporter are subject to hundred percent inspection at the border of that country/every port of a customs union.

The following disciplines shall apply to a system of import alert/rapid alert:

In order to ensure that the application of a system of import/rapid alert does not by itself create a barrier to trade, it shall be **imposed across a customs union only if based on uniform standards and applied uniformly by all of its member states.**

- A notification against a country/exporter under a system of import/rapid alert restricting or prohibiting imports shall be **issued only after it has been established on the basis of positive evidence that imports from the country/exporter concerned have not fulfilled the prescribed objective standards.**
- **A notification issued under a system of import/rapid alert restricting or prohibiting imports shall not be maintained if circumstances giving rise to it no longer exist, or if changed circumstances can be addressed in a less trade restrictive manner.** Circumstances giving rise to import/ rapid alert would be deemed to no longer exist if [six] successive consignments imported from the country/exporter concerned, after the issuance of import/ rapid alert fulfilled the prescribed objective standards.
- **Announcement of termination of an import/rapid alert shall be made through a public notice to be issued no later than [15 days] after a decision has been taken to terminate the import/rapid alert.**

- **The speed and standard of publicity of de-notification of such alert shall equal the level applied at its issuance."**

Requirements to Meet the Basic Standard

Where the Member and/or customs union has in place a system of import/rapid alert, it should reflect the requirements identified in the Text of the Proposal(s).

## E.1 IMPORT ALERTS/RAPID ALERTS

**Basic Standard:** A Member shall not operate an import alert/rapid alert system in a way that creates an unnecessary barrier to trade.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ul style="list-style-type: none"> <li>• Uniform, objective standards;</li> <li>• Uniform application across customs union;</li> <li>• Positive;</li> <li>• Not maintained if circumstances no longer exist;</li> </ul> <ol style="list-style-type: none"> <li>1. Use of less trade restrictive arrangements.</li> <li>2. Public termination notice.</li> <li>3. Speed and standard of publicity of de-notification.</li> </ol>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## **E.2 Detention**

### General Description

This proposal seeks to ensure that importers, or their authorized agents, are informed promptly when their goods have been detained.

### Basic Standard

When imported goods are detained by a competent authority, a Member shall provide the importer or their authorized agent with information about the detention promptly.

### Text of the Proposal(s)

#### India, TN/TF/W/122

"In case imported goods are detained for inspection **by customs or any other authority** of a Member country, **information regarding such detention shall be provided to the importer or his authorized agent promptly.**"

### Requirements to Meet the Basic Standard

The Member has in place national legislation or administrative arrangements which clearly set out the procedures for notifying importers and/or their agents promptly in situations where goods are detained.

## E.2 DETENTION

**Basic Standard:** When imported goods are detained by a competent authority, a Member shall provide the importer or their authorized agent with information about the detention promptly.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)			
Specific to the proposal(s):			
Information provided promptly.			
<b>Priority for Technical Assistance:</b> High: __ Medium: __ Low: __ None: __ <b>Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

### E.3 Test Procedures

#### General Description

Customs and other competent authorities may draw and test samples where deemed necessary, to establish the tariff description of goods declared, protect health and safety, or to ensure the application of other provisions of national legislation. This proposal seeks to provide traders with the right to a second confirmatory test in situations where the initial test returns adverse findings.

#### Basic Standard

When samples of goods are tested by competent authorities for the purpose of ensuring the appropriate application of national legislation, a Member shall provide importers, exporters or their authorized agents with the right to a second confirmatory test.

#### Text of the Proposal(s)

##### India, TN/TF/W/122

"In case of the first test of a sample having shown an adverse finding, each Member conducting such a test shall grant the concerned importer or the exporter or their authorized agent **the right to a second confirmatory test**.

**A clear procedure shall be laid down for such a confirmatory test including a validated test method.**

**A list of accredited laboratories shall be published** where confirmatory tests can be carried out.

**For a customs union, the results of a confirmatory test carried out in one member state of a customs union shall be valid for and be accepted in all other member states of the customs union."**

#### Requirements to Meet the Basic Standard

The Member has in place national legislation or administrative arrangements which clearly set out the procedures for confirmatory testing as required by the Text of the Proposal(s).

### E.3 TEST PROCEDURES

**Basic Standard:** When samples of goods are tested by competent authorities for the purpose of ensuring the appropriate application of national legislation, a Member shall provide importers, exporters or their authorized agents with the right to a second confirmatory test.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ul style="list-style-type: none"> <li>• Clear procedures, including a validated test method;</li> <li>• Accredited laboratories and the publication of a list of such laboratories;</li> <li>• Acceptance of the results of a confirmatory test by all member states of a customs union.</li> </ul>			



<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## **F. FEES AND CHARGES CONNECTED WITH IMPORTATION AND EXPORTATION**

### **F.1 Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation**

#### General Description

GATT Article VIII paragraph 1(a) establishes certain obligations regarding fees and charges. It authorizes only those fees and charges that are limited to the approximate cost of services rendered, and prohibits fees and charges aimed at protecting domestic goods or having the effect of an import/export tax. These proposals seek to ensure that the principles of Article VIII are observed. (Note that this does not apply to customs duties or to internal taxes such as VAT/sales tax, etc.).

#### Basic Standard

A Member shall ensure that fees and charges imposed by customs or any other government body, including tasks undertaken on their behalf, do not exceed the approximate costs of services rendered and are in connection with/or a condition for importation, exportation or transit formality.

#### Text of the Proposal(s)

European Communities, Korea and Switzerland, TN/TF/W/107

"Scope

The provisions [of this article] **apply to all fees and charges imposed by customs authorities or by any other government body of any Member, including tasks undertaken on their behalf, on or in connection with importation or exportation, or as a condition for importation or exportation.**

Specific parameters

**Fees and charges shall only be imposed for services provided in direct connection with the specific importation or exportation in question or for any formality required for undertaking such importation or exportation.**

**Fees and charges shall not exceed the approximate cost of the service provided.**

**Fees and charges shall not be calculated on an ad valorem basis.**

**Fees and charges shall not be imposed with respect to consular services and equivalent measures.**

**Information on fees and charges shall be published.** This information shall include the **reason for the fee or charge (the service provided), the responsible authority, the fees and charges that will be applied, and when and how payment is made.** The information shall be made **readily available to all interested parties** and each Member shall **inform, through the WTO Secretariat, all other Members where the information on its fees and charges is available.** The information shall be published **via an officially designated medium, and where feasible and possible, official website.**

**An adequate time period shall be accorded between the publication of information on new or amended fees and charges and their entry into force except when justified by legitimate public policy objectives.**

**New or amended fees and charges shall not be imposed until information on them is published and made readily available.**

Each Member shall **periodically review its fees and charges to ensure that they are in line with WTO commitments and with a view to consolidating them and reducing their number and diversity."**

#### **L.4(a) Publication of Fees and Charges – for transit**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Publication: Members shall **publish promptly information on all transit fees and charges**. This information shall include the **reason for the transit fee or charge (the service provided), the responsible authority, the transit fees and charges that will be applied, and when and how payment is to be made**. The information shall be published **via an officially designated medium, and to the extent practicable, an official website.**<sup>19</sup>

Prior publication: Except in urgent circumstances and other limited exceptions, which are made public, Members shall accord **an adequate time period between the publication of information on new or amended transit fees and charges and their entry into force.**"<sup>20</sup>

#### **L.4(b) Periodic Review of Fees and Charges**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Periodic review: Each Member shall **periodically review its transit fees and charges to ensure that they are in line with WTO commitments and with a view to reducing their number and diversity, where appropriate.**"<sup>21</sup>

#### **L.4(c) More effective Disciplines on Charges for Transit – Reduction/Elimination**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Members shall **exempt traffic in transit from customs duties and from all transit duties and other fees and charges imposed in respect of transit, except:**

- (i) reasonable charges for transportation (such as tolls, road charges and similar), having regard to the conditions of the traffic, or
- (ii) reasonable transit charges commensurate with the administrative expenses entailed by transit or with the cost of the service rendered. Any transit charge shall:

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<sup>19</sup> Note to the reader: this paragraph may be dropped at a later stage if the issue is properly covered in another Article of the Agreement.

<sup>20</sup> Note to the reader: this paragraph may be dropped at a later stage if the issue is properly covered in another Article of the Agreement.

<sup>21</sup> Note to the reader: this paragraph may be dropped at a later stage if the issue is properly covered in another Article of the Agreement.

- only be imposed for transit services provided directly linked to the specific transit movement in question;
- not exceed the approximate cost of the transit service rendered; and
- not be calculated on an ad valorem basis."

Turkey, Georgia and Paraguay, TN/TF/W/146/Rev.1

"Charges for transit shall be commensurate with the **cost of the services rendered** and be **equally applied irrespective of the country of origin, destination or the nationality of the vehicle**. All charges and fees applied in transit regime shall be **notified** to [the relevant WTO body-Trade Facilitation Committee]."

Requirements to Meet the Basic Standard

Fees and charges imposed by the Member reflect the approximate cost of the services provided by the relevant agency. Relevant legislative and/or administrative arrangements include:

- Legislative and administrative arrangements that explicitly prohibit the collection of any fees or charges that have not been publicly notified;
- Agency mechanisms to identify and capture relevant costs;
- Prohibition of *ad valorem* fees and charges;
- Consolidation of fees and charges, where practicable.

**F.1 DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION**

**L.4(a) Publication of fees and charges – For transit; L.4.(b) Periodic review of fees and charges; L.4.(c) more effective disciplines on charges for transit – Reduction/Elimination**

**Basic Standard:** A Member shall ensure that fees and charges do not exceed the approximate costs of services rendered and are in direct connection with a specific importation, exportation or transit formality.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>Only imposed for services provided in direct connection.</p> <p>Not exceed the approximate cost of the service provided.</p> <p>Not be calculated on an ad valorem basis.</p> <p>Not be imposed on consular services.</p>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>Information published.</p> <p>Not be collected if they have not been publicly notified.</p> <p>Specification of services.</p> <p>Adequate time period between publication and entry into force.</p> <p>Periodic review.</p> <p>No duty / fees on transit.</p> <p>Non-discrimination on application of fees.</p>			
<p><b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b></p>			
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>			
<p><b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b></p>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

## G. RELEASE AND CLEARANCE OF GOODS

### G.1. Pre-arrival Processing

#### General Description

Pre-arrival processing allows traders to submit import documentation and other required information to customs and other relevant border agencies prior to the arrival of goods. In cases where it is decided that neither further examination, physical inspection nor any other submission is required, goods shall be released immediately upon arrival, provided that duties and taxes are paid or provided that a guarantee sufficient to ensure such payment is posted.

#### Basic Standard

A Member shall make provision for the lodging and processing of clearance data and documentation prior to the arrival of the goods to allow for immediate release upon arrival of the goods, where possible.

#### Text of the Proposal(s)

Hong Kong, China, Japan, Korea, Mongolia and Switzerland, TN/TF/W/117/Rev.1

#### "1. Pre-arrival Processing

Members shall maintain or introduce pre-arrival processing, which is defined as administrative procedures of customs and other relevant border agencies to accept and examine import documentation and other required information upon the submission by traders prior to the arrival of goods, in order to further expedite the clearance of goods where appropriate. In cases where it is decided that neither further examination, physical inspection nor any other submission is required, goods shall be **released immediately** upon arrival, provided that duties and taxes are paid or provided that a guarantee sufficient to ensure such payment is posted.

