

# WORLD TRADE ORGANIZATION

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**Negotiating Group on Trade Facilitation**

## WTO NEGOTIATIONS ON TRADE FACILITATION SELF ASSESSMENT GUIDE

Prepared by the World Bank<sup>1</sup> in Cooperation with  
the WTO Secretariat and other Annex D Organizations

### 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.

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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>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

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

<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.

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 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:

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<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.

<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.

"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.
- 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

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

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 a **scope of proposal** 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, Part B and Annex A.

- 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 guidelines for the needs assessment following the WTO Members' proposals measure by measure. 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.
- Annex A (the Assessment Tool) contains charts that should be completed for each proposed measure using the basic standard and scope of proposal for that measure as set out in Part B.



For practical purposes the guide makes some basic assumptions about the various proposals, and identifies likely requirements based on typical implementation strategies and best practice approaches. Throughout the guide, cross-references to the relevant sections of TN/TF/W/43 are provided. However, it should be kept in mind that all proposals remain subject to change in the context of the ongoing negotiations. For each proposal it is necessary to consider the basic standard and scope of proposal that are contained in Part B and use this to complete the corresponding chart in Annex A.

### ***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 Part B and the corresponding chart in Annex A. 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 **scope of the proposal** provides the elements proposed for each measure. For example, the proposal for internet publication lists the type of information that should be published. The scope will evolve as the negotiations progress so the Secretariat Compilation or the Members' proposals can be used for up-to-date reference;
- 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 scope of proposal 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 on the same chart as the overlapping Art.VIII or X proposal. For instance, publication for transit is on the same chart as 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.4(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] [10]

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

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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.----	→	→	→

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

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

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

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

[1.] **Current situation relative to the requirements to meet the Basic Standard:** What is currently in practice compared to the basic standard and scope 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. **Complete this column even if you are fully in compliance.**

Be sure that your assessment considers all the elements listed in the scope of the proposal. Refer to the Secretariat Compilation or the proposal for the most up-to-date scope

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. It is important to keep the comparison limited to the basic standard and not be tempted to aim higher.

[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 scope 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 con-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 to meet the Basic Standard?
- What policy, system and procedural changes are required to meet the Basic Standard?
- What human resource implications are involved in meeting the Basic Standard, including any indirect human resource management implications?
- What training in the public and private sector is required to meet the Basic Standard, including any indirect human resource management implications?
- What equipment/infrastructure resources required to meet the Basic Standard, including implementation or modification of existing or new hardware and software?
- What organizational or structural changes are required to meet the Basic Standard?

**[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**

**Note:** The following headings and Scopes of Proposals are based on the WTO Secretariat Compilation TN/TF/W/43 (as revised). The Compilation will be revised frequently as the negotiations progress. In order to ensure you are assessing your needs on the most up-to-date negotiation proposals, please refer to the most recent revision of the Compilation (the highest revision number) as you use the Guide.

### **A. PUBLICATION AND AVAILABILITY OF INFORMATION**

#### **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.

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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.

Scope of Proposals<sup>10</sup>

(a) The information shall include:

- Procedures of border agencies, including port, airport, and other entry-point procedures; and relevant forms and documents;
- Rate of duties and taxes imposed on or in connection with importation, exportation or transit (including applied tariff rates);
- Decisions and examples of customs classification;
- Import and export or transit restrictions;
- Fees and charges imposed on or in connection with importation, exportation or transit;
- Penalty provisions against breaches of import and export or transit formalities;
- Appeal procedures;
- Agreements with any country or countries relating to the above issues;
- Outline of major trade related procedures- where applicable.

(b) This information should be made available:

- In a non-discriminatory, convenient and uniform manner via an officially designated sources such as an official gazette or official journal;
- On an official website, whenever practicable;
- Whenever possible, a Member publishes a description of trade procedures in one of the official WTO working languages.

