



WCO WORKING GROUP
ON THE WTO
TRADE FACILITATION
AGREEMENT,
INCLUDING A JOINT
SESSION WITH THE
PERMANENT
TECHNICAL
COMMITTEE

PT0094E1a

-
11th Meeting

-
4 - 5 March 2019

Brussels, 21 January 2019

**AVAILABILITY OF TRADE INFORMATION ON THE INTERNET (ART. 1.2 TFA) AND
ENQUIRY POINTS (ART. 1.3)**

(Item X. on the Agenda)

Introduction

1. Access to trade-related information is critical for businesses. Furthermore, governments around the globe require accurate information to make strategically important decisions on investments.
2. Developing different tools for easy access to publicly available trade-related information is not just recommended by the international standards and agreements such as the WTO Trade Facilitation Agreement (TFA), but is also very beneficial to Customs administrations in the long run.
3. Being one of the missions of Customs, trade facilitation requires simplification in all aspects. Establishment of inquiry points is another important trade facilitation measure, also included under the TFA.
4. Transparency measures contribute to enhancing the pool of compliant traders. Ultimately, this approach should allow Customs to focus its resources on high-risk goods and lead to more supply-chain security, another important task of Customs.

Availability of Trade Information on the Internet (Art. 1.2 TFA)

5. GATT Article X does not specify the means or channels of publication of trade-related legislation. Before the TFA, the only available instrument was a WCO recommendation concerning the use of worldwide websites by Customs Administrations. Thus, Article 1.2 of the TFA introduces, for the first time, an actual obligation to use ICTs for disseminating trade-related information under the WTO framework. Through the Internet, traders, governments and other interested parties are able to easily access readily available information, independent of their location.
6. Pursuant to Article 1.2 of the TFA, WTO Members are obliged to upload onto the Internet at least the following information:
 - a) A description of import, export and transit procedures; including procedures for appeal or review, that informs governments, traders, and other interested parties of the practical steps needed for importation, exportation, and transit;
 - b) Forms and documents required for importation, exportation and transit; and
 - c) Contact information on enquiry points.
7. Furthermore, the TFA specifies that, whenever practicable, the description of procedures under a) above shall also be made available in one of the official languages of the WTO (English, French and Spanish). Members are encouraged to make available further trade-related information through the Internet, including relevant trade-related legislation and other items referred to in paragraph 1.1 under Article 1.
8. The aim of this trade facilitation measure is for relevant stakeholders to obtain a comprehensive understanding on how to import to, export from, or transit through the territory of the concerned WTO Member. A footnote to Article 1.2.1(a) points out that each WTO Member has the discretion to state on its website the legal limitations of these descriptions. This means that WTO Members may include a note restricting the legal validity of this description. For instance, it may be a sort of disclaimer stating that this description available on the Internet does not replace the actual legal basis.
9. Currently, 51 WTO Members (39%) have notified this measure under Category A, 14 WTO Members (9.6%) notified it under Category B, 31 Members (24.2%) notified it under Category C, while 34 WTO Members (27.2%) have not yet notified any designation.

Global Trade Helpdesk (GTH) Initiative

10. In order to improve the quality and transparency of trade-related information, strengthen public-private dialogue and transform this data into intelligence, an online GTH initiative was launched at the 11th WTO Ministerial Conference in December 2017 in Buenos Aires. In a way, it complements the work that Members are undertaking as their national commitments under Article 1 of the TFA.
11. The WCO Secretary General had participated in the launch and expressed his support for this initiative and the WCO's willingness to work with other stakeholders in further developing the GTH. The WCO worked with the ITC on a joint Origin Facilitator tool covering preferential rules of origin in Free Trade Agreements, which was added to the GTH.

