

COMMUNICATION FROM TURKEY

Revision

The following communication, dated 3 May 2007, is being circulated at the request of the Delegation of Turkey.

PROPOSAL ON NATIONAL WEBSITES AND ENQUIRY POINTS

I. INTRODUCTION

1. The following textual proposal is submitted by Turkey for consideration by the Negotiating Group and based on the proposals on publication and availability of information presented in the communication TN/TF/W/132 of 10 July 2006. The proposal aims at improving and clarifying the proposals in the document W/132 so as to pave the way for reaching a common understanding¹ by taking into account of the discussions and other submissions on this issue in the Negotiating Group as well as the progress in consequence of the productive discussions at the workshop on "Transparency and Predictability" on 13 March 2007.

2. A possible agreement on trade facilitation should cover headings *inter alia*; Enquiry Points, and Publication of Trade Legislation and Procedures on Internet as the two important elements of the transparency principle.

3. We believe that such an agreement should also include provisions on Special and Differential (S&D) treatment. In this respect, Turkey suggests a specific approach to developing-country Members and believes that this part should be concluded following the discussions to reach a consensus on how to specifically elaborate on the S&D treatment.

II. EXPLANATION OF PROPOSAL

4. Turkey suggests two main headings; Enquiry Points, Publication of Trade Legislation and Procedures on Internet, to be included to a possible agreement.

5. Article X of GATT 1994 is on the transparency issue. We believe transparency has two main components within the context of Trade Facilitation Negotiations: Publication of Trade-Related Legislation on the Internet and Establishment of National Enquiry Points. This document includes our proposals on these two main issues.

¹ We have drawn upon the proposals laid down in communications TN/TF/W/26, TN/TF/W/30, TN/TF/W/70, TN/TF/W/96, TN/TF/W/107, TN/TF/W/114, TN/TF/W/115, TN/TF/129/Rev.1, TN/TF/W/137 and TN/TF/W/142 in developing our textual proposal.

6. Publication of all trade legislation and procedures through official means has already been envisaged in GATT Article X. However, we believe that Internet publication will improve accessibility to this legislation.

7. We propose that trade-related legislation and procedures are published on a national website. Principally, the content of the publication on this website should include all legislation and procedures in accordance with GATT Article X. In our proposal, we provide a list of the legislation and procedures that should necessarily take place on the national website.

8. To further promote transparency, we also propose that each Member establish a National Enquiry Point to respond to relevant inquiries from other Members and interested parties in other Members. We define an enquiry point as a coordinator governmental body responsible for providing information on trade-related legislation and procedures. Any interested party looking for specific information on a country's trade legislation or procedures through the corresponding national enquiry point should be able to reach the relevant documents or information by accessing this country's national enquiry point. In principle, we suggest a single national enquiry point for the Members. However, more than one enquiry point for one Member can also be considered only if the Member country ensures that the coordination is established between different enquiry points.

9. We acknowledge the position of Small Vulnerable Economies (SVEs) on this issue with reference to communication TN/TF/W/129/Rev.1. SVEs involved in a regional integration may establish enquiry points at the regional level.

10. As far as developing and least-developed country Members are concerned, technical assistance and capacity building is an essential component of the provisions' implementation process. Generally, we acknowledge the prospective progress in the ongoing negotiations on S&D Treatment within the framework laid down by communications TN/TF/W/137 and TN/TF/W/142. In this sense, we believe in the necessity of technical assistance and capacity building as S&D treatment for the developing and least-developed country Members for the implementation of trade facilitation measures. This approach is reflected in the related provisions of the proposal.

11. The implementation-related issues and technical details of the provisions in this proposal are to be determined by the Trade Facilitation Committee to be established.

Textual Proposal

I. ESTABLISHMENT OF A NATIONAL WEBSITE

1. Members shall ensure that a national website is established for the purpose of publication of legislation and procedures referred to in paragraph 2.

A. THE CONTENT OF THE WEBSITE

2. Members shall provide a copy of all laws, regulations, judicial decisions and administrative rulings of general application and trade-related procedures which are entered into force through official means and relating to or affecting trade in goods in such a manner provided for in Article X of GATT 1994 as to enable governments and traders to become acquainted with these. Information to be published should include:

- (a) Procedures of border agencies (including port, airport, and other entry-point procedures and relevant forms and documents);
- (b) Rate of duties and taxes imposed on or in connection with importation or exportation (including applied tariff rates);

- (c) Decisions and examples of customs classification;
- (d) Import and export restrictions;
- (e) Fees and charges imposed on or in connection with importation or exportation;
- (f) Penalty provisions against breaches of import and export formalities;
- (g) Appeal procedures; and
- (h) Agreements with any country or countries relating to the above issues.

B. PRIOR PUBLICATION AND CONSULTATION

3. 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].

C. LANGUAGE OF THE PUBLICATION

4. Members shall provide a copy of their trade-related legislation and information on the procedures in one of the official languages of the WTO. Special and Differential Treatment provisions for developing and the least-developed country Members are defined in paragraphs 6 and 7.

D. NOTIFICATION

5. Members shall notify the Trade Facilitation Committee of the website addresses in order to make such information available to governments and interested parties.

E. SPECIAL AND DIFFERENTIAL TREATMENT

6. The least-developed country and developing country Members shall not be required to apply the provisions of paragraphs 2, 3 and 4 until they acquire the full capacity to do so through technical assistance and capacity building mechanism.

7. [Until their acquisition of the capacity to fully implement the provisions referred to in paragraphs 2, 3 and 4; Developing country Members shall provide a copy of their trade-related legislation and procedures in their own language on their national website. In addition, they shall provide the search keywords in one of the official languages of the WTO in a format to be decided by the Trade Facilitation Committee.]

II. ENQUIRY POINTS

A. ESTABLISHMENT OF ENQUIRY POINTS

8. Members shall ensure that a national enquiry point be established.

B. DUTIES OF THE ENQUIRY POINTS

9. The enquiry point will be responsible for:

- (a) answering all relevant enquiries on trade-related legislation and procedures received from all interested parties through the National Enquiry Points or WTO Secretariat.
- (b) providing the specific information and documents related to trade procedures in a non-discriminatory and convenient manner in case of an inquiry.

- (c) operating through communication among national enquiry points.

C. OPERATION OF THE ENQUIRY POINTS

10. Interested parties shall submit their inquiries to their own National Enquiry Point in order to obtain information on legislation or procedures of other Members. Exchange of information between Members shall be carried out through national enquiry points. International Organizations shall submit their inquiries through the WTO Secretariat and national enquiry points shall respond through the same channel.

11. The enquiry points shall operate at no cost or at a cost commensurate with the cost of the service rendered.

12. The enquiry points shall reply all inquiries within at most [] days.

D. NOTIFICATION

13. Members shall notify the Trade Facilitation Committee of the contact information of the enquiry points in order to make such information available to governments and interested parties.

E. SPECIAL AND DIFFERENTIAL TREATMENT

14. The least-developed country and developing country Members shall not be required to apply the provisions regarding enquiry points until they acquire the full capacity to do so through technical assistance and capacity building.

15. Small Vulnerable Economies involved in a regional integration may establish enquiry points at the regional level.