Requirements to Meet the Basic Standard

- (a) The Member publishes all information covered by the scope of proposals in a manner to be 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.2 Internet Publication**

**A.2(a) Internet Publication of the Elements Set Out in Article X of GATT 1994; and**

**A.2(b) Internet "Publication" of Specified Information Setting Forth the Procedural Sequence and Other Requirements for Importing Goods Into a Member's Territory.**

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.

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<sup>10</sup> Includes similar issues relating to transit in L.4(a).

### Basic Standard

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

### Scope of Proposals

- (a) The published information shall include:
- Laws, regulations, administrative rulings, judicial decisions and administrative rulings of general application;
  - Procedures of border agencies, including port, airport, and other entry-point procedures;
  - The forms and documents required for importation and exportation;
  - Rate of duties and taxes imposed on or in connection with importation or exportation (including applied tariff rates);
  - Decisions and examples of customs classification;
  - Import and export restrictions;
  - Fees and charges imposed on or in connection with importation and exportation;
  - Penalty provisions against breaches of import and export formalities;
  - Appeal procedures;
  - Agreements with any country or countries relating to the above issues;
  - Full and precise description of its Customs procedures;
  - Full and precise description of procedures for the appeal of customs determinations.
- (b) New and amended trade-related legislation and procedures should be published on the internet before entry into force and allow interested parties to comment. (Except for information requiring urgency.)
- (c) Members shall notify the WTO Trade Facilitation committee of the website.
- (d) Trade related legislation and procedures should be provided in one of the official WTO languages. Developing countries may provide only outlines in a WTO language instead.

### 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.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.

#### Scope of Proposals

Establishment of enquiry point or points with responsibility for:

- Answering relevant enquiries from interested parties [directly and/or through the enquiry points of other Members or the WTO Secretariat];
- Providing relevant information and documents related to trade procedures in a non-discriminatory and convenient and timely manner;
- Communicate among national enquiry points;
- Timely provision of information for free or for fees that reflect the cost of services rendered.

*NOTE: 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 and, in this case, would not be required to have a national enquiry point but would be responsible for individual notifications and obligations that might be required.*

#### 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.



## **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. implementation.

#### Scope of Proposals<sup>11</sup>

- (a) Proposed new and amended laws, regulations and administrative rulings of general application, or their drafts or summaries.
- (b) Urgent circumstances or other limited exceptions to these requirements must be made public.

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

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

#### 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, or proposed amendments to existing rules, prior to their entry into force.

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

### Scope of Proposals<sup>12</sup>

- (a) Consultation mechanisms on proposals to introduce new, or amend existing trade-related laws, regulations and administrative rulings of general application.
- (b) Opportunities provided for interested parties located within the territory/country.
- (c) Regular consultation between border agencies and traders.
- (d) Provision of reasonable timeframes for comments to be submitted and considered.
- (e) Information on policy objectives pursued shall be provided.

### 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.

## **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 has provided the Member with all necessary information.

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

### Scope of Proposals

- (a) Advance rulings in areas such as:
- Tariff classification;
  - Duty drawback, deferral or other relief from duties;
  - the application of quotas; and
  - Customs valuation.<sup>13</sup>
- (b) An advance ruling program should provide the following:
- Application of the ruling for a reasonable period of time after issuance unless the facts or circumstances supporting the ruling have changed;
  - Where the issuing authority revokes or modifies the ruling, the applicant is notified in writing, setting out the relevant facts and basis for the decision.
- (c) Right to an administrative appeal.
- (d) Rulings that set a wide precedent should be made available to other traders. Confidential information should not be disclosed.
- (e) In cases where an authority declines to issue an advance ruling the applicant shall be promptly notified in writing and provided with the basis for its decision.
- (f) Publication of:
- The time period by which an advance ruling will be issued;
  - Validity period of the ruling;
  - The information that must be provided by the applicant.<sup>14</sup>

### 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>13</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.

<sup>14</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.