#### 2. International Standards and Practices<sup>22</sup>

- (b) Members recognize the need **for using international standards and practices** as efficient means to facilitate trade.
- (c) Members shall, where applicable, **draw on relevant international standards and practices as a basis for pre-arrival processing.**

#### 3. Reservations

Nothing in these provisions shall affect the right of Members to conduct examinations where necessary or to maintain appropriate border control with the use of risk management."

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<sup>22</sup> International standards and practices include Standard 3.25 of the Revised Kyoto Convention and WCO Guidelines for the immediate release of consignments by Customs.

Requirements to Meet the Basic Standard

The Member has in place national legislation and/or administrative arrangements which explicitly:

- Allow traders to submit clearance data for processing prior to the arrival of the goods;
- Allow traders to take delivery of their goods immediately upon arrival in situations where all regulatory requirements have been met and no further verification or inspection is deemed necessary, consistent with international standards and practices.



## G.1 PRE-ARRIVAL PROCESSING

**Basic Standard:** A Member shall make provision for the lodging and processing of clearance data and documentation prior to the arrival of the goods to allow for immediate release upon arrival of the goods, where possible.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s): national legislation and/or administrative arrangements</p> <ol style="list-style-type: none"> <li>Allow submission of data prior to arrival of goods.</li> <li>Allow immediate release.</li> <li>International standards and practices.</li> </ol> <p>.</p>			

Current situation relative to the Proposed Measure. Describe in detail.	Reason for non-compliance/ barriers	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
(Put in bold the points where you are not in compliance)	(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:			
Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:			
Stakeholders not participating in assessment of this measure(s) that should be consulted:			
Issues to note (any comments or recommendations for negotiators, etc.):			

## **G.2 Separation of Release from Final Determination and Payment of Customs Duties, Taxes and Fees**

### General Description

These proposals support a system whereby goods may be released from customs control and other border agencies before final payment of duties and taxes is made, or resolution of issues is reached, utilizing guarantees such as a sureties, bonds, or deposits, where necessary.

### Basic Standard

A Member shall provide for conditions under which an importer may remove goods from customs control prior to payment of the relevant duties and taxes and fees, when these are not determined at or prior to arrival.

### Text of the Proposal(s)

#### Canada and Switzerland, TN/TF/W/136/Rev.2

"1. Each Member shall adopt or maintain procedures authorizing an importer to **remove goods from customs' control prior to the final determination and payment of customs duties, taxes and fees when these are not determined at or prior to arrival.**

2. A Member may request **sufficient guarantee in the form of a surety, a deposit or some other appropriate instrument** for this purpose. The guarantee shall be **limited to an amount calculated to ensure compliance** with a Member's requirements for customs duties, taxes and fees, and **shall not represent an indirect protection to domestic products or a taxation** of imports for fiscal purposes. Once the Member has determined that these requirements have been satisfied, the **guarantee for the goods shall be discharged without delay.**

3. A Member may detain and examine goods in a manner not otherwise inconsistent with the Member's WTO rights and obligations."

### Requirements to Meet the Basic Standard

The Member has in place national legislation and administrative arrangements which specify conditions under which goods may be released from customs control prior to payment of the relevant duties and taxes. Such arrangements address the elements identified in the Text of the Proposal(s), including:

- Circumstances under which goods may be released prior to payment of the relevant duties and taxes;
- Rules governing the guarantee system, including acceptable forms of guarantee, the amount of such guarantee, and terms of reimbursement of guarantees.

## G.2 SEPARATION OF RELEASE FROM FINAL DETERMINATION AND PAYMENT OF CUSTOMS DUTIES, TAXES AND FEES

**Basic Standard:** A Member shall provide for conditions under which goods may be released by Customs and other border agencies prior to payment of the relevant duties and taxes.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Remove goods from control prior to payment.</li> <li>2. Use of guarantees.</li> <li>3. Limited to an amount reasonably calculated to ensure compliance.</li> <li>4. That are discharged without delay once requirements have been satisfied.</li> </ol>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>	<b>Reason for non-compliance/ barriers</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
<b>(Put in bold the points where you are not in compliance)</b>	<b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

### G.3 Risk Management/Analysis

#### General Description

In most countries the volume of international trade is growing so border officials have an increased work flow and at the same time are under increasing pressure to facilitate trade. The best way to efficiently manage this situation is through the use of risk management. This means that a system is put in place to identify the risk factors of the goods (and associated information, including the traders) that enter/leave/cross the country. Goods that are considered high risk are closely examined while low risk goods can enter the country quickly with only a cursory look (with random in-depth inspections to verify that the system is working properly). These WTO proposals seek to ensure the application of risk management principles to trade-related examinations and inspections.

#### Basic Standard

A Member shall conduct examinations and inspections based on the application of risk management.

#### Text of the Proposal(s)<sup>23</sup>

##### India, TN/TF/W/121

"A customs union shall generally apply a harmonized risk management system across the entire customs union".

##### Chinese Taipei, Korea and Switzerland, TN/TF/W/140

**"Members shall conduct documentary and physical examination based on risk management"**<sup>24</sup> for the purpose of concentrating on the examination of higher risk<sup>25</sup> goods and facilitating the movement of lower risk goods.

In applying risk management techniques, Members shall examine imported goods based on **appropriate selectivity criteria** in order to provide compliant traders with greater facilitation and expedited customs procedures.

The **selectivity criteria may include specific commodity code, country of origin, country whence consigned, licensing indicator, value of goods, compliance level of traders, type of means of transport and the traders' purpose of the stay in the Customs territory.**

Members shall, where practicable, refer to relevant **international standards and practices** including the revised Kyoto Convention and the WCO Risk Management Guideline as basis for its risk management procedures.

Risk management procedures **shall not be used as or have the effect of creating disguised discrimination and obstacles to trade.**

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<sup>23</sup> Includes similar issues relating to transit in L.4(c).

<sup>24</sup> Defined as "the systematic application of management procedures and practices providing customs and other relevant border agencies with the necessary information to address movements or consignments which present a risk."

<sup>25</sup> The proposal defines "risk" as "the potential for non-compliance with customs and/or other relevant laws."

Risk management procedures **shall be applied, to the extent possible, to the relevant trade facilitation measures including pre-arrival processing, post-clearance audit, and authorized traders.**"

China, TN/TF/W/148

"Members shall apply risk management<sup>26</sup> techniques with the purpose **to reduce, to the extent possible, physical inspections on goods.**

Members shall **concentrate physical inspections on high risk goods while expediting release of low risk goods** and providing facilitation to the compliant traders.

- (a) The application scope of risk management techniques includes but is not limited to **the processes of customs supervision and control, post-clearance audit, tariff classification, valuation and analysis of customs statistics.**
- (b) **Appropriate criteria** to select traders to be eligible for different treatments shall be established accordingly.

Selectivity of goods for physical inspections shall be in a manner of **non-discrimination to avoid constitution of trade obstacles.**

Wherever practicable, **the standards and instruments developed by relevant international organizations such as WCO** shall be applied."

#### Requirements to Meet the Basic Standard

The Member has in place national legislation and/or administrative arrangements which require the application of risk management principles based on relevant international standards and practices such as Chapter 6 of the General Annex to the WCO Revised Kyoto Convention and its associated Guidelines. This includes clear evidence of:

- The development, use and regular review of formal risk management plans;
- The use of formal risk analysis methodologies to determine which persons, consignments and means of transport should be examined and the extent of such examination;
- Mechanisms and associated records that provide the ability to determine why particular consignments have been, or are to be, selected for specific interventions;
- Dedicated officials responsible for regular updates to keep risk profiles current.

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<sup>26</sup> Defined as "the systematic application of management procedures and practices providing customs and other relevant border agencies with the necessary information to address movements or consignments which present a risk."

**G.3 RISK MANAGEMENT/ANALYSIS**

**Basic Standard:** A Member shall conduct examinations and inspections based on the application of risk management.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Documentary and physical examination based on risk management.</li> <li>2. Use of appropriate selectivity criteria.</li> <li>3. Use of international standards and practices.</li> <li>4. Non-discriminatory and avoid trade obstacles.</li> <li>5. Applied to relevant trade facilitation measures i.e.;</li> </ol> <p>- Pre-arrival processing;</p>			



Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
- Post-clearance audit;  - Authorized traders.  6. To reduce physical inspections – focus on high risk-expedite low risk goods.  7. Scope (classification, value, etc.).			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

#### **G.4 Post-Clearance Audit**

##### General Description

These proposals seek to facilitate trade through an increased use of post-clearance audit. Post-clearance audit is a method of compliance management, whereby a customs administration may release the majority of consignments at the time of their arrival and conduct an audit of selected traders at a later time. Audits are normally undertaken at importers premises where auditors can access all relevant records, employees, etc. to determine if information provided at time of importation is accurate.

##### Basic Standard

A Member shall provide for post clearance audit whereby goods may be released on arrival with compliance verification undertaken at a later time.

##### Text of the Proposal(s)

China, Indonesia and Korea, TN/TF/W/134 and Add.1

**"Members shall carry out necessary PCA on the account books, vouchers, commercial documents, customs declaration forms and other trade-related information maintained by enterprises involved directly or indirectly in the transaction of international trade upon the risk analysis results.**

Members shall conduct PCA through methods of **regular audit**<sup>27</sup> and **targeted audit**<sup>28</sup> to identify the risk and assess the compliance of traders.

**The outcome of PCA shall be fed back timely to relevant Customs officers involved in clearance procedures to take further action. The most compliant traders or low risk commodities shall be granted simplest and fastest clearance treatment by Customs.**

Members shall adopt the relevant **international standards and instruments** as a basis for PCA,<sup>29</sup> where such standards and instruments exist."

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<sup>27</sup> Regular audit is performed periodically according to auditing programs set forth by Customs focusing on business system and routine operation and management situation.

<sup>28</sup> Targeted audit is performed on the selected traders and commodities with high risks resulting from the results of risk analysis and assessment.

<sup>29</sup> A relevant international standard is Standard 6.6 and 6.10 Chapter 6, General Annex of the Revised Kyoto Convention.

Requirements to Meet the Basic Standard

The Member has in place national legislation and/or administrative arrangements which provide for and utilize post-clearance audit as an accepted element of compliance management. This includes:

- The use of company-focussed audits as well as transaction-based verifications;
- Competent audit staff;
- Legislation that clearly states the powers that can be exercised by those staff;
- The creation of a compliance database to assist in identifying areas of potential risk, in which audit results are recorded and analysed;
- Record keeping requirements for traders.

## G.4 POST-CLEARANCE AUDIT

**Basic Standard:** A Member shall provide for post clearance audit whereby goods may be released on arrival with compliance verification undertaken at a later time.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Post clearance audit programme.</li> <li>2. Regular audit.</li> <li>3. Targeted audit.</li> <li>4. Results fed back to relevant offices.</li> <li>5. Use of international standards and instruments.</li> </ol>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  (Put in bold the points where you are not in compliance)	<b>Reason for non-compliance/ barriers</b>  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## **G.5 Establishment and Publication of Average Release and Clearance Times**

### General Description

These proposals seek to reduce release and clearance times by requiring members to calculate, publish, and endeavour to continuously reduce the average times for release and clearance of goods.

### Basic Standard

A Member shall establish and publish average release and clearance times, and shall seek to progressively reduce the time taken to release and clear goods.

