

**COMMUNICATION FROM CANADA AND SWITZERLAND**

Revision

The following communication, dated 5 November 2007, is being circulated at the request of the Delegations of Canada and Switzerland.

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**DRAFT TEXT ON SEPARATION OF RELEASE FROM CLEARANCE**

1. In cases where goods are not cleared upon arrival, a Member shall allow an importer to obtain the release of goods prior to meeting all of the Member's import requirements if the importer provides sufficient guarantee in the form of a surety, a deposit or some other appropriate instrument. A member is not required to release goods where the Member's import requirements, in accordance with that Members' WTO rights and obligations, have not been satisfied.
2. The guarantee shall be limited to an amount reasonably calculated to ensure compliance with a Member's import requirements and shall not represent an indirect protection to domestic products or a taxation of imports for fiscal purposes.
3. Once the Member has determined that its import requirements have been satisfied, the guarantee shall be discharged without delay.

Definitions<sup>1</sup>

**Release** is the action by the Customs [and other border agencies] to permit goods undergoing clearance to be placed at the disposal of the persons concerned.

**Clearance** is the accomplishment of the Customs/ [border] formalities necessary to allow goods to enter home use, to be exported or to be placed under another Customs procedure.

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<sup>1</sup> The definitions are borrowed from the "Glossary of international customs terms", WCO, 2006.