## **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.

#### Scope of Proposals

Legal right of appeal without penalty against rulings and decisions relating to importation, exportation and transit that:

- Is non discriminatory and easily accessible;
- Provides appellants and other interested persons with clear and transparent procedures;
- Provides affected persons with reasons for making a particular decision;
- Provides administrative appeal independent of the employee or office of the agency which issued the decision, with subsequent right to appeal to a judicial body;
- Includes a right to representation by independent counsel;
- Provides a timeframe for resolution of appeals at an administrative level; in the event of undue delay the trader has the right to bring the case to the next higher instance;
- Provides the opportunity for traders, upon request, to receive information concerning the administrative decision such as the reasoning of the decision including applied laws and regulations;
- Includes an opportunity to informally raise complaints concerning administrative decisions through complaints lodgement and handling procedures.

#### 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 Scope of Proposals 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.*

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

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

#### General Description

Import alert/rapid alert is a border control mechanism adopted by some countries and customs unions to monitor and ensure the quality of imported food products. It is imposed in the event 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 from the relevant exporter are subjected to 100% inspection at points of entry into the country/customs union. These proposals seek to ensure that the alert itself 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.

#### Scope of Proposals

The application of a system of import/rapid alert, including:

- Uniform, objective standards;
- Uniform application across a customs union;
- Imposition only on the basis of positive evidence that prescribed objective standards have not been met;
- Use of less trade restrictive arrangements where appropriate;
- Guidelines for termination, including timeframes and notification of termination.

#### 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 Scope of Proposals.

### **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.

### Scope of Proposals

Detention for the purposes of ensuring compliance by customs or any other relevant authority.

### 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.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.

### Scope of Proposals

Confirmatory testing of imports or exports, including:

- Clear procedures, including a validated test method;
- Accredited laboratories and the publication of a list of such laboratories;
- Acceptance of the results of a confirmatory test by all member states of a 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 Scope of Proposals.

## **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 nor to internal taxes such as VAT/sales tax, etc.)

### Basic Standard

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

### Scope of Proposals<sup>15</sup>

- (a) Fees and charges shall not be collected if they have not been publicly notified;
- (b) Specification of services for which a government agency may impose fees and charges<sup>16</sup>, the responsible authority and when and how payment can be made;
- (c) Adequate time period between publication and entry into force of new or amended fees and charges;
- (d) Recovery of only (approximate) actual costs and not on an ad valorem basis;
- (e) Fees and charges collected by public agencies and/or other entities on their behalf;
- (f) Periodic review of fees and charges with a view to consolidate and reduce their Number and diversity;
- (g) Fees and charges shall not be imposed for consular services required for import;
- (h) Fees and charges on transit services shall be directly linked to the specific transit movement (Heading L.3(c)).

### 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.

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<sup>15</sup> Includes similar issues relating to transit in L.3.

<sup>16</sup> Including tasks undertaken on behalf of other agencies.

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

### **G.1 Disciplines on Formalities/Procedures and Data/Documentation Requirements Connected with Importation and Exportation**

#### **G.1(a) Periodic Review of Formalities and Requirements;**

#### **G.1(b) 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.

##### Scope of Proposals<sup>17</sup>

- (a) Formalities and documents should not be more administratively burdensome or trade restrictive than necessary to achieve their legitimate objectives. They are applied in an efficient manner so as not to constitute an unnecessary obstacle to trade.
- (b) Regular, periodic reviews of formalities and documentation requirements relating to imports, exports and transit that take account of:
  - Relevant new information and business practices;
  - The availability and adoption of new techniques and technology;
  - International best practice;
  - Private sector and other stakeholder input.
- (c) A Member reduces required formalities and documents to a minimum necessary and simplifies them using international standards for the document layouts (e.g., UN-Layout Key), data elements (e.g., UNTDED) and electronic data exchange.

##### 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.

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<sup>17</sup> Includes matters relating to goods in transit identified in L.3 (c) and L.4.



### **G.1(c) 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.

#### Scope of Proposals

- (a) Laws, regulations, procedures and systems relating to import, export and transit.
- (b) Use of appropriate regional standards where they exist.