### Text of the Proposal(s)

Korea and Japan, TN/TF/W/139/Rev.1 and Rev.1/Add.1

**"Members shall measure and publish their own average time for the release of goods in a consistent manner on a periodic basis, using tools such as the WCO Time Release Study.**

Members shall endeavour to **continuously reduce such average release time.**

In case of a **significant delay in the release of goods, Members shall provide the traders who have made written requests with the reasons for the delay** except when such notification would impede the pursuance of legitimate policy objectives."

### Requirements to Meet the Basic Standard

- (a) The Member has in place arrangements which provide for the periodic measurement of average clearance and release times for imported and exported goods, in accordance with the Text of the Proposal(s).
- (b) The Member publishes the results of such measurement on a periodic basis.

## G.5 ESTABLISHMENT AND PUBLICATION OF AVERAGE RELEASE AND CLEARANCE TIMES

**Basic Standard:** A Member shall establish and publish average release and clearance times, and shall seek to progressively reduce the time taken to release and clear goods.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Measure and publish average time for the release.</li> <li>2. Consistent manner.</li> <li>3. Periodic basis.</li> <li>4. Using tools such as the WCO Time Release Study.</li> <li>5. Continuously reduce.</li> <li>6. Reasons for significant delay.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.	Reason for non-compliance/ barriers	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
(Put in bold the points where you are not in compliance)	(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:			
Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:			
Stakeholders not participating in assessment of this measure(s) that should be consulted:			
Issues to note (any comments or recommendations for negotiators, etc.):			



## G.6 Authorized Traders

### General Description

These proposals seek to ensure the introduction of simplified import and export formalities for traders with an appropriate record of compliance with import and export requirements, known as "authorized traders."

### Basic Standard

A Member shall provide for simplified import, export and transit formalities for traders who demonstrate a high level of compliance with trade-related laws and regulations.

### Text of the Proposal(s)<sup>30</sup>

#### European Communities and Mongolia, TN/TF/W/109/Rev.1

"Authorized traders

- In addition to the facilitation measures provided to all operators set out in this Agreement, Members shall apply **further simplified import and export formalities** for economic operators, including SME's, which meet **specific criteria related to compliance** with customs requirements ("authorized traders"):
- **These specific criteria may include the following: (1) an appropriate record of compliance with customs requirements; (2) a system of managing records to allow for necessary controls; (3) financial solvency (including, where appropriate, provision of a sufficient security/guarantee); and/or (4) an appropriate system of security and safety standards.**
- The additional facilitation measures for such authorised traders shall include:
  - (i) **the possibility of periodic declarations and payment of duties,**
  - (ii) **reduced physical inspections** in all but exceptional circumstances,
  - (iii) **reduced documentary and data requirements as determined by domestic legislation, and the right to submit for processing a single document covering all goods contained in a consignment, and**
  - (iv) **more rapid release time.**
- Additional facilitation measures may also include:
  - (v) **local clearance,**
  - (vi) **remote filing.**
- The specific criteria to qualify as an authorized trader shall not be designed or applied so as to afford or create arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

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<sup>30</sup> Includes similar issues relating to transit in L.4(c).

- Members shall **use objective risk management techniques** in the assessment of any application for authorized trader status.
- Members shall draw upon **relevant international standards and instruments** as a basis for authorized trader schemes, where such standards and instruments exist, except when they would be an inappropriate or ineffective means for the fulfilment of the legitimate objectives pursued."

India, TN/TF/W/121

"Norms for authorized trader status shall be **applied uniformly by all member states of a customs union.**"

Requirements to Meet the Basic Standard

- (a) The Member has in place national legislation and/or administrative arrangements which allow the application of simplified import, export and transit formalities for traders who meet specific criteria, providing in particular for more rapid release and clearance of consignments and a lower incidence of physical inspections;
- (b) Publication of the criteria.

## G.6 AUTHORIZED TRADERS

**Basic Standard:** A Member shall provide for simplified import, export and transit formalities for traders who demonstrate a high level of compliance with trade-related laws and regulations.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Simplified import and export formalities.</li> <li>2. Specific criteria.</li> <li>3. Periodic declarations and payment of duties</li> <li>4. Reduced physical inspections.</li> <li>5. Reduced documentary and data requirements.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
6. Single document covering all goods. 7. More rapid release. 8. Local clearance. 9. Remote filing. 10. Not designed or applied to be arbitrary or discriminate. not disguised restriction. 11. Use objective risk management techniques. 12. Use of international standards and instruments. 13. Uniform application by all member states of a customs union.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## G.7 Expedited Shipments

### General Description

These proposals recognize the time-sensitive nature of expedited shipments and seek to ensure expedited clearance arrangements for such consignments. Expedited shipment provider is proposed as a person that maintains a high-degree of control over shipments, including tracking at every point during their conveyance, and maintains the capacity for the expedited shipment provider, sender and recipient to locate expedited shipments at any point in their conveyance and to obtain current information on the estimated delivery time of those shipments.

### Basic Standard

A Member shall provide expedited Customs clearance procedures for expedited shipments from economic operators which meet specific criteria.

### Text of the Proposal(s)

#### United States, TN/TF/W/144/Rev.2

##### "Customs Procedures for Expedited Shipments

1. Each Member shall adopt or **maintain customs procedures allowing for expedited shipments** while maintaining customs control and selection. These procedures shall:

- (a) **Allow for the submission and processing, including through electronic means, of information necessary for the release of an expedited shipment prior to the arrival of the expedited shipment;**
- (b) **Allow for the submission and processing, including through electronic means, of a single document covering all goods contained in an expedited shipment;**
- (c) **To the extent possible, provide for the release of expedited shipments based on the single document;**
- (d) **Provide for expedited shipments to be released under normal circumstances within 3 hours after the necessary customs documents have been submitted, provided the shipment has arrived;**
- (e) **Apply to expedited shipments without regard to weight or customs value;**
- (f) **[Allow for the release of expedited shipments before and without prejudice to the final determination of the applicable customs duties, taxes, and fees owed, if, where so required, the importer provides sufficient guarantee in the form of a surety, a deposit, or some other appropriate instrument, covering the ultimate payment of the customs duties, taxes, and fees in connection with the importation of the expedited shipment];<sup>31</sup> and**
- (g) **Provide for a de minimis procedure under which customs duties and taxes will not be assessed on an expedited shipment valued under a specified value.**

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<sup>31</sup> Note to the reader: This language may be dropped from the proposed article should it be adequately addressed in the context of the proposal on release and clearance (TN/TF/W/136/Rev.1).

2. A Member may require that an expedited shipment provider shall, as a condition for the application of the procedures described in paragraph 1 to its expedited shipments:

- (c) Provide **adequate infrastructure** to allow for the processing of the expedited shipment;
- (d) **Submit specified information from the single document in advance of the arrival** of an expedited shipment; and
- (e) be **assessed fees limited in amount to the approximate cost of services rendered** in providing the customs procedures in paragraph 1.

3. Nothing in these provisions shall prevent a Member from obtaining additional information, conducting screenings, or examining goods, where necessary to maintain appropriate border control, including through the use of systems that distinguish between low-risk and high-risk goods.

#### Definitions

"Expedited shipments" means goods designated as such by an expedited shipment provider.

"Expedited shipment provider" means a person that:

- (a) Maintains a high-degree of control over expedited shipments through the use of internal security, logistics, and tracking technology;
- (b) Tracks and controls expedited shipments at every point during their conveyance; and
- (c) Maintains the capacity for the expedited shipment provider, sender and recipient to locate expedited shipments at any point in their conveyance and to obtain current information on the estimated delivery time of those shipments.

"Single document" means a consolidated document or record (including in electronic form) issued by an expedited shipment provider which contains the following identifying information about each of the goods being shipped:

- (1) The country of origin of the goods, if known;
- (2) The shipper's name and address;
- (3) The ultimate consignee's name and address;
- (4) A specific description of the goods;
- (5) The quantity of the goods;
- (6) The shipping weight;
- (7) The value of the goods; and
- (8) An identifier or tracking number unique to a particular expedited shipment."

#### Requirements to Meet the Basic Standard

Member may require from expedited shipment operators:

- Adequate infrastructure;
- Prior submission of the single document;
- Fees that reflect the cost of services rendered.

## G.7

## EXPEDITED SHIPMENTS

**Basic Standard:** A Member shall provide expedited clearance procedures for expedited shipments from economic operators which meet specific criteria.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>Procedures for expedited shipments.</li> <li>Through electronic means.</li> <li>Single document.</li> <li>Within 3 hours.</li> <li>Without regard to weight or customs value.</li> <li>Release before and without prejudice to the final determination. of duties, taxes, fees.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
7. Guarantee system. 8. De minimis procedures. 9. Adequate infrastructure. 10. Allow submission of information from single document in advance. 11. Fees limited in amount to the approximate cost of services rendered.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			



## H. CONSULARIZATION

### H.1 Prohibition of Consular Transaction Requirement

#### General Description

This proposal defines consularization as the procedure of obtaining from a consul of the importing Member in the territory of the exporting Member, or in the territory of a third party, a consular invoice or a consular visa for a commercial invoice, certificate of origin, manifest, shippers' export declaration, or any other customs documentation in connection with the importation of the good.

This practice can be time consuming and expensive and often represents a hindrance to trade. These proposals seek to prohibit the practice.

#### Basic Standard

A Member **shall not impose any requirement for a consular transaction(s)** in connection with the importation of any goods.

#### Text of the Proposal(s)

(Uganda and the United States, TN/TF/W/104)

"A Member **shall not require a consular transaction**<sup>32</sup>, **including any related fee or charge, in connection with the importation of any good.**"

#### Requirements to Meet the Basic Standard

The Member has no legislative or administrative requirement for consularization.

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<sup>32</sup> Defined as "the procedure of obtaining from a consul of the importing Member in the territory of the exporting Member, or in the territory of a third party, a consular invoice or a consular visa for a commercial invoice, certificate of origin, manifest, shippers' export declaration, or any other customs documentation in connection with the importation of the good."

# H.1 PROHIBITION OF CONSULAR TRANSACTION REQUIREMENT

**Basic Standard:** A Member shall not impose any requirement for a consular transaction(s) in connection with the importation of any goods.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>No requirement for a consular transaction(s).</p> <p>No fee or charge.</p>			
<p><b>Priority for Technical Assistance:</b> High: __ Medium: __ Low: __ None: __ <b>Comments:</b></p>			
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. <u>If possible include estimated costs and/or implementation times.</u> )	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Stakeholders not participating in assessment of this measure(s) that should be consulted:			
Issues to note (any comments or recommendations for negotiators, etc.):			

## **I. BORDER AGENCY COORDINATION**

### **I.1 Coordination of Activities and Requirements of all Border Agencies**

#### General Description

These proposals include two different areas of cooperation: 1) internal agency coordination and 2) cross-border coordination. Where several national regulatory agencies are directly involved in the clearance of goods, this could result in the imposition of multiple internal formalities and physical interventions which are an impediment to trade. These proposals seek coordination of relevant internal agencies. Additionally, on land borders, traders are often faced with different clearance processes and customs facilities on each side of the border. These proposals seek to improve coordination between the border authorities of neighboring countries in order to reduce the procedures required and time taken to clear goods across the frontier.

#### Basic Standard

A Member shall ensure that its authorities and agencies involved in border and other import and export controls cooperate and coordinate in order to facilitate trade both internally and cross-borders.

#### Text of the Proposal(s)

#### Canada and Norway, TN/TF/W/128/Rev.2

"1. A Member shall ensure that its authorities and agencies **involved in border and other import and export controls cooperate and coordinate their procedures** in order to facilitate trade.

