

# WORLD TRADE ORGANIZATION

TN/TF/W/155/Rev.2  
3 August 2009

(09-3759)

---

Negotiating Group on Trade Facilitation

Original: English

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

### Revision

The following communication, dated 31 July 2009, 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

The following revision of the textual proposal TN/TF/W/155/Rev.2 is submitted by Hong Kong China, Japan, Mongolia, Norway, Switzerland and Turkey for consideration by the Negotiating Group. It takes account of the discussions and other submissions on this issue in the Negotiating Group.

#### Textual Proposal

#### **I. PUBLICATION AND AVAILABILITY OF INFORMATION**

1. In meeting its obligation under paragraph 1 of Article X of GATT 1994, a Member shall promptly<sup>1</sup> publish, in a non-discriminatory and convenient manner, in order to enable interested parties to become acquainted with them, inter alia:

- (a) Its importation, exportation or transit procedures<sup>2</sup> (including port, airport, and other entry-point procedures and required forms and documents);
- (b) Rate of duties and taxes imposed on or in connection with importation or exportation (including applied duty rates);
- (c) General rules for customs valuation, classification of products for customs purposes [as well as examples of such valuations and classifications];

---

<sup>1</sup> 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".

<sup>2</sup> Including procedures carried out on behalf of the Government by third parties.

- (d) Import, export or transit restrictions or prohibitions;
- (e) Its fees and charges, imposed on or in connection with importation, exportation or transit procedures<sup>3</sup>;
- (f) Penalty provisions against breaches of import, export or transit formalities;
- (g) Appeal procedures;
- (h) Agreements or parts thereof with any country or countries relating to the importation, exportation or transit.

## **II. INTERNET PUBLICATION**

2. Recognizing that electronic means of publication are usually the most cost effective and easily accessible, each Member shall make available and keep current on one or more publicly accessible websites:

- (a) A description of its import, export and transit procedures<sup>4</sup>, that informs traders of the practical steps needed to import and export, and for transit, including appeal procedures;
- (b) The forms and documents required for importation into, exportation from, or transit through the territory of that Member, as well as electronic links to them, where applicable.

3. The language of publication for the description referred to in paragraph 2(a) shall, whenever practicable, be one of the official languages of the WTO.

4. Members are encouraged to publish further information on their websites

## **III. AVAILABILITY OF ENQUIRY POINTS**

5. Each Member shall ensure that at least one or more enquiry points exist(s). Enquiry points shall answer all reasonable enquiries on the issues covered by paragraph 1 from interested parties as well as provide the required forms referred to in paragraph 1(a).

6. If a Member requires payment of a fee for enquiries, such fees shall not exceed the [approximate] cost of the service rendered.<sup>5</sup>

7. The enquiry points shall reply to enquiries within a reasonable time period set by each individual Member.

---

<sup>3</sup> Including procedures carried out on behalf of the Government by third parties.

<sup>4</sup> Including procedures carried out on behalf of the Government by third parties.

<sup>5</sup> 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.

8. Members involved in a regional integration may establish enquiry points at the regional level.<sup>6</sup>

#### **IV. NOTIFICATIONS**

9. Each Member shall notify the [Trade Facilitation Committee] of:

- (a) where the items in paragraph 1 (a) to (h) have been published, and in case of publications in more than one place, the most conveniently accessible and most likely publication that will enable interested parties to become acquainted with the materials; and
- (b) the URLs of website[s] referred to in paragraph 2, as well as the contact information of the enquiry points referred to in paragraph 5.<sup>7</sup>

#### **V. GENERAL RESERVATIONS<sup>8</sup>**

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

- (a) The publication or provision of information other than in the language of the Member except as stated in paragraph 3; 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.

\_\_\_\_\_

---

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.