#### 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.

### **G.1(d) 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.

### Scope of Proposals

- (a) Copies of documents are accepted by relevant authorities, in particular:
- Commercial documents (invoices, bills of lading, etc.);
  - Authenticated copies of originals in lieu of the original document where a government agency already holds the original and multiple authorities are involved. The agency holding the original authenticates the copy.
- (b) Where documents are submitted electronically and are authenticated no paper copy shall be required.
- (c) Translations of supporting documents required only when necessary.

### 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.

### **G.1(e) 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.

#### Scope of Proposals

- (a) Requires one-time only lodgement of import, export and transit documentation and data;
- (b) Onward distribution to all relevant agencies undertaken by the single window;
- (c) Timely notification of results of exams provided to applicant through single window;
- (d) Use of information technology where possible;
- (e) Use of relevant international standards.

#### 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.

#### **G.1(f) 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.

##### Scope of Proposals

Pre-shipment inspections or their equivalent.

##### Requirements to Meet the Basic Standard

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

#### **G.1(g) Phasing out Mandatory 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

A Member shall not mandate the use of customs brokers. If Customs brokers are subject to licensing, such licensing rules shall be transparent, non-discriminatory and proportionate.

##### Scope of Proposals

- (a) Elimination of the requirement for mandatory use of brokers;
- (b) Any licensing requirements for brokers are to be transparent, non-discriminatory and proportionate.

#### 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.

**G.1(h) 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.*

#### **G.1(j) 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.

##### Scope of Proposals

Return of food consignments rejected due to failure to meet certain standards.

##### 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.

## **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.

### Scope of Proposals

- (a) Removal of any requirement for consularization and related documents.
- (b) Removal of fees or charges associated with consularization.

### Requirements to Meet the Basic Standard

The Member has no legislative or administrative requirement for consularization.

## **I. BORDER AGENCY COORDINATION**

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

- (a) Internal Agency Coordination
  - (b) Cross Border Coordination
- (a) **Internal Agency Coordination (also see G.1(e))**

### General Description

Where several regulatory agencies are directly involved in the clearance of goods, this could result in the imposition of multiple formalities and physical interventions which are an impediment to trade. These proposals seek coordination of relevant agencies.

### 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.

### Scope of Proposals<sup>18</sup>

Coordination of agency requirements.

### 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.

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<sup>18</sup> Note also G.1(e) proposals relating to single window/one time submission.

## **(b) Cross Border Coordination**

### General Description

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 neighbouring countries in order to reduce the procedures required and time taken to clear goods across the frontier.

### Basic Standard

Members with juxtaposed customs posts shall coordinate customs procedures, wherever possible.

### Scope of Proposals<sup>19</sup>

Coordinated procedures such as aligning working hours and developing common border facilities.

### Requirements to Meet the Basic Standard

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.

## **J. RELEASE AND CLEARANCE OF GOODS**

### **J.1 Expedited/Simplified Release and Clearance of Goods**

The various concepts associated with expedited and simplified release and clearance of goods are implicit in GATT Article VIII. In particular, paragraph 1(c) recognizes "the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements." By expediting and simplifying release and clearance procedures, the efficiency of the entire import and export process may be increased, costs reduced and compliance improved.

#### **J.1(a) 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 no further examination is required and other conditions are met (e.g., the duty payment is secured), goods may be cleared immediately upon arrival.

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<sup>19</sup> Includes similar issues relating to transit in L.5.

### Basic Standard

A Member shall make provision for the lodging and processing of clearance data and documentation prior to the arrival of the goods.

### Scope of Proposals

Submission and processing of clearance data and documentation prior to the arrival of goods.

### 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.

## **J.1(b) 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.

### Scope of Proposals

- (a) Arrangements relating to expedited shipment regardless the value and weight of the consignment, including:
- Separate procedures for expedited shipments, including the time-frame of clearance;
  - Arrangements between operators and customs administrations;
  - Pre-arrival processing<sup>20</sup>, including electronic processing;
  - Provision of a single document<sup>21</sup>, preferably through electronic means;
  - *De Minimis* treatment.<sup>22</sup>
- (b) Release of express consignments prior to final determination of duties, fees and taxes based on the provision of guarantee or surety.