2. (a) A Member shall, to the extent possible, **cooperate with bordering Members and coordinate customs procedures at border crossings** in order to facilitate trade.

(b) Wherever possible and practical, such cooperation and coordination may include:

- **Alignment of procedures and formalities including working days and hours;**
- **Development and sharing of common facilities;**
- **Provision of expedited processes for goods in transit such as a single channel;**
- **Development of procedures for exchange of non-confidential information<sup>33</sup>.**"

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<sup>33</sup> Subject to further negotiations on how a Trade Facilitation Agreement will coexist in relationship to GATT Article X.

## **L.8(a) Improved Coordination and Cooperation- for transit**

### **(c) Amongst Authorities**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Amongst authorities: Members shall **ensure cooperation and coordination between all concerned authorities and agencies in their territory to facilitate traffic in transit. Members shall ensure cooperation with other Members on issues of traffic in transit, including with regard to standardizing transit formalities and documentation requirements, coordinating operations of border crossings and mutual recognition of authorized trader schemes.** To this end, neighbouring Members shall, as far as necessary, **meet periodically to discuss and come to an understanding on the fees and charges, formalities, legal requirements and practical operation of transit regimes relating to goods moving in transit between them**<sup>34</sup>."

### Requirements to Meet the Basic Standard

The Member has in place national legislation and/or administrative arrangements which:

- Specify standardized data and documentation requirements for importation, exportation and transit;
- Provide importers and exporters with a single point of lodgement, whether electronic or manual;
- Establish coordinated inspection arrangements and site for cargo that is selected for inspection, to eliminate duplication and ensure that inspections are carried out at the same time, wherever possible.

The Member has in place national legislation or administrative arrangements which establish measures to regulate the functioning of coordinated border controls including, but not limited to:

- Alignment and coordination of procedures and formalities;
- Correlation of the business hours and competence of those offices;
- Development and operation of common facilities;
- Management system outlining the role and responsibilities of each agency;
- Agreement and procedures to exchange information;
- Harmonization of risk analysis, where practicable.

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<sup>34</sup> Note to the reader: this paragraph may be dropped at a later stage if the issue is properly covered in another Article of the Agreement.

**I.1**  
**L.8(a)** **COORDINATION OF ACTIVITIES AND REQUIREMENTS OF ALL BORDER AGENCIES**  
**IMPROVED COORDINATION AND COOPERATION- FOR TRANSIT**

**Basic Standard:** A Member shall ensure that its authorities and agencies involved in border and other import and export controls cooperate and coordinate in order to facilitate trade both internally and cross-borders.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s): Internal Agency Cooperation</p> <p>1. Internal agency cooperation.</p> <p>2. Internal agency cooperation on transit issues.</p> <p>Cross Border Cooperation</p> <p>1. Cooperate with bordering Members and coordinate customs procedures at border crossings in order to facilitate trade.</p>			

Current situation relative to the Proposed Measure. Describe in detail.	Reason for non-compliance/ barriers	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
(Put in bold the points where you are not in compliance)	(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>2. Alignment of procedures and formalities including working days and hours.</p> <p>3. Development and sharing of common facilities.</p> <p>4. Provision of expedited processes for goods in transit such as a single channel.</p> <p>5. Development of procedures for exchange of non-confidential information.</p> <p>6. Standardize transit formalities and documentation requirements.</p> <p>7. Coordinate transit operations of border crossings.</p> <p>8. Mutual recognition of authorized trader schemes.</p> <p>9. Periodic meetings to discuss transits requirements including fees.</p>			
<p><b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b></p>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			



## **J. FORMALITIES CONNECTED WITH IMPORTATION AND EXPORTATION**

### **J.1 Periodic Review of Formalities and Requirements;**

#### General Description

#### Basic Standard

A Member shall regularly review its formalities and requirements to take into account new practices and technologies.

#### Text of the Proposal(s)

Hong Kong, China and Switzerland, TN/TF/W/124/Rev.2

**"Each Member shall review its formalities and requirements at reasonable and regular intervals, taking into account relevant new information and business practices, availability and adoption of techniques and technology, international best practices and input from interested parties<sup>35</sup>."**

#### Requirements to Meet the Basic Standard

- (a) The Member has established administrative review mechanisms within relevant agencies to take into account new trends and technologies, to assess possibilities for updating and improvement of formalities and documents to facilitate trade;
- (b) Stakeholder consultation arrangements are in operation which enable interested parties to provide input to the review process.

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<sup>35</sup> This self-initiated review shall not affect Members' rights and obligations under paragraph 2 of Article VIII of GATT 1994.

## J.1 PERIODIC REVIEW OF FORMALITIES AND REQUIREMENTS;

**Basic Standard:** A Member shall regularly review its formalities and requirements to take into account new practices and technologies.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Review formalities and requirements at reasonable and regular intervals.</li> <li>2. Take into account new practices, techniques, technologies, best practices.</li> <li>3. Participation of all interested parties.</li> </ol>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## **J.2 Reduction/Limitation of Formalities and Documentation Requirements**

### General Description

These proposals seek to ensure the ongoing appropriateness of trade-related formalities and document requirements through periodic review. The objective is to ensure that they are reduced to the minimum required to ensure compliance with legitimate policy objectives and that document requirements are simplified, harmonized and aligned with international standards.

### Basic Standard

A Member shall periodically review its import and export formalities and requirements with a view to reduce, simplify, harmonize and to ensure that they are appropriate and are not maintained once the circumstances or objectives giving rise to their adoption no longer exist.

### Text of the Proposal(s)<sup>36</sup>

Hong Kong, China and Switzerland, TN/TF/W/124/Rev.2

"Members shall **minimize the incidence and complexity of import and export formalities and decrease and simplify import and export documentation requirements**. In doing so, Members shall **consider whether alternative formalities and requirements that can achieve the legitimate objectives are reasonably available, and adopt those formalities and requirements which are significantly less trade restrictive**. Members shall ensure that the formalities and requirements are **applied in an efficient manner so as not to constitute an unnecessary obstacle to trade**.

Any such formalities or requirements **shall not be maintained if the circumstances or objectives giving rise to their adoption no longer exist.**"

Mongolia, Norway and Switzerland, TN/TF/W/130/Rev.1

"Recognizing the need to minimize the incident and the complexity of trade documents, Members shall ensure that:

1. **Documentation requirements are no more administratively burdensome or trade restrictive than necessary to achieve their legitimate objectives; and**
2. The following is **aligned with international trade facilitation standards and recommendations** as set out in paragraphs 2(i) to (iii):
  - (i) **National trade document formats with the UN-Layout Key or its future updated electronic counterparts in accordance with the Customs Co-operation Council Recommendations on the matter;**
  - (ii) **National data elements in trade documents with the UN Trade Data Elements Directory (UNTD ED) and future updated versions in accordance with the Customs Co-operation Council Recommendations on the matter; and**

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<sup>36</sup> Includes matters relating to goods in transit identified in L.3 (c) and L.4.

**Electronic messages to be interchanged and inter-operated between Customs administrations and between Customs administrations and other trade operators with internationally widely accepted standards for electronic information exchange."**

**L.5(b) Periodic Review- for transit**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Periodic review: Each Member shall periodically review its transit formalities and documentation requirements to ensure that they are in line with WTO commitments and with a view to consolidating them and reducing their impact on trade. Such reviews shall allow for the participation of all interested parties and, as appropriate, may be held at a regional or international level."

Requirements to Meet the Basic Standard

- (a) The Member has established administrative review mechanisms within relevant agencies to ensure the ongoing appropriateness of formalities and documentation requirements, to assess possibilities for reduction of formalities and documents to the minimum necessary for the assessment and collection of duties and taxes, the compilation of trade statistics and the achievement of other legitimate policy objectives, and to align documents to international standards;
- (b) Stakeholder consultation arrangements are in operation which enable interested parties to provide input to the review process;
- (c) Regional consultation arrangements are in operation which enable government agencies and other interested parties to provide input to the review process.

## J.2 REDUCTION/LIMITATION OF FORMALITIES AND DOCUMENTATION REQUIREMENTS; L.5 (b )PERIODIC REVIEW- FOR TRANSIT

**Basic Standard:** A Member shall periodically review its import and export formalities and requirements with a view to reduce, simplify, harmonize and to ensure that they are appropriate and are not maintained once the circumstances or objectives giving rise to their adoption no longer exist.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ National Priority: High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Minimize the incidence and complexity of formalities.</li> <li>2. Decrease and simplify documentation.</li> <li>3. Consider alternatives.</li> <li>4. Adopt formalities and requirements which are significantly less trade restrictive.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>5. Applied in an efficient manner so as not to constitute an unnecessary obstacle to trade.</p> <p>6. Shall not be maintained if the circumstances or objectives giving rise to their adoption.</p> <p>7. Shall not be maintained if the circumstances or objectives giving rise to their adoption no longer exist.</p> <p>8. No more administratively burdensome or trade restrictive than necessary.</p> <p>9. Aligned with international standards and recommendations.</p> <p>10. UN-Layout Key.</p> <p>11. UN Trade Data Elements Directory.</p> <p>12. Use of electronic messages.</p> <p>13. Consolidating and reducing impact of transit formalities on trade.</p> <p>14. Review transit formalities to ensure in line with WTO requirement.</p>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
15. Participation of all interested parties to transit issues- regionally or internationally.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			



### J.3 Use of International Standards

#### General Description

These proposals seek to simplify trade procedures and enhance trade facilitation by requiring formalities and procedures to conform to international standards.

#### Basic Standard

A Member shall use relevant international standards as the basis for their import, export and transit procedures.

#### Text of the Proposal(s)

Mongolia, Norway, South Africa and Switzerland, TN/TF/W/131/Rev.1

"Article [Use of International Standards]

1. Members shall **use relevant international standards or parts thereof as a basis for their laws, regulations and administrative procedures that lay down requirements for formalities and procedures in connection with importation, exportation or transit.**

2. **If regional standards are a more efficient means to facilitate international trade, Members of that region are encouraged to use them or relevant parts thereof** as a basis for their laws, regulations and administrative procedures as provided for in paragraph 1.<sup>37</sup>

3. Members are not required to use relevant international standards or relevant parts thereof which would pose fundamental technological problems in a Member, or where they would be an ineffective or inappropriate means for the fulfilment of the objectives of this Agreement.

4. With a view to facilitating international trade, Members are encouraged to **take part, within the limits of their resources, in the preparation and periodic review by appropriate international intergovernmental organization of standards relevant to the operation of this Agreement.**

5. For the purposes of this Agreement, the term "international standards" shall be understood to refer to International Conventions or Agreements related to facilitating international trade and administered by relevant international intergovernmental organizations, [inter alia]: World Customs Organization (WCO) and United Nations Organisations Centre for Trade Facilitation and Electronic Business. As appropriate, the list of relevant international organizations may be complemented by other relevant international organizations as identified by the Trade Facilitation Committee.

[5. Alternative: For the purposes of this Agreement, the term "international standards" shall be understood to refer to International Conventions or Agreements related to facilitating international trade and administered by relevant international intergovernmental organizations: World Customs Organization (WCO), United Nations Organisations Centre for Trade Facilitation and Electronic Business, International Maritime Organisation (IMO) and International Civil Aviation Organisation (ICAO). In particular, the following conventions shall apply: Convention (2005) on Facilitation of International Maritime Traffic, Convention (2006) on International Civil Aviation, Convention (1990) on the Temporary Admission of Goods (Istanbul Convention), International Convention (1986) on the

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<sup>37</sup> In this case, these regional standards prevail over the relevant international standards as provided for in paragraph 1.

