

WORLD TRADE ORGANIZATION

TN/TF/W/107
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Negotiating Group on Trade Facilitation

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COMMUNICATION FROM THE EUROPEAN COMMUNITIES, KOREA, AND SWITZERLAND

The following communication, dated 1 June 2006, is being circulated at the request of the Delegations of the European Communities, Korea, and Switzerland.

FEES AND CHARGES

1. The following textual proposal is submitted by the European Communities, Korea, and Switzerland for consideration by the Negotiating Group. It is closely based on the proposals on fees and charges made in the joint communication TN/TF/W/94 of 6 April 2006 and takes account of the discussion and other submissions on this issue in the Negotiating Group.

Textual proposal

"Fees and charges

(a) Scope

- The provisions [of this article] apply to all fees and charges imposed by customs authorities or by any other government body of any Member, including tasks undertaken on their behalf, on or in connection with importation or exportation, or as a condition for importation or exportation.

(b) Specific parameters

- Fees and charges shall only be imposed for services provided in direct connection with the specific importation or exportation in question or for any formality required for undertaking such importation or exportation.
- Fees and charges shall not exceed the approximate cost of the service provided.
- Fees and charges shall not be calculated on an *ad valorem* basis.
- Fees and charges shall not be imposed with respect to consular services and equivalent measures.
- Information on fees and charges shall be published. This information shall include the reason for the fee or charge (the service provided), the responsible authority, the fees and charges that will be applied, and when and how payment is made. The

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information shall be made readily available to all interested parties and each Member shall inform, through the WTO Secretariat, all other Members where the information on its fees and charges is available. The information shall be published via an officially designated medium, and where feasible and possible, official website.

- An adequate time period shall be accorded between the publication of information on new or amended fees and charges and their entry into force except when justified by legitimate public policy objectives.
- New or amended fees and charges shall not be imposed until information on them is published and made readily available.
- Each Member shall periodically review its fees and charges to ensure that they are in line with WTO commitments and with a view to consolidating them and reducing their number and diversity."

Special and differential treatment, technical assistance and capacity building

2. With regard to special and differential treatment, technical assistance and capacity building in relation to fees and charges, TN/TF/W/94 set out some proposals, including with regard to a possible transition mechanism to allow for the design and implementation of a new structure for fees and charges and the provision of technical assistance. These issues could be taken forward through the development of a horizontal mechanism that would, among others, take full account of the needs, priorities, cost concerns and implementation capacities of developing and least-developed Members in relation to commitments. A number of relevant submissions on this issue have been made to the Negotiating Group, one of which contained a textual proposal. Such textual proposals should continue to be developed in parallel to the textual proposal set out above.
