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**COMMUNICATION FROM THE UNITED STATES**

The following communication, dated 4 February 2005, is being circulated at the request of the United States.

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**PROPOSAL ON TRANSPARENCY AND PUBLICATION**

**I. PROPOSAL**

- X *Internet "publication" of the elements set out in Article X of GATT 1994<sup>1</sup>*
- X *Internet "publication" of specified information setting forth the procedural sequence and other requirements for importing goods into a Member's territory*

**II. IMPROVEMENT AND CLARIFICATION**

1. This proposal would clarify and improve relevant current transparency-related provisions under GATT Article X of GATT 1994 by setting out the use of the Internet as the medium of "publication" and by providing greater precision and specificity with regard to the elements that should be published in such a manner as it pertains to import procedures.

**III. EXPERIENCE**

2. This proposal embodies one of the simplest yet most powerful improvements to the trading system, moving forward to the Information Age the concept of "publication" as currently provided under Article X of GATT 1994. The United States is not alone in its recognition and use of this important tool. In addition to most of its developed country Member partners, an informal survey of more than 90 developing country Members shows that at least 40 had established comprehensive websites that included some specific information on import procedures. The importance of this element is also reflected in previous WTO work on Trade Facilitation (see., G/C/W/379 *submission by Canada*; G/C/W/363 *submission by European Communities*).

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<sup>1</sup>The elements set out in Article X: "Laws regulations, judicial decisions and administrative rulings of general application, made effective by any contracting party, pertaining to the classification or the valuation of products for customs purposes, or to rates of duty, taxes or other charges, or to requirements, restrictions or prohibitions on imports or exports or on the transfer of payments therefore, or affecting their sale, distribution, transportation, insurance, warehousing inspection, exhibition, processing, mixing or other use".

#### **IV. COSTS**

3. Undoubtedly, there are certain costs associated with the development and maintenance of an Internet site. At the same time, experience shows that such costs have been dropping dramatically as technology improves and the ability to easily draw from "off the shelf" products has emerged. In addition, there are significant resource-savings and efficiencies to be gained, especially when compared to other methods of communicating information to the public, whether through a federal gazette or simply having to deal with frequently asked questions of a general character.

4. The most significant beneficiaries of universal and robust implementation of this proposal would be small and medium-sized enterprises, given that SME's generally do not maintain either an economic presence or representation in the territory of export markets. The proposed commitment would operate to ensure that SME's have an electronic portal to markets worldwide, presenting new opportunities not otherwise available.

#### **V. SPECIAL AND DIFFERENTIAL TREATMENT**

5. Informal surveys by the United States have already shown that there has been considerable progress, but with wide variance among developing country Members toward robust implementation of this proposal. The unique situation of each individual Member regarding implementation of the proposed commitment could be addressed early in the negotiations through the use of diagnostic tools providing an assessment of specific needs, which can lead to appropriate and workable transition periods combined with assistance targeted at individual situations.

#### **VI. TECHNICAL ASSISTANCE AND CAPACITY BUILDING**

6. The United States has experience in providing technical assistance towards the development of websites for customs authorities. A recent example includes efforts undertaken in conjunction with planning for implementation of the provisions of the customs chapter in a free trade agreement negotiated with its Central American trade partners. Others assistance providers may have similar experience, and it would be useful if such Members and, as appropriate, International Organizations would provide information on experiences and available resources specifically related to this particular proposal.

#### **VII. PROPOSED NEXT STEPS IN NEGOTIATIONS**

- X *Members work together to refine and articulate what is meant by a commitment to Internet "publication."*
  - X *Members work together through the Negotiating Group to seek out assistance of appropriate International Organizations and undertake country-specific diagnostics regarding implementation of the proposal, with the results to include an assessment of possible tasks, time line, and resources necessary for each particular Member to achieve effective implementation.*
  - X *Members exchange experiences on implementation and technical assistance, and develop a path by which every Member can ultimately achieve full implementation of the proposed commitment.*
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