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<sup>20</sup> See also J.1(a) proposals.

<sup>21</sup> Single document is defined as a consolidated document or record issued by an expedited shipment provider containing information about each of the goods shipped including: country of origin, shipper and ultimate consignee names and addresses, description of the goods, quantity, shipping weight and value of the goods and an identifier or tracking number unique to a particular expedited shipment.

<sup>22</sup> Shipments under a certain value attract no duties or taxes.

### 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.

#### **J.1(c) Risk Management/Analysis, Authorized Traders**

- (a) Risk Management/Analysis
- (b) Authorized Traders

#### **(a) 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.

##### Scope of Proposals<sup>23</sup>

- (a) Selection of cargo for documentary and physical examinations based on the application of non-discriminatory risk management principles.
- (b) Use of harmonized risk management systems across a customs union.
- (c) Treatment of transit goods adapted to the expected degree and nature of the hazard, and establishment of national procedures for particular categories of goods (e.g., dangerous goods, perishables and sensitive goods).
- (d) Use of relevant international standards- where practicable.

### 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:

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



- 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.

**(b) 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.

Scope of Proposals<sup>24</sup>

- (a) Authorized trader status to be determined on a non-discriminatory basis (to businesses of all sizes and from all countries), using objective, transparent, publicly available risk-based criteria.
- (b) Simplified import, export and transit formalities for authorized traders, including:
  - More rapid release and clearance of goods;
  - A lower incidence of physical inspections;
  - Facilitated procedures covering areas such as declaration, submission and processing, duty payment, documentation, inspections and data requirements.
- (c) Uniform application of authorized trader systems and mutual recognition of authorized trader status across 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.

**J.1(d) 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

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<sup>24</sup> Includes similar issues relating to transit in L.4(c).

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.

#### Scope of Proposals

- (a) Post-clearance audit of enterprises involved directly or indirectly in the transaction of international trade.
- (b) Use of regular audits. These are audits that are performed periodically according to auditing programs set forth by customs focusing on business systems and routine operations and management.
- (c) Use of targeted audits, based on risk management. These are audits performed on the selected traders and commodities with high risks resulting from the results of risk analysis and assessment.
- (d) Results of post-clearance audit fed back into the risk management process.
- (e) Use of relevant international standards and instruments.

#### 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.

#### **J.1(e) Separating Release from Clearance Procedures**

##### General Description

These proposals support a system whereby goods may be released from custody by customs 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 goods may be released by Customs and other border agencies prior to payment of the relevant duties and taxes.

### Scope of Proposals

Use of guarantees:

- In the form of collateral security or some other appropriate instrument to ensure ultimate payment of duties and taxes;
- Limited to an amount reasonably calculated to ensure compliance;
- That are discharged without delay once requirements have been satisfied.

### 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 Scope of Proposals, 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.

### **J.1(f) 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.

#### Scope of Proposals

- (a) Measurement and publication of average times for the release and clearance of goods:
- On a periodic basis;
  - In a consistent manner;
  - Based on common standard such as the WCO Time Release Study.
- (b) Progressive reduction of average release and clearance times.
- (c) Explanations to traders of the reasons for significant delays, except where it 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 Scope of Proposals.
- (b) The Member publishes the results of such measurement on a periodic basis.

## **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.

#### Scope of Proposals

Tariff classification.

#### 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).

## **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 Operationalization and Clarification of Terms - proposals to further define transit terms in GATT Article V.**

### **L.2 Non-Discrimination and Policy Objectives**

#### **L.2(a) 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>25</sup> treatment and national treatment<sup>26</sup> to traffic in transit to or from the territory of any other Member with respect to all charges, regulations and formalities.

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<sup>25</sup> MFN- providing the same best treatment to all WTO Members.

### Scope of Proposals

- (a) All laws, regulations, requirements, procedures, fees and charges on or in connection with transit, in relation to:
- Internal passage of traffic in transit across the territory of a Member;
  - Traffic in transit to or from the territory of any other Member;
  - Products which have been in transit through the territory of any other Member;
  - Nationality of means of transport.