Harmonized Commodity Description and Coding System (HS Convention), General Annex of the International Convention (1999) on the Simplification and Harmonisation of Customs procedures (Revised Kyoto Convention). As appropriate, the lists of relevant international organizations and conventions may be complemented as identified by the Trade Facilitation Committee]."

Requirements to Meet the Basic Standard

- (a) The Member has adopted and aligned relevant procedures and formalities to relevant international standards, including but not limited to:
  - WCO Revised Kyoto Convention;
  - WTO Customs Valuation Agreement;
  - WCO Harmonized System Convention;
  - WCO Istanbul Convention;
  - UNEDIFACT and UN Layout Key for trade documents.
- (b) A Member reviews trade related formalities and procedures to verify compliance with international norms adopted by the country;
- (c) Where possible, a Member takes part in preparation and periodic review of standards through the relevant international organizations.

### J.3 USE OF INTERNATIONAL STANDARDS

**Basic Standard:** A Member shall use relevant international standards as the basis for their import, export and transit procedures.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Use international standards as basis for laws, regulations and administrative procedures.</li> <li>2. Use of regional standards.</li> <li>3. Take part in the preparation and periodic review by organizations.</li> </ol>			

<p><b>Current situation relative to the Proposed Measure. Describe in detail.</b></p> <p><b>(Put in bold the points where you are not in compliance)</b></p>	<p><b>Reason for non-compliance/ barriers</b></p> <p><b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b></p>	<p><b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b></p>
<p><b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b></p>		
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>		
<p><b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b></p>		
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>		

#### **J.4 Acceptance of Commercially Available Information and of Copies**

##### General Description

These proposals recognize that the international trading community generates its own commercial trade-related documentation, and seeks to ensure that authorities use such information the greatest extent possible for the purposes of fulfilling their regulatory responsibilities. In the same context, the proposals also seek to achieve acceptance of copies of relevant documents by authorities.

##### Basic Standard

For the purposes of facilitating trade, a Member shall accept relevant information already available in the context of commercial transactions, and copies of relevant documents, wherever practicable.

##### Text of the Proposal(s)

Hong Kong, China, Korea and Switzerland, TN/TF/W/112

**"Customs and other border agencies shall require only those documents necessary to permit control of the operation and to ensure that all requirements relating to the application of relevant laws have been complied with.**

For goods subject to control of legislation conformity and documentation requirement, customs and other border agencies shall **endeavour to accept copies of documents, in particular (a) commercial documents (invoices, bills of lading, etc.); and (b) where a government agency already holds the original and multiple authorities are involved. In the case of (b), Members shall accept authenticated copies by the agency holding the original in lieu of the original document.**

Customs and other border agencies shall endeavour to **use relevant information already available in the context of commercial transactions (e.g., quantity and commercial description of the goods) and submitted to customs and other border agencies as a means of foregoing the relevant information in supporting documents.**

In cases where Goods declarations and other supporting **documents are lodged electronically and authenticated by electronic signatures or electronic procedures and received by customs and other border agencies, no other original of these documents shall be requested** by customs and other border agencies.

Customs and other border agencies shall endeavour to **allow supporting documents not to be presented provided they are held available by the declarant, requisite information is provided by the declarant about the documents, and the documents are available from the declarant for a specific period.**

Customs and other border agencies shall **not require a translation of the particulars of supporting documents (e.g., invoices, bills of lading), except when necessary to permit processing of the Goods declaration."**

Requirements to Meet the Basic Standard

- (a) Where information is already available in commercial documentation that has been submitted to customs and other border agencies (e.g., quantity and commercial description of the goods), the relevant authorities rely on that information for the purposes of fulfilling their responsibilities, and do not require the same information to be submitted in another form.
- (b) Legislation in place providing for legal record keeping of documents for a specified period by traders.

#### J.4 ACCEPTANCE OF COMMERCIALLY AVAILABLE INFORMATION AND OF COPIES

**Basic Standard:** For the purposes of facilitating trade, a Member shall use relevant information already available in the context of commercial transactions, and copies of relevant documents, wherever practicable.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Require only those documents necessary.</li> <li>2. Accept copies.</li> <li>3. use relevant information already available.</li> <li>4. No requirement for original of electronic documents.</li> <li>5. No need to present supporting documents.</li> </ol> <p>No translation required for supporting documents</p>			

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			



## J.5 Single Window/One-time Submission

### General Description

These proposals seek to facilitate trade by introducing the use of a "single window" for submitting, once only and to a single authority, all documentation and data relating to import, export and transit procedures. This authority should undertake onward distribution of this information to all the relevant authorities or agencies.

### Basic Standard

A Member shall establish a system that allows traders to submit import, export and transit documentation and data (including electronic versions) once only, to a single agency.

### Text of the Proposal(s)

#### Korea, Singapore and Thailand, TN/TF/W/138/Rev.2

"Members shall maintain or establish the "single window"<sup>38</sup>, where **documentation and/or data requirements for exportation, importation and transit are submitted one time only**. The single window shall undertake **onward distribution of the aforementioned documentation and/or data requirements to all the relevant authorities or agencies which require them**. The authorities or agencies that receive the documentation and/or data requirements through the single window shall **notify the results of their examinations to the applicants through the single window in a timely manner**.

In cases where **documentation and/or data requirements have already been received by the single window, the same documentation and/or data requirements shall not be requested by other authorities or agencies except in urgent circumstances and other limited exceptions which are made public**.

Members shall **notify** other Members through the WTO Secretariat of the details of operation of the single window, which may include the participating authorities and agencies, the functions of the single window, the contact point for the single window as well as the procedure of its usage.

Members are encouraged to use, to the extent possible, **information technology** to support the single window.

Members shall, where practicable, use **relevant international standards and practices** such as UN/CEFACT Recommendation No. 33 as a basis for the single window schemes.

With regard to the scope of participating authorities or agencies and documentation and/or data requirements, Members are allowed to implement the single window in a progressive manner taking into account each Member's implementation capacity."

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<sup>38</sup> A single window is defined as a facility that allows parties involved in trade and transport to lodge standardized documentation and /or data with a single entry point to fulfil all import, export, and transit-related regulatory requirements. (UN/CEFACT Recommendation No. 33)

Requirements to Meet the Basic Standard

The Member:

- Has notified single window contact information through the WTO Secretariat;
- Has designated single window sites/locations/systems;
- Has established inter-agency coordination arrangements;
- Has rationalized all relevant agency documentary/data requirements.

## J.5 SINGLE WINDOW/ONE-TIME SUBMISSION

**Basic Standard:** A Member shall establish a system that allows traders to submit import, export and transit documentation and data (including electronic versions) once only, to a single agency.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>Document/date submitted one time only.</li> <li>Onward distribution by single window.</li> <li>Notify the results.</li> <li>Timely manner.</li> <li>Documentation/data received shall not be requested by other agencies.</li> <li>Notify.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
7. Use of information technology.			
8. Use of relevant international standards and practices.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## **J.6 Elimination of Pre-Shipment Inspection**

### General Description

These proposals seek to eliminate the mandatory use of pre-shipment inspection (PSI) or related practices which are considered to be redundant if customs and other relevant authorities are performing their roles effectively. These proposals apply only to the use of PSI when required by a government. They do NOT propose to eliminate the use of PSI companies at the initiative of private companies (for example to verify that their goods meet the import standards).

### Basic Standard

A Member shall not have any legislative or administrative requirement for the mandatory use of pre-shipment inspections or their equivalent.

### Text of the Proposal(s)

#### European Communities and Chinese Taipei, TN/TF/W/108

- "1. Without prejudice to paragraphs 2 and 3, Members shall not require the use of pre-shipment inspections or their equivalent.
2. Developing-country Members shall eliminate any requirements to use pre-shipment inspections or their equivalent not later than [X] years from the entry into force of this commitment.
3. Least-developed country Members shall eliminate any requirements to use pre-shipment inspections or their equivalent not later than [Y] years from the entry into force of this commitment.
4. From the entry into force of this commitment, Members shall not introduce or apply any new requirements to use pre-shipment inspections or their equivalent.
5. During the transition periods in paragraphs 2 and 3, Members shall ensure that pre-shipment inspection companies or their equivalent, acting on their behalf or employed by them, act consistently with the relevant commitments of Members, including in the field of Trade Facilitation".

### Requirements to Meet the Basic Standard

The Member has no legislative or administrative requirement for the use of pre-shipment inspections or their equivalent.

## J.6 ELIMINATION OF PRE-SHIPMENT INSPECTION

**Basic Standard:** A Member shall not have any legislative or administrative requirement for the use of pre-shipment inspections or their equivalent.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>No requirement to use of PSI or their equivalent.</li> <li>Eliminate any requirements to use PSI or their equivalent.</li> <li>Act consistently with the relevant commitments of Members.</li> </ol>			
<p><b>Priority for Technical Assistance:</b> High: __ Medium: __ Low: __ None: __ <b>Comments:</b></p>			
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. <u>If possible include estimated costs and/or implementation times.</u> )	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Stakeholders not participating in assessment of this measure(s) that should be consulted:			
Issues to note (any comments or recommendations for negotiators, etc.):			

## **J.7 Use of Customs Brokers**

### General Description

These proposals seek to eliminate the mandatory requirement to use customs brokers, on the basis that traders should not be obliged to use customs brokers if they wish to deal directly with Customs.

### Basic Standard

Where a Member requires the compulsory use of customs brokers, this Member shall ensure that licensing requirements and procedures are transparent and proportionate.

### Text of the Proposal(s)

European Communities, Mongolia, Chinese Taipei and Switzerland, TN/TF/W/110/Rev.1

"1. Where a Member requires the compulsory use of customs brokers, this Member shall ensure that **licensing requirements and procedures are transparent and proportionate**.

2. All qualified economic operators, subject to the licensing requirements in paragraph 1, shall be eligible for a license. In the case of legal persons, they may operate with their own in-house customs brokers, licensed by the relevant authority for this purpose in accordance with paragraph 1 above.

3. The number of licenses shall be unlimited.

4. From the entry into force of this commitment, Members not requiring the compulsory use of customs brokers shall not introduce or apply any new requirements to use customs brokers."

### Requirements to Meet the Basic Standard

- (a) (The Member has no legislative or administrative requirement for the mandatory use of customs brokers;
- (b) Where legislative and/or administrative rules recognize the use of customs brokers' services:
  - The use of such services is discretionary;
  - Traders are not discriminated against on the basis of their choice to employ the services of a customs broker, or to deal directly with the relevant authorities;
  - Any licensing rules are transparent, non-discriminatory and proportionate.



## J.7 USE OF CUSTOMS BROKERS

**Basic Standard:** Where a Member requires the compulsory use of customs brokers, this Member shall ensure that licensing requirements and procedures are transparent and proportionate.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>Licensing requirements and procedures are transparent and proportionate.</li> <li>All qualified economic operators shall be eligible for license.</li> <li>Allow use of in-house customs brokers.</li> <li>Number of licenses shall be unlimited.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
5. No introduction of new requirements to use customs brokers.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

**J.8 Same Border Procedures Within a Customs Union.** *This proposal applies only to customs unions that are themselves WTO Members. The European Union is the only such customs union.*

**J.9 Uniform Forms and Documentation Requirements Relating to Import Clearance within a Customs Union.** *This proposal applies only to customs unions that are themselves WTO Members. The European Union is the only such customs union.*

**J.10 Option to Return Rejected Goods to the Importer**

General Description

This proposal seeks to provide traders with an option to return food consignments to the importer/exporter in cases where they are rejected in the country of importation due to their failure to meet certain standards.

