

COMMUNICATION FROM INDIA

The following communication, dated 30 June 2006, is being circulated at the request of the Delegation of India.

COOPERATION MECHANISM FOR CUSTOMS COMPLIANCE

1. The following textual proposal is submitted by India for consideration by the Negotiating Group. It is closely based on the proposals on cooperation mechanism for customs compliance made in the communications TN/TF/W/68 of 24 October 2005 and TN/TF/W/103 of 10 May 2006 and takes account of the discussions and other submissions on this issue in the Negotiating Group.

Textual Proposal

"Cooperation Mechanism for Customs Compliance

Members shall, upon request, exchange information and documents on matters such as HS classification, full and accurate 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.

Specific Parameters

1. The information shall be provided only to the extent it is available in the import or export declaration(s).
2. 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, shall also be provided, if so requested.
3. The information and the documents exchanged shall be authenticated by the requested Member as having been submitted by the importer or exporter and accepted by it.
4. No such request for information or documents shall be made unless verification has been carried out by the requesting Member to satisfy itself that there are reasons to doubt the truth or accuracy of the declaration filed.

5. Such exchange of information shall not require the Members to:
 - (a) modify the format of their import or export declarations,
 - (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 provided shall not be disclosed to any third party except to the extent required in judicial proceedings.

Procedure

1. Each Member shall designate and notify to the WTO a centralized agency within its customs administration for exchange of information and documents.
 2. A Member making a request for information or documents shall provide a brief summary of the case in which information is sought, reasons for doubting the truth or accuracy of the declaration made before it, results of verification and specify information and/or documents required.
 3. The request for information shall be made in one of the three official languages of the WTO.
 4. Only certified copies of the requested documents shall be provided.
 5. The request for information shall not be made later than two years after the importation or exportation of the goods.
 6. The requested Member shall provide the information to the extent possible within a period of 90 days from the date of receipt of the request."
-