12. The GTH integrated comprehensive information from various sources on market requirements (customs tariffs, taxes, rules of origin, non-tariff measures, notifications of WTO Members, etc.), export/import procedures (e.g. pre-shipment formalities, certification and inspection processes, transport documents, etc.), business opportunities (market prices, company directory, upcoming events, etc.) and policy outlook (trade statistics, export potential analysis, trade agreements etc.).
13. The initiative aims at complementing current public and private trade information services, not displacing them but addressing information asymmetries in particular for users left on the side-lines. This would particularly apply to companies that often do not have the resources to access fee-based information, as well as companies in developing and least developed countries where information is not always available and up-to-date. While access to information is only one part of the complex problem – which includes capacity constraints in national administrations and technical infrastructure - it is clear that lack of information increases the time and cost to firms of doing international business.
14. While the tool contains cross-country information, it will also integrate country or region-specific functionalities upon request, such as a trade obstacle reporting mechanism, local news and tailored capacity-building materials. The sensitisation and training of the economic operators will be a key factor in the project's success.
15. Overall, the project and its prototype receive very positive feedback when being presented to potential donors, beneficiaries and partners, proving the relevance of the initiative.
16. Under this PTC/TFAWG agenda item, more detailed information about GTH's latest achievements will be presented by a representative of the International Trade Centre (ITC).

Enquiry Points (Art. 1.3 TFA)

17. According to the TFA, each Member shall, within its available resources, establish or maintain one or more enquiry points to answer “reasonable” enquiries of governments, traders, and other interested parties on matters covered under paragraph 1.1 of Article 1 and to provide the required forms and documents referred to in sub-paragraph 1.1(a) of Article 1. This should be provided within a reasonable time period, while the Members are encouraged not to require the payment of a fee. If any, Members shall limit the amount to the approximate cost of the services rendered.
18. A trade facilitation enquiry point can be defined as an official or office in a member government designated to deal with queries from other WTO Members and the public on trade facilitation issues (WTO, Glossary). The WCO Glossary of International Customs Terms has been updated at the November 2018 PTC with the new definition of the term enquiry point/office, in line with the WTO definition.
19. According to the WCO Transparency and Predictability Guidelines, Customs administrations should:
 - Establish or maintain one or more enquiry points to answer reasonable enquiries of governments, traders and other interested parties.

- Answer enquiries and provide the forms and documents within a reasonable time period set by each Member, which may vary depending on the nature or complexity of the request.
- Provide, as quickly and as accurately as possible, information relating to the specific matters raised by the interested person and pertaining to Customs law.
- Supply not only the information specifically requested but also any other pertinent information which they consider the interested person should be made aware of.
- Ensure the consistency of answers to the same enquiries raised at different local offices.

20. Customs administrations are encouraged to:

- Define formal procedures and work processes for operation of enquiry points. They may include standards for processing enquiries, response times, standard templates and forms, and modes of communication.
- Develop service standards that represent a central commitment to deliver policies and programmes to clients in a manner that upholds the Customs administration's values of integrity, respect and professionalism.

21. The Guidelines to Chapter 9 of the General Annex of the RKC provide sufficient guidance on enquiry points/offices. For instance, under the RKC, special enquiry offices or enquiry desks in larger Customs offices can provide a valuable information service. Staff in these offices should be sufficiently trained to deal with the range of questions that may be asked. They should also have speedy access to the sources of information so that they can provide a comprehensive service. Use of information technology clearly adds to the efficiency, effectiveness and economy of this important service.

22. At the same time, each WTO Member is compelled to establish or maintain at least one enquiry point at national level.

23. The measure aims at enhancing transparency and predictability through the fluent flows of information among WTO Members and relevant stakeholders. The objective is to provide easily accessible, precise and complete information in a timely and cost effective way. This measure also enhances compliance by preventing misunderstanding and solving doubts prior to the transactions (UNCTAD, 2011).

24. As of January 2019, there are 46 WTO Members (35.2%) who notified this measure under Category A, 21 WTO Members (14.6%) who have notified under Category B, 31 WTO Members (23.6%) who have notified under Category C, while 33 Members (26.6%) have not yet notified any designation.

25. Based on the request from the Chairperson of the TFAWG, a Member's experience on the functioning of an Integrated Enquiry Point will be presented, with the aim of showing a national example on how the different agencies work together in providing the necessary support on cross-border procedures to stakeholders. This would include information on human resources, training, facilities and other capacities required for successful implementation of this trade facilitation measure

Action required

26. The PTC is invited to:

- discuss and take note of the provided presentations;
 - share experiences on implementation of Article 1.2 and Article 1.3 of the TFA from respective Member administrations; and
 - provide any further suggestions or recommendations on the way forward.
-