

WORLD TRADE ORGANIZATION

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Negotiating Group on Trade Facilitation

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COMMUNICATION FROM COSTA RICA, THE EUROPEAN COMMUNITIES, JAPAN, MONGOLIA, NEW ZEALAND, THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU, 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, Mongolia, New Zealand, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, Singapore, Switzerland.

PROPOSALS ON PUBLICATION AND AVAILABILITY OF INFORMATION

1. This submission is to present the key elements on publication and availability of information which are summarized from existing proposals by Members.¹ Also identified are the elements that need further discussions among Members for greater clarification and specification.

I. PUBLICATION

A. PROPOSALS

- *Publication of trade regulations:* Publish all laws, regulations, judicial decisions and administrative rulings of general application pertaining to or affecting trade in goods in such a manner provided for in Article X:1, so as to enable governments and traders to become acquainted with them. The information to be articulated and published includes:
 - Procedures of border agencies (including port, airport and other entry-point procedures and relevant forms and documents).
 - Rate of duties imposed on or in connection with importation or exportation (including applied tariff rates).
 - Decisions and examples of customs classification.
 - Import and export restrictions.
 - Fees and charges imposed on or in connection with importation or exportation.
 - Penalty provisions against breaches of import and export formalities.
 - Appeal procedures.

¹ EC (TN/TF/W/6), Korea (TN/TF/W/7), Japan, Mongolia, Chinese Taipei, Pakistan and Peru (TN/TF/W/8 and Corr.1), Chinese Taipei (TN/TF/W/10), United States (TN/TF/W/13), United States (TN/TF/W/14), Japan, Mongolia, Peru and Chinese Taipei (TN/TF/W/17), China (TN/TF/W/26), Peru (TN/TF/W/30), Hong Kong, China (TN/TF/W/32), Turkey (TN/TF/W/45), Chile (TN/TF/W/70). See also national experience paper from Egypt (TN/TF/W/75).

- Agreements with any other country or countries relating to the above issues.
- *Publication methods:* Ensure that information be easily accessible in a non-discriminatory manner via an officially designated medium, including official gazette, official journal and where feasible and possible, official website.
- *Availability of publication methods:* Making available to other Members and traders, information on enquiry points and medium (e.g., website address) through which information is published.
- *Treatment of confidential information:* Publication of information does not require the disclosure of 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.

B. ELEMENTS IDENTIFIED FOR FURTHER ADDRESSING

- *Publication of basic trade-related procedures:* Publication of basic trade-related procedures in at least one official WTO language.
- 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.

II. AVAILABILITY OF INFORMATION

A. PROPOSALS

- *Establishment of Enquiry points:* Establish enquiry points which are responsible for providing or for facilitating access to trade-related information or documents to governments and traders on a non-discriminatory basis.
- *Notification of enquiry points:* Notify the contact information of the enquiry points to the WTO in order to make such information available to the other Members and interested parties.

B. ELEMENTS IDENTIFIED FOR FURTHER ADDRESSING

- *Establishment of a Single National Focal Point:* Establishment of a Single National Focal Point (SNFP) as a centre for communication with other domestic competent border agencies to more efficiently respond to inquiries. The SNFP should, within a reasonable period of time, supply not only the information requested but also any other pertinent information, which the SNFP considers the interested parties should be aware.
 - 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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