### 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 Disciplines on Fees and Charges**

### **L.3(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.3(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.3(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

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<sup>26</sup> National Treatment- imported goods are treated no less favorably than domestic goods.

#### **L.4 Disciplines on Transit Formalities and Documentation Requirements**

##### **L.4(a) Publication**

These matters are dealt with under the following proposals:

A.1 – Publication and Notification of Trade Regulations;

B.1 – Interval Between Publication And Entry Into Force;

##### **L.4(b) Periodic Review**

These matters are dealt with under the following proposals:

G.1(A) – Periodic Review Of Formalities And Requirements.

##### **L.4(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.

###### Scope of Proposals

- (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.
- (d) 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 Scope of Proposals.
- (b) Use of existing commercial information to satisfy government requirements were practicable.
- (c) Where possible the Member has in place designated facilities, including lanes, for traffic in transit.

#### **L.4(d) Promotion of 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.

##### Scope of Proposals

Promotion of bilateral and regional transit agreements or arrangements that:

- Use common, simplified documents or electronic messages and are aligned with international standards;
- Go beyond customs and consider relevant issues such as road and transport issues.
- Incorporate measures to monitor the agreement/arrangement

#### 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.4(e) Monitoring**

##### General Description

Recognizing the importance of efficient implementation of transit agreements or arrangements, these proposals seek to ensure the actual implementation of these transit commitments.

### Basic Standard

A Member shall ensure that any regional transit agreement or arrangement incorporates measures relating to the monitoring of transit.

### Scope of Proposals

Incorporation of monitoring arrangements in regional transit agreements or arrangements that may include:

- The appointment of national transit coordinators;
- Public private partnerships to manage and monitor the arrangement.

### Requirements to Meet the Basic Standard

Monitoring arrangements form part of regional transit agreements or arrangements to which the Member is a party, which may include elements recommended in the Scope of Proposals, as appropriate.

## **L.4(f) 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.

### Scope of Proposals

- (a) Internationally, regionally or nationally valid guarantee system for goods transit, which:
- Represents a single guarantee in the country or all the transit countries;
  - Is renewable for subsequent consignments;
  - Has reasonable limits, having regard to the conditions of transit, the nature and value of the consignment in question and the potential revenue liability;
  - Is limited to the amount of customs debt or other charges;
  - Is released promptly and in full on completion of the transit operation;
  - Any fees should reflect the cost of services rendered.
- (b) No guarantee should be required where border agencies are satisfied that obligations will be fulfilled.



### 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 Scope of Proposals.

### **L.5 Improved Coordination and Cooperation**

#### **L.5(a) Amongst Authorities**

These matters are dealt with under the following proposals:

I.1 – Coordination Of Activities And Requirements Of All Border Agencies;

#### **L.5(b) Between Authorities and the Private Sector**

These matters are dealt with under the following proposals:

B.2 – Prior Consultation And Commenting On New And Amended Rules.

B.3 – Regular Consultation

### **L.6 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 transparent.

#### Basic Standard

Members shall not seek, take or maintain any restrictive measure in transit.

#### Scope of Proposals

- (a) Any necessary measures taken under GATT Articles XX and XXI<sup>27</sup> shall not be more restrictive than necessary and shall be applied in a transparent manner.
- (b) If the circumstances causing the restrictive measures change the measure shall be eliminated or, if possible, addressed in a less restrictive manner.

### Requirements to Meet the Basic Standard

- (a) Member has in place legislation that shall enhance trade in transit as set out in the Basic Standard and the Scope of Proposals.

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<sup>27</sup> GATT Articles XX and XXI provide for exceptions to implementation of required measures for reasons of health, safety, security reasons. These Articles are provided in the Guide training manual.

- (b) Member shall have procedures in place to notify WTO Members on the objective and necessity of the restrictive measure.

