

COMMUNICATION FROM THE UNITED STATES

Revision

The following communication, dated 15 February 2008, is being circulated at the request of the Delegation of the United States.

REVISED DRAFT TEXT ON EXPEDITED SHIPMENTS

In previous communications (TN/TF/W/15, 4 February 2005; TN/TF/W/91, 5 April 2006; TN/TF/W/144, 21 May 2007; and TN/TF/W/144.Rev.1, 20 July 2007) the United States submitted a proposal to "provide specific expedited procedures for expedited shipments". The following revised draft text, aimed at reflecting the comments and concerns expressed by Members, is submitted for renewed consideration by the Negotiating Group.

Textual Proposal:

Customs Procedures for Expedited Shipments

1. Each Member shall adopt or maintain customs procedures allowing for expedited shipments while maintaining customs control and selection. These procedures shall:

- (a) allow for the submission and processing, including through electronic means, of information necessary for the release of an expedited shipment prior to the arrival of the expedited shipment;
- (b) allow for the submission and processing, including through electronic means, of a single document covering all goods contained in an expedited shipment;
- (c) to the extent possible, provide for the release of expedited shipments based on the single document;
- (d) provide for expedited shipments to be released under normal circumstances within 3 hours after the necessary customs documents have been submitted, provided the shipment has arrived;
- (e) apply to expedited shipments without regard to weight or customs value;
- (f) [allow for the release of expedited shipments before and without prejudice to the final determination of the applicable customs duties, taxes, and fees owed, if, where so required, the importer provides sufficient guarantee in the form of a surety, a deposit, or some other appropriate instrument, covering the ultimate payment of the customs

duties, taxes, and fees in connection with the importation of the expedited shipment;]¹
and

- (g) provide for a *de minimis* procedure under which customs duties and taxes will not be assessed on an expedited shipment valued under a specified value.

2. A Member may require that an expedited shipment provider shall, as a condition for the application of the procedures described in paragraph 1 to its expedited shipments:

- (a) provide adequate infrastructure to allow for the processing of the expedited shipment;
- (b) submit specified information from the single document in advance of the arrival of an expedited shipment; and
- (c) be assessed fees limited in amount to the approximate cost of services rendered in providing the customs procedures in paragraph 1.

3. Nothing in these provisions shall prevent a Member from obtaining additional information, conducting screenings, or examining goods, where necessary to maintain appropriate border control, including through the use of systems that distinguish between low-risk and high-risk goods.

Definitions

Expedited shipments means goods designated as such by an expedited shipment provider.

Expedited shipment provider means a person that:

- (a) maintains a high-degree of control over expedited shipments through the use of internal security, logistics, and tracking technology;
- (b) tracks and controls expedited shipments at every point during their conveyance; and
- (c) 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.

Single document means a consolidated document or record (including in electronic form) issued by an expedited shipment provider which contains the following identifying information about each of the goods being shipped:

- (1) the country of origin of the goods, if known;
- (2) the shipper's name and address;
- (3) the ultimate consignee's name and address;
- (4) a specific description of the goods;
- (5) the quantity of the goods;
- (6) the shipping weight;
- (7) the value of the goods; and
- (8) an identifier or tracking number unique to a particular expedited shipment.

¹ *Note to the reader:* This language may be dropped from the proposed article should it be adequately addressed in the context of the proposal on release and clearance (TN/TF/W/136/Rev.1).