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UNECE INSTRUMENTS TO ADDRESS TRADE FACILITATION IN THE WTO DOHA WORK PROGRAMME: REVIEW OF ARTICLES V, VIII AND X OF THE GATT 1994

Note by the secretariat

Trade facilitation is now an important issue for negotiations within the WTO Doha Work Programme. These negotiations aim to clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994, which contain provisions on goods in transit, fees and formalities for imports and exports, and transparency issues. The present document explains how the trade and transport facilitation standards, conventions and recommendations developed in the United Nations Economic Commission for Europe (UNECE), particularly in its Centre for Trade Facilitation and Electronic Business (UN/CEFACT) and the Inland Transport Committee, can assist WTO Members in addressing operational requirements under the above mentioned Articles. Furthermore, it outlines the capacity-building programme and tools of UNECE designed to guide countries in implementing trade facilitation instruments. The document focuses on those particular aspects of Articles V, VIII and X of the GATT 1994 where UNECE can provide expertise and instruments to address the priorities and needs of WTO Members, as identified in their submissions and in other WTO sources.

I. INTRODUCTION

1. The United Nations develops and maintains trade and transport facilitation instruments, including international conventions, standards, recommendations, guidelines and best practices. Among others, through its Centre for Trade Facilitation and Electronic Business (UN/CEFACT), the United Nations Economic Commission for Europe (UNECE) has a global remit for developing such instruments for trade procedures and documents. In addition, the UNECE Inland Transport Committee, through multilateral and regional conventions, promotes the harmonization and improvement of transport-related standards, and the simplification and harmonization of border-crossing procedures.

2. In the decision adopted on 1 August 2004 by the WTO General Council on the Doha Work Programme, as contained in document WT/L/579, WTO Members decided by explicit consensus to commence negotiations on trade facilitation, according to the “Modalities for Negotiations on Trade Facilitation”, set out in Annex D to that document. The Modalities stipulate that negotiations “shall aim to clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994 with a view to further expediting the movement, release and clearance of goods, including goods in transit”¹. The Modalities also assure that the special and differential treatment principles for developing and least-developed countries shall be fully taken into account, and more effective technical assistance and capacity building carried out as part of a collaborative approach among international organizations.

3. Furthermore, the Modalities lay down that the work of relevant international organizations in the area of trade facilitation shall be taken into account. In this context, the United Nations is highly relevant particularly through the work, deliverables and expertise of UN/CEFACT and Inland Transport Committee that are administered by the UNECE. The role of UNECE in both trade and transport facilitation is well recognized by WTO Members, as evidenced by various submissions². All stakeholders in the United Nations as well as the WTO are committed to making the synergies and avoiding duplications.

4. The present document explains how the trade and transport facilitation standards, conventions and recommendations developed in the United Nations Economic Commission for Europe (UNECE), particularly in the UN/CEFACT and the Inland Transport Committee, can assist WTO Members in addressing operational requirements under the above mentioned Articles. Furthermore, it outlines the capacity building tools and programme of UNECE designed to guide countries in implementing trade facilitation instruments. The document is not exhaustive, but focuses only on those particular aspects of Articles V, VIII and X of the GATT 1994 where UNECE can provide expertise and instruments to address the priorities and needs of WTO Members, as identified in their submissions and in other WTO sources³.

¹ In document WT/L/579, Annex D, this sentence contains the following footnote: “It is understood that this is without prejudice to the possible format of the final result of the negotiations and would allow consideration of various forms of outcomes.”

² Communications from Australia (G/C/W/443), European Communities (G/C/W/394 and G/C/W/422), Japan (G/C/W/465) and a joint communication from Canada, Chinese Taipei, Colombia, Costa Rica, Hong Kong China, Japan, Korea, Mongolia, Peru, Singapore, Switzerland and Turkey (JOB(04)/53/Corr.2).

³ The document was produced on the basis of the existing submissions by WTO delegations related to the GATT Articles V, VIII and X; selected papers by the WTO Secretariat and issues raised at the 1998 WTO Trade Facilitation Symposium and the 2001 WTO Technical Assistance and Capacity Building Workshop.

II. TRADE AND TRANSPORT FACILITATION STANDARDS AND CONVENTIONS OF THE UN ECONOMIC COMMISSION FOR EUROPE (UNECE)

A. Article V of the GATT 1994 and UNECE Instruments

5. Procedures and documentary requirements applying to goods in transit share several common objectives with border procedures and documentary requirements related to importation and exportation. Traditionally, when the goods cross the territory of one or more countries, the Customs authorities in each country apply national controls and procedures, including sanitary and phytosanitary controls, quarantine, and security requirements. These vary from country to country, but frequently involve inspection of the load at each national border and the imposition of national security requirements, such as guarantees, bonds or deposit of duty. The measures, applied in each country of transit, mean considerable costs and delays for international transport.

