

COMMUNICATION FROM INDIA, SOUTH AFRICA AND SRI LANKA

Revision

The following communication, dated 10 March 2008, is being circulated at the request of the Delegation of India.

COOPERATION MECHANISM FOR CUSTOMS COMPLIANCE

1. The following revised textual proposal is submitted by India for consideration by the Negotiating Group. It revises the textual proposal submitted under TN/TF/W/123 taking into account the discussions in the Negotiating Group.

"Cooperation Mechanism for Customs Compliance

1. Members shall, upon request, exchange information and documents on matters such as HS classification, description, quantity, country of origin and valuation of goods in identified cases of import or export, where there is reason to doubt the truth or accuracy of a declaration filed by the importer or exporter.

2. A Member making the request shall ensure that, [to the extent possible], all appropriate internal verification has been undertaken including, *inter alia*, verification of the status of the importer/exporter and inspection of the relevant documents made available to or obtained by the customs administration.

3. A Member making the request shall provide a brief summary of the case in respect of which information is sought including the reasons for doubting the truth or accuracy of the declaration made before it; the results of verification made; and, specify the information and documents required.

4. The requested Member shall:

- (a) provide information only to the extent it is available in the import or export declaration(s);
- (b) if requested, provide documents filed in support of a goods declaration, such as commercial invoice, packing list, certificate of origin and bill of lading, in the form in which these are filed, whether paper or electronic;

- (c) confirm that the documents provided are true copies of the documents submitted by the importer/exporter [and accepted by the requested Member]; and
 - (d) provide the information, to the extent possible, within a period of 90 days from the date of receipt of the request.
5. Such exchange of information or documents shall not require Members to:
- (a) modify the format of their import or export declarations or their procedures;
 - (b) call for documents other than those filed with the goods declarations;
 - (c) modify the period of retention of such information or documents; or
 - (d) introduce paper documentation where electronic format has already been introduced.
6. Any information or documents exchanged shall be treated as confidential and shall not be disclosed to any third party except to the extent required in judicial proceedings. Such information or documents shall not be used in a criminal proceeding unless specifically authorized by the requested Member.
7. Each Member shall designate and notify to the WTO an agency within its administration for exchange of information and documents.
8. The request for information or document shall be made in one of the three official languages of the WTO or in a language mutually acceptable to the requesting and the requested Member.
9. The request for information or document shall not be made later than two years after the importation or exportation of the goods.
10. A Member shall not make more than [X] requests for information and documents from another Member in a calendar year."
11. Information or documents exchanged shall not be used for purposes other than that for which it was sought, unless the requested Member agrees otherwise.
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