## **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.

### Scope of Proposals

- (a) Administrative procedures for the timely provision of the appropriate information and/or documentation that is certified as true copies.
- (b) Protection of the confidentiality of the information provided.
- (c) Requests made in one of the three official WTO languages or in a language mutually acceptable to the requesting and the requested Member.

### 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 scope of proposals.
- (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.

**ANNEX A: ASSESSMENT TOOL**

**A.1 PUBLICATION AND NOTIFICATION OF TRADE REGULATIONS AND OF PENALTY PROVISIONS;  
L.4(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 Basic Standard. Describe in detail.	Reason for con-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.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<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.2 INTERNET PUBLICATION OF THE ELEMENTS SET OUT IN ARTICLE X OF GATT 1994; A.2(b) INTERNET PUBLICATION OF SPECIFIED INFORMATION SETTING FORTH THE PROCEDURAL SEQUENCE AND OTHER REQUIREMENTS FOR IMPORTING GOODS INTO A MEMBER'S TERRITORY**

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**B.1 INTERVAL BETWEEN PUBLICATION AND ENTRY INTO FORCE ; L.4(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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**B.2 PRIOR CONSULTATION AND COMMENTING ON NEW AND AMENDED RULES; B.3 REGULAR CONSULTATION; L.5(b) IMPROVED COORDINATION AND COOPERATION BETWEEN AUTHORITIES AND 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			



**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**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 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**F.1 DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION;  
L.3(a) PUBLICATION OF FEES AND CHARGES FOR TRANSIT; L.3(b) PERIODIC REVIEW OF FEES AND CHARGES FOR  
TRANSIT; L.3 (c) MORE EFFECTIVE DISCIPLINE 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			

**G.1(a) PERIODIC REVIEW OF FORMALITIES AND REQUIREMENTS; G.1(b) REDUCTION/LIMITATION OF FORMALITIES/PROCEDURES AND DATA/DOCUMENTATION REQUIREMENTS**  
**L.4(c) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			

**G.1(c) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**G.1(d) ACCEPTANCE OF COMMERCIALLY AVAILABLE INFORMATION AND OF COPIES**  
**M.3(d) HARMONIZATION/STANDARDIZATION FOR TRANSIT (Acceptance of commercially available information and copies for transit)**

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			



**G.1(e) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**G.1(f) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**G.1(g) PHASING OUT MANDATORY USE OF CUSTOMS BROKERS**

**Basic Standard:** A Member shall not mandate the use of customs brokers. If Customs brokers are subject to licensing, such licensing rules shall be transparent, non-discriminatory and proportionate.

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

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

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**G.1(i) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**I.1 COORDINATION OF ACTIVITIES AND REQUIREMENTS OF ALL BORDER AGENCIES – a. Internal Agency Coordination**  
**L.5(a) 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.

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

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<b>Priority for Technical Assistance: High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> 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>			

**I.1 COORDINATION OF ACTIVITIES /REQUIREMENTS OF ALL BORDER AGENCIES - b. Cross Border Coordination**  
**L.5(a) IMPROVED COORDINATION AND COOPERATION AMONGST AUTHORITIES FOR TRANSIT**

**Basic Standard:** Members with juxtaposed customs posts shall coordinate customs procedures, wherever possible.

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

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

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**J.1(a) 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.

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

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

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			



**J.1(b) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**J.1(c)(a) RISK MANAGEMENT/ANALYSIS (separate chart for authorized traders follows)**

**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:

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**J.1(c)(b)**

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**J.1(d) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><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.1(e) SEPARATING RELEASE FROM CLEARANCE PROCEDURES**

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**J.1(f) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**L.2(a) STRENGTHENED NON-DISCRIMINATION**

**Basic Standard:** A Member shall accord non-discriminatory, most-favored-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.