Basic Standard

A Member shall provide for food consignments to be returned to the importer/exporter in cases where they are rejected by the importer or government agencies due to their failure to meet commercial standards.

Text of the Proposal(s)

India, TN/TF/W/121

"In case of rejection of a food consignment on account of failure to meet certain standards, an **option shall first be given to the exporter to return the rejected goods to the exporter**; only upon failure by the exporter to exercise this option within a reasonable period of time, a different course of action, including destruction of goods can be considered by the appropriate authority of the importing Member".

Requirements to Meet the Basic Standard

The Member has legislative and/or administrative provisions which provide for rejected consignments to be returned to the importer or exporter; and guidance as to when such provisions may apply.

## J.10 OPTION TO RETURN REJECTED GOODS TO THE IMPORTER

**Basic Standard:** A Member shall provide for food consignments to be returned to the exporter in cases where they are rejected by the importer due to their failure to meet commercial standards.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>1. Option to return the rejected goods to exporter.</p>			
<p><b>Priority for Technical Assistance:</b> High: __ Medium: __ Low: __ None: __ <b>Comments:</b></p>			
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>			
<p><b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b></p>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Issues to note (any comments or recommendations for negotiators, etc.):			

## **K. TARIFF CLASSIFICATION**

### **K.1 Objective Criteria for Tariff Classification**

#### General Description

These proposals seek to provide an objective approach to tariff classification, to improve transparency and predictability for traders to ensure that classifications are not arbitrary or unjustifiable and do not constitute a disguised restriction on international trade.

#### Basic Standard

A Member shall apply objective criteria for tariff classification such as through the use of the Harmonized System.

#### Text of the Proposal(s)

##### New Zealand, TN/TF/W/126

- "(a) Members shall **apply criteria for the tariff classification of goods so that their classification decisions are not arbitrary or unjustifiable and do not constitute a disguised restriction on international trade.**
- (b) Decisions on tariff classification which are based on the **Harmonised Commodity Description and Coding System** of the World Customs Organization shall be presumed to comply with the requirements of paragraph (a)."

#### Requirements to Meet the Basic Standard

The Member has in place national legislation and administrative arrangements which are based upon the provisions of the WCO Convention on the Harmonized Commodity Description and Coding System (WCO HS Convention).

## K.1 OBJECTIVE CRITERIA FOR TARIFF CLASSIFICATION

**Basic Standard:** A Member shall apply objective criteria for tariff classification such as through the use of the Harmonized System.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>1. Apply criteria so classification decisions are not arbitrary or unjustifiable and do not constitute a disguised restriction on international trade.</p> <p>2. Decisions on tariff classification based on HS.</p>			
<p><b>Priority for Technical Assistance:</b> High: __ Medium: __ Low: __ None: __ <b>Comments:</b></p>			
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>			

## **L. MATTERS RELATING TO GOODS TRANSIT**

Effective transit procedures are critical for traders, particularly in land-locked countries. GATT Article V sets out rules on freedom of transit subject to formalities and on the basis of most-favored-nation treatment. Paragraph 3 requires that traffic in transit coming to or from the territories of other Members shall not be subject to unnecessary delays or restriction, and shall be exempt from customs duties except for charges to cover the cost of services rendered.

### **L.1 Scope- proposed definition of transit. See Secretariat Compilation TN/TF/W/43/Rev. (highest revision number is most recent)**

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

*"Definition of traffic in transit: Goods – including those moved via fixed infrastructure, inter alia pipelines and electricity grids<sup>39</sup> –, and means of transport (including baggage and the personal belongings of the person operating the means of transport), shall be deemed to be in transit across the territory of a Member when the passage across such territory is only a portion of a complete journey beginning and terminating beyond the frontier of the Member whose territory the traffic passes. Traffic of this nature is termed "traffic in transit" irrespective of (i) trans-shipment, short-term storage, breaking bulk, or change in the mode of transport, and (ii) whether the goods or means of transport, after passing across a territory of a Member, return to the territory of a Member in which they originate or through which they have previously transited. Means of transport shall be deemed to be in transit also if they carry exclusively goods in transit, even if the means of transport are not in themselves in transit according to the above definition.*

*Each Member undertakes that if it establishes or maintains a State enterprise, wherever located, or grants to any enterprise, formally or in effect, exclusive or special privileges, such enterprise shall, in its regulations, formalities, fees and charges – including transportation charges –, on or in connection with traffic in transit, act in a manner consistent with the provisions on traffic in transit of this Agreement and otherwise solely in accordance with commercial considerations.*

*Exception: The provisions on traffic in transit of this Agreement shall not apply to the operation of aircraft in transit, but shall apply to air transit of goods (including baggage)."*

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<sup>39</sup> "At least some of the proposed commitments in the proposal have been written with only transit of goods by moving means of transport in mind. Co-sponsors recognize that the text will need to be further worked through to ensure that language is consistent with our intention to cover all means of transport. One option worth exploring could be to have separate paragraphs or separate proposals on freedom of transit by moving means of transport on the one hand and by fixed infrastructure on the other hand."



## **L.1 SCOPE- PROPOSED DEFINITION OF TRANSIT**

**National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

**Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:**

**Stakeholders not participating in assessment of this measure(s) that should be consulted:**

**Issues to note (any comments or recommendations for negotiators, etc.):**

**Comments on proposed definition:**

**Note that this proposal would require a State enterprise or any enterprise given privileges to meet requirements of all transit proposals.**

## **L.2 Basic Freedom of Transit**

### General Description

These proposals seek to ensure that traffic in transit is treated equally and fairly and does not face barriers such as unnecessarily inconvenient routing.

### Basic Standard

Traffic in transit shall travel freely through the territory and shall be allowed to travel by the most convenient route.

### Text of the Proposal(s)

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"There shall be freedom of transit through the territory of each Member via **the routes most convenient for international transit. No distinction shall be made in the treatment of traffic in transit which is based on flag of the vessel, the place of origin, departure, entry, exit or destination, or any circumstances relating to the ownership of goods or means of transport.**"

### Requirements to Meet the Basic Standard

The Member shall not have in place national legislation and administrative arrangements which unduly restrict the travel and routing of transit traffic.

The Member has in place national legislation and administrative arrangements which expressly provide for the principles of non-discrimination for traffic in transit.

## L.2 BASIC FREEDOM OF TRANSIT

**Basic Standard:** Traffic in transit shall travel freely through the territory and shall be allowed to travel by the most convenient route

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>Routes most convenient.</li> <li>No distinction.</li> </ol>			
<p><b>Priority for Technical Assistance:</b> High: __ Medium: __ Low: __ None: __ <b>Comments:</b></p>			
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>			
<p><b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b></p>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. <u>If possible include estimated costs and/or implementation times.</u> )	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Issues to note (any comments or recommendations for negotiators, etc.):			

### **L.3(c) Disciplines on Restrictions to Freedom of Transit**

#### General Description

Road transport, which is the principal mode of freight transport in transit, is often subject to restrictions that often generate limitations in transit traffic. These proposals seek to eliminate these restrictions and to ensure that any necessary restrictions should be limited and reasonable. GATT Articles XX and XXI allow Members to make exceptions to protect health and security. (These Articles are in the needs assessment manual).

#### Basic Standard

Members shall ensure that regulations and restrictive measures applied to goods in transit shall be reasonable and transparent and in compliance with GATT Articles XX and XXI.

#### Text of the Proposal(s)

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

##### **(a) General and security exceptions**

"Members recognize that the general and security exceptions provided for in GATT Articles XX and XXI shall be fully applicable."

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

##### **(b) Regulation**

"Regulation on Traffic in Transit: **All regulation imposed by contracting parties on traffic in transit to or from the territories of other contracting parties shall be reasonable, having regard to the conditions of the traffic.**"

##### **(c) Disciplines on Restrictions to Freedom of Transit**

Turkey, Georgia and Paraguay, TN/TF/W/146/Rev.1

1. In order to ensure freedom of transit, a member **shall not seek, take or maintain any restrictive measure in transit.**

2. Members may **only take necessary measures to fulfil a legitimate objective stemming from the general exceptions laid down in GATT Articles XX and XXI.** Members shall ensure that any such measure **shall not be more restrictive than necessary and shall be applied in a transparent manner.**

3. **The restrictive measure shall not be maintained if the circumstances or objectives giving rise to its adoption no longer exist or if the changed circumstances or objectives can be addressed in a less restrictive manner.**

4. Members taken such measure shall **notify** other members [through the relevant WTO body-Trade Facilitation Committee] on the objective and the necessity of the restrictive measure.

5. Members taking the restrictive measure, upon request of the parties that are affected, [through the relevant WTO body-Trade Facilitation Committee], shall **provide all pertinent information** which shall include the evidence that the measure is the least restrictive way of achieving the objective."

Requirements to Meet the Basic Standard

- (a) Member shall have procedures in place to notify WTO Members on the objective and necessity of the restrictive measure.
- (b) Apply the principles of risk management to the identification of goods for specific interventions in respect of goods in transit, and specifically exclude such identification on the basis of origin and/or mode of transportation alone.
- (c) These proposals recognize that the legitimate public policy goals set out in GATT Articles XX and XXI should not be compromised in any way. These Articles relate to such issues as national security, health, safety and the environment.

**L.3 EXCEPTIONS, REGULATIONS, RESTRICTIONS AND NON-DISCRIMINATION; A) GENERAL AND SECURITY EXCEPTIONS;  
B) REGULATION; C) DISCIPLINES ON RESTRICTIONS TO FREEDOM OF TRANSIT**

**Basic Standard:** Members shall ensure that regulations and restrictive measures applied in to goods in transit shall be reasonable and transparent and in compliance with GATT Articles XX and XXI.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Reasonable regulation having regard to traffic conditions.</li> <li>2. No restrictive measures in transit.</li> <li>3. Only necessary measures under general exceptions.</li> <li>4. No more restrictive than necessary.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
5. Applied in a transparent manner.  6. Restrictive measure shall not be maintained.  7. Notify.  8. Provide all pertinent information.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			



### **L.3(d) Strengthened Non-Discrimination**

#### General Description

The objective of these proposals is to strengthen the principle of non-discrimination, in order to prevent the application of trade laws that limit the free transit of goods and means of transport among Members.

#### Basic Standard

A Member shall accord non-discriminatory, most-favored-nation<sup>40</sup> treatment and national treatment<sup>41</sup> to traffic in transit to or from the territory of any other Member with respect to all charges, regulations and formalities.

#### Text of the Proposal(s)

##### Cuba, TN/TF/W/127

"Members shall **not apply discriminatory measures** to goods in transit, **or to vessels or other means of transport** of other Members, for non-commercial reasons. This does not exclude the right to resort to the exceptions already laid down in WTO Agreements, for valid reasons and provided that the measure concerned does not constitute a disguised restriction on international trade".

