

WORLD TRADE ORGANIZATION

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Negotiating Group on Trade Facilitation

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COMMUNICATION FROM HONG KONG CHINA, JAPAN, MONGOLIA, NORWAY, SWITZERLAND AND TURKEY

The following communication, dated 23 May 2008, is being circulated at the request of the Delegations of Hong Kong China, Japan, Mongolia, Norway, Switzerland and Turkey.

PROPOSAL ON PUBLICATION AND AVAILABILITY OF INFORMATION

1. The following textual proposal is submitted by Hong Kong China, Japan, Mongolia, Norway, Switzerland and Turkey for consideration by the Negotiating Group. It is closely based on the proposals on publication and availability of information made in the communications TN/TF/W/114/Rev.1 and TN/TF/W/132/Rev.1 and takes account of the discussion and other submissions on this issue in the Negotiating Group.¹ The co-sponsors believe that issues such as national treatment, most-favoured-nation treatment, general and security exceptions, S&D treatment and TA&CB should be dealt with in a cross-cutting manner. They are therefore not included in the current proposal.

Textual Proposals

I. PUBLICATION AND AVAILABILITY OF INFORMATION

A. PUBLICATION

2. Each Member shall publish promptly² all laws, regulations, judicial decisions and administrative rulings of general application relating to or affecting trade in goods in such a manner provided for in Article X of GATT 1994. The information to be published shall include:

- (a) Procedures of border agencies (including port, airport, and other entry-point procedures and relevant forms and documents);
- (b) Rate of duties and taxes imposed on or in connection with importation, exportation or transit (including applied tariff rates);
- (c) Decisions and examples of customs classification;
- (d) Import, export or transit restrictions;

¹ The co-sponsors propose that this communication replaces TN/TF/W/114/Rev.1 and TN/TF/W/132/Rev.1 in the compilation document TN/TF/W/43/Rev.15 and its subsequent revisions, except for the text on prior publication and consultation contained in TN/TF/W/132/Rev.1.

² The paragraphs of proposals TN/TF/W/115/Rev.1 and TN/TF/W/132/Rev.1 concerning prior publication provide further clarification of the term "promptly".

- (e) Fees and charges imposed on or in connection with importation, exportation or transit;
- (f) Penalty provisions against breaches of import, export or transit formalities;
- (g) Appeal procedures; and
- (h) Agreements with any country or countries relating to the issues above.

B. AVAILABILITY

3. Each Member shall ensure that the information referred to in paragraph 2 is made available in a non-discriminatory and convenient manner via officially designated sources.

II. ESTABLISHMENT OF AN OFFICIAL WEBSITE

4. Recognizing that electronic means of publication would be the most cost effective and easily accessible format for publication of information, each Member shall make available and keep current on one or more publicly accessible official websites:

- (a) an outline of its border agencies' procedures, including their appeal procedures, as well as its import, export or transit restrictions, in such a manner as to enable [interested parties] to become acquainted with them.
- (b) all forms and documents required for importation, exportation or transit.

The outline referred to in paragraph 4(a) shall also include references to the relevant trade-related legislation as well as the titles of and electronic links to all forms and documents as provided for in paragraph 4(b).

5. The language of publication for the outline referred to in paragraph 4(a) shall, whenever practicable, be one of the official languages of the WTO.

III. ESTABLISHMENT OF ENQUIRY POINTS

6. Each Member shall ensure that one or more enquiry points are available [to interested parties]. The enquiry points shall be responsible for:

- (a) answering enquiries [from interested parties] on trade-related legislation and procedures;
- (b) providing the information and documents requested [to interested parties].

7. Where a Member requires payment of a fee for enquiries, such fees shall not exceed the approximate cost of the service rendered.³

8. [The enquiry points shall reply to enquiries within a time period set by each individual Member.]

9. Members involved in a regional integration may establish enquiry points at the regional level.

³ This paragraph may be dropped at a later stage if this aspect is properly dealt with in a cross-cutting manner throughout the TF Agreement.

IV. UNIFORM ADMINISTRATION

10. Each Member shall interpret and administer in a uniform, impartial and reasonable manner all its laws, regulations, decisions and rulings of the kind described in paragraph 2.

V. NOTIFICATIONS

11. Each Member shall notify to the [Trade Facilitation Committee] the officially designated sources referred to in paragraph 3, the official websites referred to in paragraph 4, as well as the contact information of the enquiry points referred to in paragraph 6.

VI. GENERAL RESERVATIONS

12. Nothing in these provisions shall be construed as requiring:

- (a) the publication or provision of information referred to in paragraph 2 other than in the language of the Member except as stated in paragraph 5; or
 - (b) Members to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.
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