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

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			



**L.4(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 Basic Standard. Describe in detail.	Reason for con-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.)	
		What can be done locally to address barriers? (Specify in detail)	Is Technical Assistance or Capacity Building support needed? If yes, specify in detail.
<b>Priority for Technical Assistance: High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> 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(d) PROMOTION OF REGIONAL TRANSIT AGREEMENTS OR ARRANGEMENTS; L.4(e) MONITORING**

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**L.4(f) 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**L.6 DISCIPLINES ON RESTRICTIONS TO FREEDOM OF TRANSIT**

**Basic Standard:** Members shall not seek, take or maintain any restrictive measure in transit.

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

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

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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><b>Priority for Technical Assistance:</b> High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> <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>			
<p><b>Issues to note (any comments or recommendations for negotiators, etc.):</b></p>			

**ANNEX B: EXAMPLE ASSESSMENT**

Illustrative Example: C.1 Provision of Advance Rulings

**C.1 PROVISION OF ADVANCE RULINGS**

**Basic Standard:** A Member shall issue legally binding rulings in a timely manner, and in advance of the relevant trade transaction, at the 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 Basic Standard. Describe in detail.	Reason for con-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.)	
		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) No legally binding advance rulings provisions	<p>Resistance (Customs officers and private sector traders think that they benefit from current situation. Lack of awareness on benefits of advance rulings.)</p> <p>Lack of legislation, and guidelines</p> <p>Lack of trained staff and separate unit/department for advance ruling</p>	<p>Consultation with stakeholders: Organise meetings with relevant stakeholders to discuss the issue</p> <p>Change Management: Change of Attitudes, way of communications: Organising of awareness raising workshops and briefings</p> <p>Drafting and dissemination of brief information notes. Conduct a study on economic benefits of advance ruling provisions for importers and exporters</p> <p>Awareness programs/sensitization for Customs officers</p> <p>Awareness programs/sensitization for traders</p>	<p>Advise on change management</p> <p>Study for fact-finding mission for best practices</p>

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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) Informal classification advice is provided but lack of consistency. The decisions are not recognized by other officers	Lack of legislation, and guidelines	<p>Prepare, draft and enact national : Preparation of draft legislation and amendments or drafting of administrative guidelines</p> <p>Organise meetings with relevant stakeholders to discuss the issue</p>	<p>Study for fact-finding mission for best practices</p>
	Lack of trained staff and separate unit/department for advance ruling	<p>Change management: Setting up clear organizational structure and administrative functions</p> <p>Training of newly hired staff on advance ruling procedures and classification</p> <p>Setting up of a "advance ruling unit" with permanent staff inside Customs.</p> <p>Revise organisation structure, identify members of the unit and set <i>modus operandi</i></p>	<p>Funding for Training of Trainers</p> <p>Training of top management (9 officers)</p>
	No enforcement and monitoring compliance, no administrative guidelines	<p>Enacting and enforcement of legislation on advance ruling and operating admin. procedures</p> <p>Preparation of administrative guidelines</p>	<p>Training of top management (9 officers)</p> <p>Local action for training of officers (middle level) (135 officers)</p>
	Lack of adequate office equipment,	Install necessary IT equipment for	Funding

Current situation relative to the Basic Standard. Describe in detail.	Reason for con-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.)	
		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) No appeal procedure provisions	communication with border posts, and trained staff	the archiving and issuance of requests  Ensure communication with border posts through telephone, fax or internet	Training of officers (see above) and use of IT equipment
	Lack of precise knowledge on classification	Training of staff on HS	Training : see similar action under 1
	No legislation, no guidelines	Training for Advance Ruling Unit on legislative and administrative requirements	
	Enforcement of new legislation		
<b>Priority for Technical Assistance: High: __ Medium: <u>X</u> Low: __ None: __ Comments:</b>			
<b>Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</b> Ministry of Customs- Lead agency. Ministry of Finance, Ministry of Trade, Chamber of Commerce, Private Sector, Ministry of Justice, Freight Forwarders and Brokers			
<b>Stakeholders not participating in assessment of this measure(s) that should be consulted:</b> private sector			
<b>Issues to note (any comments or recommendations for negotiators, etc.):</b> Provisions for advance ruling have been drafted in the proposed new Customs Code but this has not been before the Parliament yet. Scheduled for the second half of this year.			