WORLD TRADE

ORGANIZATION

Negotiating Group on Trade Facilitation   Original: English

COMMUNICATION FROM COSTA RICA, JAPAN, MONGOLIA, NEW ZEALAND, AND THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

The following communication, dated 9 May 2006, is being circulated at the request of the Delegations of Costa Rica, Japan, Mongolia, New Zealand, and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

_____

PROPOSALS ON APPEAL PROCEDURES

1.   This submission is to present the key elements on the introduction of appeal procedures which are summarized from existing proposals by Members.[1] Also identified are the elements that need further discussions among Members for greater clarification and specification.

I.   PROPOSALS

A.   OPPORTUNITIES FOR RAISING COMPLAINTS

- *Provision of opportunities to raise complaints:* Provision of opportunities, if desired by traders, to raise informally and easily complaints concerning administrative decisions (e.g. to enquiry points) before moving to a formal appeal procedure, and to receive justification for decisions.

B.   RIGHT OF APPEAL

- *Right of appeal:* For imports, exports and goods in transit, articulate in the relevant laws and regulations and publish non-discriminatory procedures for lodging appeal against customs and other agency rulings and decisions, which may allow for initial lodgement within the same agency or other body prior to lodgement to an independent judicial or administrative body.

- *Standard time of appeals:* Set a standard time for review and correction of administrative actions at the administrative level.

- *Representation:* Companies should have the right to be represented at all stages of appeal procedures by an agent or legal representative.

_____

[1] EC (TN/TF/W/6), Japan, Mongolia, Chinese Taipei, Pakistan and Peru (TN/TF/W/8 and Corr. 1).

C.   ELEMENTS IDENTIFIED FOR FURTHER ADDRESSING

- Special and differential treatment, including potential:
  - Progressive implementation of commitments.

- Technical assistance and capacity building:
  - Assess situation, identify individual specific needs and priorities, training and addressing capacity constraints.

_____