

COMMUNICATION FROM HONG KONG CHINA, KOREA, AND SWITZERLAND

The following communication, dated 4 April 2006, from the delegations of Hong Kong China, Korea, and Switzerland, is being circulated in advance of the Negotiating Group meeting of 5-7 April

**ACCEPTANCE OF COMMERCIALY AVAILABLE INFORMATION
AND OF COPIES (H.I.F.)**

1. For the purpose of clarifying and improving GATT Article VIII, WTO Members have submitted proposals regarding the acceptance of commercially available information and of copies. Based on the insights out of the discussions in the Trade Facilitation Negotiating Group, the compilation document TN/TF/W/43/Rev.5 and the compilation of questions and answers in document JOB(05)/222 the ideas have been further developed and are presented below.

Proposed elements on which substantive discussion has taken place in the NGTF:

- Customs and other border agencies shall require only those documents necessary to permit control of the operation and to ensure that all requirements relating to the application of relevant law have been complied with.
- While recognising the necessity of requesting original documents of items subject to legislative control, Members are encouraged to accept copies of documents as part of documentation requirements, in particular a) commercial documents (invoices, bills of lading, etc.); and b) where a government agency already holds the original and multiple authorities are involved.
- Customs and other border agencies are encouraged, where appropriate, to use relevant information already available in the context of commercial transactions (e.g. quantity and description of the goods) as a means of foregoing certain documentation requirements.
- In cases where Goods declarations and other supporting documents are lodged electronically and authenticated by electronic signatures or electronic procedures, no other original of these documents shall be requested.

Proposed elements on which substantive discussion has not yet taken place in the NGTF:

- Customs and other border agencies are encouraged, where appropriate, to allow supporting documents not to be presented provided they are held available by the declarant, requisite

information is provided about the documents and the documents are available for a specific period.

- The Customs shall not require a translation of the particulars of supporting documents, except when necessary to permit processing of the Goods declaration.

Special and differential treatment: Progressive implementation where needed.

Technical assistance: experience sharing among Members on the use of copies and commercially available information.
