

# WORLD TRADE ORGANIZATION

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Negotiating Group on Trade Facilitation

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## COMMUNICATION FROM COSTA RICA, THE EUROPEAN COMMUNITIES, JAPAN, KOREA, MONGOLIA, NEW ZEALAND, SINGAPORE, AND SWITZERLAND

The following communication, dated 9 May 2006, is being circulated at the request of the Delegations of Costa Rica, the European Communities, Japan, Korea, Mongolia, New Zealand, Singapore, and Switzerland.

### PROPOSAL ON PRIOR PUBLICATION AND CONSULTATION

1. This submission is to present the key elements on prior publication and consultation which are summarized from existing proposals by Members.<sup>1</sup> Also identified are the elements that need further discussions among Members for greater clarification and specification.

#### I. PROPOSALS

- *Consultation and commenting on new and amended rules:* Provide opportunities with reasonable time table for interested parties to comment on proposed introduction or amendment of trade-related laws, regulations and administrative rulings.
- *Information on policy objectives:* When consulting on proposed rules and procedures, provide information on policy objectives sought.
- *Time period between publication and implementation:* Accord an adequate time period between the publication of new or amended laws and regulations (including their summary or draft) and their entry into force, so as to allow time for traders to become acquainted with and well prepared for compliance, while taking into account the restraints accruing to differing legislative and administrative situations among Members.
- *Regular consultations:* Holding regular consultations between border agencies and traders.
- *Legitimate policy objectives:* Above measures not to impede the pursuance of legitimate policy objectives by Members as set out in GATT Articles XX and XXI.

#### II. ELEMENTS IDENTIFIED FOR FURTHER ADDRESSING

- *Targets of consultations:* To define the coverage of "interested parties" to be consulted.

<sup>1</sup> EC (TN/TF/W/6), Korea (TN/TF/W/7), Japan, Mongolia, Chinese Taipei, Pakistan and Peru (TN/TF/W/8 and Corr.1), Australia and EC (TN/TF/W/23), New Zealand (TN/TF/W/24), China (TN/TF/W/26), Peru (TN/TF/W/30), Hong Kong, China (TN/TF/W/32), Chile (TN/TF/W/70). See also national experience paper from Egypt (TN/TF/W/75).

- *Scope of consultations:* To work out the scope of the "trade-related laws, regulations and administrative rulings" subject to consultation and comments.
  - Special and differential treatment, including potential:
    - Progressive implementation of commitments.
  - Technical assistance and capacity building:
    - Assess situation, identify individual specific needs and priorities, training and addressing capacity constraints.
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