##### The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

**"National treatment:** With respect to all [laws, regulations, formalities], fees and charges, including transportation charges, imposed on or in connection with transit, each Member shall accord to traffic in transit to or from the territory of any Member, treatment no less favourable than that accorded to its **own exports or imports, and their movement.**

**Most-favoured-nation treatment:** Without prejudice to paragraph (e)4(i)<sup>42</sup>, with respect to all laws, regulations, formalities, fees and charges – including transportation charges – , on or in connection with transit, each Member shall accord to traffic in transit to or from the territory of any other Member treatment no less favorable than the treatment accorded to traffic in transit to or from any third country. This principle refers to like products being transported on the same route under like conditions.

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<sup>40</sup> MFN- providing the same best treatment to all WTO Members.

<sup>41</sup> National Treatment- imported goods are treated no less favorably than domestic goods.

<sup>42</sup>The paragraph reads: "Members shall promote bilateral and regional transit agreements or arrangements with a view to reducing trade barriers and enhance freedom of transit. Members shall take full account of international standards and instruments when designing and applying those agreements or arrangements. In particular, contracting parties to regional transit agreements or arrangements shall strive to:

- (i) agree on common, simplified documents, or electronic messages, that shall be aligned with international standards;
- (ii) allow the same set of documents or electronic messages to accompany the consignment from the country of departure to destination;
- (iii) mutually recognize authorized economic operator schemes;
- (iv) define common measures relating to the monitoring of transit, inter alia the appointment of national transit coordinators; performance indicators (e.g., target clearance times) or public private partnerships to manage and monitor the arrangement;
- (v) include matters which are relevant beyond customs in the context of transit, such as road and transport issues."

**Treatment preceding and following transit:** Each Member shall accord to products and means of transport which have been or will be in transit through the territory of any other Member treatment no **less favorable** than that which would be accorded to such products and means of transport if they hadn't travelled or will not travel from their place of origin to their destination without going through the territory of such other Member. Any Member shall, however, be free to maintain its requirements of direct consignment existing on the date of the GATT 1994 in respect of any goods in regard to which such direct consignment is a requisite condition of eligibility for entry of the goods at preferential rates of duty or has relation to the Member's prescribed method of valuation for duty purposes."

Requirements to Meet the Basic Standard

- (a) The Member has in place national legislation and administrative arrangements which:
- Expressly provide for the principles of non-discrimination, most-favoured-nation treatment and national treatment to traffic in transit to or from the territory of any other Member with respect to all charges, regulations and formalities;
  - Apply the principles of risk management to the identification of goods for specific interventions in respect of goods in transit, and specifically exclude such identification on the basis of origin and/or mode of transportation alone.
- (b) These proposals recognize that the legitimate public policy goals set out in GATT Articles XX and XXI should not be compromised in any way. These Articles relate to such issues as national security, health, safety and the environment.

### L.3(d) STRENGTHENED NON-DISCRIMINATION

**Basic Standard:** A Member shall accord non-discriminatory, most-favored-nation treatment and national treatment<sup>43</sup> to traffic in transit to or from the territory of any other Member with respect to all charges, regulations and formalities.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>No discriminatory measures.</li> <li>National treatment.</li> <li>Most-favoured-nation treatment.</li> <li>Transit treatment no less favorable.</li> </ol>			

<sup>43</sup> National Treatment- imported goods are treated no less favorably than domestic goods.

<b>Current situation relative to the Proposed Measure. Describe in detail.</b>  <b>(Put in bold the points where you are not in compliance)</b>	<b>Reason for non-compliance/ barriers</b>  <b>(Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)</b>	<b>Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)</b>	
		<b>What can be done locally to address barriers? (Specify in detail)</b>	<b>Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.</b>
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

#### **L.4 Disciplines on Fees and Charges**

##### **L.4(a) Publication of Fees and Charges**

These matters are dealt with under the following proposals:

F.1 – Disciplines on fees and Charges Imposed on or in Connection with Importation and Exportation.

##### **L.4(b) Periodic Review of Fees and Charges**

These matters are dealt with under the following proposals:

F.1 – Disciplines on fees and Charges Imposed on or in Connection with Importation and Exportation.

##### **L.4(c) More Effective Disciplines on Charges for Transit – Reduction/Elimination**

These matters are dealt with under the following proposal:

F.1 – Disciplines on fees and Charges Imposed on or in Connection with Importation and Exportation.

#### **L.5 Disciplines on Transit Formalities and Documentation Requirements**

##### **L.5(a) Publication**

These matters are dealt with under the following proposals:

A.1 – Publication

B.1 – Interval Between Publication and Entry Into Force

##### **L.5(b) Periodic Review**

These matters are dealt with under the following proposals:

J.1 – Periodic Review of Formalities And Requirements.

## **L.5(c) Reduction/Limitation/Simplification/Adjustment**

### General Description

Fast efficient transit crossings can have a big positive impact on trade, especially for land locked countries. These proposals seek to ensure that transit-related formalities are no more administratively burdensome or trade restrictive than necessary to achieve legitimate policy objectives and that, where possible, transit trade be given special conditions to ensure its facilitation.

### Basic Standard

Traffic in transit shall not be subject to any unnecessary delays, restrictions, inspections or controls and shall be granted expedited and simplified treatment at border crossing points.

### Text of the Proposal(s)

- (a) Border crossing points include: sea, fluvial (river) and airports or inland terminals.
- (b) **Physically separate transit lanes** shall be made available for traffic in transit, where possible.
- (c) Transit formalities and documentation requirements shall:
  - **Be reasonable having regard to the conditions of transit;**
  - **Take into account the inherent characteristics of the goods concerned;**
  - **Not be more trade restrictive than necessary to achieve the legitimate public policy objective pursued.**

For traffic in transit, Members shall provide for:

- **Use of risk management;** However quality controls or controls of compliance with technical standards shall not be applied unless there is risk of contamination;
- **The processing of transit documents and data prior to the arrival of the transiting** consignment;
- The use by traders of **commercially available information, documents and data** wherever possible, including as part of transit declarations;
- The establishment of a **single window** for traffic in transit;
- Use of **an authorized trader scheme**.

### Requirements to Meet the Basic Standard

- (a) The Member has in place legislative and/or administrative arrangements to provide for the procedures outlined in the Text of the Proposal(s).
- (b) Use of existing commercial information to satisfy government requirements where practicable.
- (c) Where possible the Member has in place designated facilities, including lanes, for traffic in transit.

## L.5(c) Reduction/Limitation/Simplification/Adjustment

**Basic Standard:** Traffic in transit shall not be subject to any unnecessary delays, restrictions, inspections or controls and shall be granted expedited and simplified treatment at border crossing points.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_      **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Physically separate transit lanes.</li> <li>2. Transit formalities and documentation requirements shall: <ol style="list-style-type: none"> <li>(a) Be reasonable having regard to the conditions of transit;</li> <li>(b) Take into account the inherent characteristics of goods;</li> </ol> </li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
(c) No more trade restrictive than necessary.  3. Use risk management.  4. Process documents/data prior to the arrival.  5. Use of commercially available information, documents and data.  6. Single window.  7. Authorized trader scheme.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			



## **L.6 Bonded Transport Regime and Guarantees/International, Regional or National Customs Guarantee System**

### General Description

These proposals seek to establish an internationally, regionally or nationally valid guarantee system for goods transit. The objective of such a system is to avoid the need to impose provisional taxation while at the same time safeguarding revenue in case of inland diversion of the goods.

### Basic Standard

A Member shall allow the transit of goods through its territory without payment of customs duties or other charges, subject to the provision of an appropriate guarantee.

### Text of the Proposal(s)

(The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Where a Member operates a **guarantee system** to avoid inland diversion of goods in transit, any person required to provide security shall **be allowed to choose any form of security** provided that it is acceptable to the customs and other border authorities. This Member shall also ensure that the guarantees required from transit operators are:

- (i) **reasonable having regard to the conditions of traffic and the characteristics and the nature and value of the consignment in question, and limited to the amount of customs debt or other charges which may be incurred in respect of the goods;**
- (ii) **designed and applied on a regional or international basis** to as great an extent as possible; and
- (iii) **released or discharged promptly and in full** after the completion of the transit operation.

Where a Member operates a guarantee system for goods in transit, this Member shall allow **guarantees to be renewed** for subsequent consignments once a previous one is proved to have reached its destination. **No fees and charges** shall be imposed in relation to the use of bonded transport regimes and guarantees except for those directly related to the approximate cost of any service rendered.

**In cases where a Member chooses to apply other appropriate measures to prevent the inland diversion of goods, no guarantee shall be required for the transit of goods."**

Requirements to Meet the Basic Standard

- (a) The Member has in place national legislation and/or administrative arrangements that allow the transit of goods through its territory without payment of customs duties or other charges, subject to the provision of an appropriate guarantee.
- (b) When available, the Member has adopted an internationally or regionally valid guarantee system that incorporates the elements identified in the Text of the Proposal(s).

**L.6 BONDED TRANSPORT REGIME AND GUARANTEES/INTERNATIONAL, REGIONAL OR NATIONAL CUSTOMS GUARANTEE SYSTEM**

**Basic Standard:** A Member shall allow the transit of goods through its territory without payment of customs duties or other charges, subject to the provision of an appropriate guarantee

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Guarantee system.</li> <li>2. Choice of security.</li> <li>3. Guarantees are: <ol style="list-style-type: none"> <li>(a) reasonable having regard to the conditions of traffic and the characteristics, nature and value;</li> <li>(b) Limited to amount of debt/charges;</li> </ol> </li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
(c) Designed and applied on a regional or international basis;  (d) Released/discharged promptly and in full;  (e) Renewable.  4. Fees or charges reflect cost of service rendered.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## L.7 Regional Transit Agreements or Arrangements

### General Description

These proposals seek to encourage Members to cooperate on a regional basis to promote bilateral and regional transit agreements.

### Basic Standard

A Member shall promote bilateral and regional transit agreements or arrangements which are consistent with all other commitments on Trade Facilitation, with a view to reducing trade barriers.

### Text of the Proposal(s)

The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Rwanda, Switzerland and Swaziland, TN/TF/W/133/Rev.2/Corr.1

"Members shall **promote bilateral and regional transit agreements or** arrangements with a view to reducing trade barriers and enhance freedom of transit. Members shall take full account of international standards and instruments when designing and applying those agreements or arrangements. In particular, contracting parties to regional transit agreements or arrangements shall strive to:

"Members shall **promote bilateral and regional transit agreements or arrangements with a view to reducing trade barriers and enhance freedom of transit.** Members shall take full account of **international standards and instruments** when designing and applying those agreements or arrangements. In particular, contracting parties to regional transit agreements or arrangements shall strive to:

- (i) agree on common, simplified documents, or electronic messages, that shall be aligned with international standards;
- (ii) allow the same set of documents or electronic messages to accompany the consignment from the country of departure to destination;
- (iii) mutually recognize authorized trader schemes;
- (iv) define common measures relating to the monitoring of transit, inter alia the appointment of national transit coordinators; performance indicators (e.g., target clearance times) or public private partnerships to manage and monitor the arrangement;
- (v) include matters which are relevant beyond customs in the context of transit, such as road and transport issues.
- (vi) Regulations and formalities in connection with transit agreed upon in such agreements or arrangements shall be reasonable, **having regard to the conditions of the traffic.** These agreements or arrangements shall be designed and implemented in such a way that they **do not constitute a disguised restriction on international trade or an arbitrary or unjustifiable discrimination between Members.**

Regulations and formalities in connection with transit agreed upon in such agreements or arrangements shall be reasonable, **having regard to the conditions of the traffic**. These agreements or arrangements shall be designed and implemented in such a way that they **do not constitute a disguised restriction on international trade or an arbitrary or unjustifiable discrimination between Members**.

Members participating in bilateral or regional transit agreements or arrangements shall afford **adequate opportunity for other interested Members to negotiate their accession** to such an agreement or arrangement or to negotiate comparable ones with it."

Requirements to Meet the Basic Standard

- (a) The Member is actively involved in promoting bilateral and regional transit agreements or arrangements and contributing to the development of relevant WTO guidelines;
- (b) Appointment of national transit coordinators and establishment of performance indicators (e.g., target clearance times) or public private partnerships to manage and monitor the arrangement.

## L.7 REGIONAL TRANSIT AGREEMENTS OR ARRANGEMENTS

**Basic Standard:** A Member shall promote bilateral and regional transit agreements or arrangements which are consistent with all other commitments on Trade Facilitation, with a view to reducing trade barriers.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>Promote bilateral and regional transit agreements.</li> <li>Use international standards and instruments.</li> <li>Common, simplified documents, or electronic messages.</li> <li>Same documents accompany consignment.</li> <li>Recognize authorized trader schemes.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
6. Define common monitoring measures. 7. Include matters beyond customs. 8. Formalities/regulations not disguised restriction on trade. 9. Formalities/regulations not arbitrary or unjustifiable. 10. Formalities/regulations don't discriminate between Members.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			



## M. CUSTOMS COOPERATION

### General Description

Under these proposals a Member would be required, upon request from another Customs administration, to provide information and documents on matters such as HS classification, full and accurate description, quantity, country of origin and valuation of goods for specific imports or exports. This information would be used in cases where Customs doubts the truth or accuracy of import information and seeks verification by looking at the information provided to the country of export (or vice versa). This practice is currently conducted under bi-lateral agreements but under these proposals would be required by all countries at a multilateral level.

### Basic Standard

Members shall, upon request, exchange information and documents concerning specific import or export transactions.

### Text of the Proposal(s)

India, South Africa and Sri Lanka, TN/TF/W/123/Rev.2

"Cooperation Mechanism for Customs Compliance

1. Members shall, upon request, **exchange information and documents on matters such as HS classification, description, quantity, country of origin and valuation of goods in identified cases of import or export, where there is reason to doubt the truth or accuracy of a declaration filed by the importer or exporter.**
2. A Member making the request shall ensure that, [to the extent possible,] **all appropriate internal verification** has been undertaken including, inter alia, verification of the status of the importer/exporter and inspection of the relevant documents made available to or obtained by the customs administration.
3. A Member making the request shall provide **a brief summary** of the case in respect of which information is sought including the reasons for doubting the truth or accuracy of the declaration made before it; the results of verification made; and, specify the information and documents required.
4. The requested Member shall:
  - (a) **Provide information only to the extent it is available in the import or export declaration(s);**
  - (b) **If requested, provide documents filed in support of a goods declaration, such as commercial invoice, packing list, certificate of origin and bill of lading, in the form in which these are filed, whether paper or electronic;**
  - (c) **Confirm that the documents provided are true copies of the documents submitted by the importer/exporter and accepted by the requested Member; and**
  - (d) **Provide the information, to the extent possible, within a period of 90 days from the date of receipt of the request.**

5. Such exchange of information or documents shall not require Members to:
  - (a) Modify the format of their import or export declarations or their procedures;
  - (b) Call for documents other than those filed with the goods declarations;
  - (c) Modify the period of retention of such information or documents; or
  - (d) Introduce paper documentation where electronic format has already been introduced.
6. Any information or documents exchanged shall be treated as **confidential** and shall not be disclosed to any third party except to the extent required in judicial proceedings. Such information or documents shall not be used in a criminal proceeding unless specifically authorized by the requested Member.
7. Each Member shall **designate and notify** to the WTO an agency within its administration for exchange of information and documents.
8. The request for information or document shall be made in one of the three **official languages** of the WTO or in a language mutually acceptable to the requesting and the requested Member.
9. The request for information or document shall not be made later than two years after the importation or exportation of the goods.
10. A Member shall not make more than [X] requests for information and documents from another Member in a calendar year.
11. Information or documents exchanged shall not be used for purposes other than that for which it was sought unless the requested Member agrees otherwise."

Canada, TN/TF/W/154

"Recognizing that a Member may have to address cases where it has reason to doubt the truth or accuracy of information provided by traders in support of the declared value of imported goods;

Recognizing the importance of protecting commercially confidential information in safeguarding the commercial interests of traders;

Members may seek assistance from other Members in accordance with the following requirements:

1. A Member shall seek to obtain and review the relevant and necessary documentation from the importer respecting the declared value of goods and shall conduct a verification before it requests assistance from another Member.
2. If the Member has **reasonable grounds to doubt the truth or accuracy** of the supporting documentation referred to in paragraph 1, it may request assistance from the exporting Member on mutually agreed terms consistent with the requirements of this proposal.
3. A Member **shall not require an original or copy of export declarations** issued by the authorities of the exporting Member as a requirement for importation.
4. Each Member shall **notify** to the WTO a contact point for making a request pursuant to paragraph 2.

5. Where a Member requests information from the exporting Member respecting the declared value of goods being imported, the requesting Member shall **protect commercially confidential information**. For greater certainty, the protection of commercially confidential information means the treatment required by Article 10 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, 1994.
6. The requesting Member shall provide the requested Member with a **written summary** of the request, including:
  - (a) The matter at issue and reasons for the request;
  - (b) The specific information, including documents, requested;
  - (c) The purposes for which the Member requires the information;
  - (d) A confirmation that the requesting Member conducted the verification required by paragraph 1;
  - (e) An explanation of why the requesting Member still has doubts respecting the truth or accuracy of information provided by the importer after conducting the verification required by paragraph 1;
  - (f) The identity of the official making the request;
  - (g) The names and addresses of the persons to whom the request relates, if known; and
  - (h) The applicable legal provisions in the domestic law, including provisions relating to confidentiality, of the requesting Member.
7. The requested Member should offer **cooperation and assistance**, consistent with its domestic law and procedures:
  - (a) If the requested Member is satisfied with the verification referred to in paragraph 1;
  - (b) If the requested Member is satisfied that the required confidentiality of the information will be maintained; and
  - (c) Only to the extent that the information is available.
8. Such exchange of information shall not require a requested Member to:
  - (a) Modify the format of their import or export declarations or their procedures;
  - (b) Require documents other than those filed with the declaration of the goods;
  - (c) Initiate inquiries to obtain the information;
  - (d) Modify the period of retention of such information;

- (e) Introduce paper documentation where electronic format has already been introduced; or
  - (f) Translate into any language the information or documents.
9. Subject to paragraph 11, the requesting Member shall use the information solely for the purposes stated in the request, unless the requested Member agrees otherwise in writing. The requesting Member shall be subject to any restrictions imposed by the Member providing the information.
10. The requesting Member shall provide the information only to its customs administration. In the case that the requesting Member is required by its domestic law to share the information with a governmental agency other than its customs administration or in a judicial or quasi-judicial proceeding, the requesting Member shall inform the requested Member.
11. A requested Member may postpone or refuse providing information if the provision of such information would interfere with an ongoing investigation, prosecution or proceeding.
12. A requested Member shall respond in writing to a request made pursuant to this proposal.
13. The request for information shall not be made later than [two years] after the importation or exportation of the goods.
14. A Member shall not make more than [X] requests for information and documents from another Member in a calendar year.
15. If a requesting Member does not treat information received from another Member in accordance with the requirements of this proposal, the requested Member may refuse any further requests for assistance pursuant to this proposal.
16. Nothing in this proposal shall be construed to prevent a Member from entering into a bilateral arrangement respecting sharing of customs information. [In the case of an inconsistency between a provision of such an agreement and this proposal, that agreement shall prevail to the extent of the inconsistency]."

#### Requirements to Meet the Basic Standard

- (a) The Member has in place legislation and administrative arrangements that allow the provision of information and documents as identified in the Text of the Proposal(s);
- (b) The Member has in place procedures to ensure that requests are made for information from other Members are appropriate;
- (c) Establishment of an administrative body responsible for information exchange;
- (d) Notification to WTO of the appropriate centralized agency to administer information exchange.

## M. CUSTOMS COOPERATION

**Basic Standard:** Members shall, upon request, exchange information and documents concerning specific import or export transactions.

**COMPLY:** Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ **National Priority:** High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <ol style="list-style-type: none"> <li>1. Exchange information and documents.</li> <li>2. Internal verification.</li> <li>3. Brief summary.</li> <li>4. Provide information.</li> <li>5. Provide documents</li> <li>6. Confirm documents are true copies.</li> <li>7. Within 90 days.</li> <li>8. Confidentiality.</li> </ol>			

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
9. Designate and notify. 10. Official languages. 11. Cooperation and assistance.			
<b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b>			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b>			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b>			

## N. NATIONAL COMMITTEE ON TRADE FACILITATION

**Basic Standard: Members shall establish a national committee or similar mechanism to assist in the implementation of the Agreement on Trade Facilitation."**

### General Description

The measures proposed in the WTO trade facilitation negotiations affect all the government agencies and private sector organizations involved in the import, export, and transit of goods. In order to effectively and efficiently implement the WTO Trade Facilitation Agreement, coordinate with technical assistance donors and carry out notification or other requirements, it will be important for each country to have a task force or committee to oversee the work.

### Text of the Proposal(s):

Honduras, Norway And Switzerland, TN/TF/W/158

"In order to facilitate the process of domestic coordination of trade facilitation needs, priorities and implementation, Members shall **establish a national committee or a similar mechanism** on trade facilitation with the objective of **assisting in the implementation of the Agreement on Trade Facilitation.**"

### Requirements to Meet the Basic Standard

The Member shall designate a single ministry or agency that will have overall responsibility for coordinating the assessment process.

The Member shall identify the relevant stakeholders that should be members of the task force.

Create work program through establishment of terms of reference, work plan, meeting schedule, etc.

Secure the necessary political recognition to ensure support of the task force and the work plan.

Ensure resources are available that would be necessary to hold meetings.

Establish communication network between stakeholders.

**N. NATIONAL COMMITTEE ON TRADE FACILITATION**

**Basic Standard: Members shall establish a national committee or similar mechanism to assist in the implementation of the Agreement on Trade Facilitation.**

**COMPLY: Yes: \_\_ No: \_\_ Partially: \_\_ Not applicable: \_\_ National Priority: High: \_\_ Medium: \_\_ Low: \_\_ None: \_\_**

Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<p>General Description: provide background information of your situation to assist your negotiator and any other stakeholder that might review the results. (by agency where appropriate)</p> <p>Specific to the proposal(s):</p> <p>1. Establish a national committee or a similar mechanism.</p>			
<p><b>Priority for Technical Assistance: High: __ Medium: __ Low: __ None: __ Comments:</b></p>			
<p><b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b></p>			
<p><b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b></p>			



Current situation relative to the Proposed Measure. Describe in detail.  (Put in bold the points where you are not in compliance)	Reason for non-compliance/ barriers  (Complete this column (and the next 2). For points not compliant - use same numbering system - add sub-points as necessary)	Actions needed to meet basic standard (Consider needs in legal framework, administrative policy, human resources, training, equipment, organization, change management. If possible include estimated costs and/or implementation times.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
Issues to note (any comments or recommendations for negotiators, etc.):			

\_\_\_\_\_