6. Article V (Freedom of Transit) sets out the basic principles allowing for freedom of transit through the territory of each Member, but provides no guidelines on how these principles should be applied. Three proposals have been submitted by the delegations of Canada, the European Communities and Korea⁴. They relate to issues that included: (a) simplifying and standardizing customs procedures and documentary requirements - including risk management and limitation of physical inspection; (b) providing non-discriminatory treatment between the modes of transit, individual carriers and types of consignment; and (c) implementing existing international and regional transit instruments and arrangements.

7. Two UNECE conventions contain practical solutions for addressing these issues:

- Customs Convention on the International Transport of Goods under Cover of TIR Carnets ("TIR Convention")⁵
- International Convention on the Harmonization of Frontier Controls of Goods ("Harmonization Convention")

8. The conventions represent UNECE's principal multilateral instruments for facilitating border-crossing procedures, and applying to all modes of transport. They have been operating successfully for many years both within and beyond the UNECE region.

9. **The TIR system** is multimodal in nature. It requires, however, at least one leg of the operation to be undertaken by road. The Convention has 65 contracting parties, covering the whole of Europe, North America, the Middle East, and several countries in South America, including Chile and Uruguay. Other countries in Africa, Asia and South America have recently expressed interest in joining the Convention.

10. The TIR Convention provides that goods carried under the TIR procedure in approved and sealed road vehicles, combination of vehicles or containers, are not subject to Customs examination, unless irregularities are suspected. The Convention reduces the regular requirements of national transit procedures, while avoiding the need for physical inspection during transit, other than checking seals and the external conditions of the load compartment or container. In addition, it dispenses with the need to operate national guarantees and national systems of documentation.

⁴ See WTO documents G/C/W/424, G/C/W/422 and G/C/W/423

⁵ See <http://www.unece.org/trade/tir/tir01.htm>

11. In addition, advantages arise from the use of one **single transit document**, the “TIR Carnet”⁶, which also reduces the risk of presenting inaccurate or incomplete information to Customs authorities.

12. UNECE plans to introduce electronic data processing mechanisms into the TIR system to simplify Customs formalities and documents, as part of a computerized e-TIR project. Through providing the tools for advanced cargo information and risk management for competent authorities, the e-TIR system will also help make the international supply chain more secure.

13. **The Harmonization Convention** aims at reducing the requirements for completing formalities, as well as the number and duration of controls, through coordinating, both nationally and internationally, control procedures and their application. The Convention has 44 Contracting Parties, mainly in Europe and Central Asia. Annexes to the Convention deal with the following types of controls and inspections: Customs, medico-veterinary, veterinary, phytosanitary, technical standards and quality.

14. UNECE is currently preparing a further annex to this Convention, which will detail all the elements necessary for efficient border-crossing procedures in the international road transport of goods. It will cover requirements for speeding-up border-control procedures for various types of cargo, including perishable foodstuffs; for harmonized technical provisions relating to faster control of road vehicles used for goods transport; and for drivers (including facilitation of visas for professional drivers). Border-control provisions applying to other modes of transport may be added at a later stage.

15. UNECE also administers **other multilateral legal instruments** related to transit: (a) facilitating temporary admission of vehicles and containers; (b) facilitating international railway transport; and (c) regulating the transport of dangerous goods and perishable foodstuffs. Other transit-related issues that UNECE deals with include the problems of landlocked countries and corridor arrangements, and logistics.

B. Article VIII of the GATT 1994 and UN/CEFACT Instruments

16. Article VIII (Fees and Formalities Connected with Importation and Exportation) recognizes the need for simplifying import and export formalities and documentation. It does not, however, provide any mandatory requirements in this area. In their communications relating to this Article, several WTO Members have suggested that international standards should be used to simplify border-related documentation and procedures⁷.

17. Through UN/CEFACT, UNECE develops instruments to reduce, simplify, harmonize and automate procedures, information flow and paperwork in international trade. The instruments include international standards, recommendations, guidelines, best practices and other tools for standardization of trade documents, simplification and harmonization of trade procedures, automation and use of information technology, and standardized codes for international trade. Several of these instruments are specifically referred to in the revised WCO Kyoto Convention.

18. Some of the key UN/CEFACT instruments are described in the following paragraphs.

19. **The United Nations Layout Key (UNLK):** In recognition of the importance of documents in international trade, UNECE developed the United Nations Layout Key for Trade Documents (ISO

⁶ TIR Carnets are issued by the International Road Transport Union (IRU) to national trucking associations in participating countries.

⁷ Communications related to GATT Article VIII were submitted by: Canada (G/C/W/397), Colombia (G/C/W/425), European Communities (G/C/W/394), Hong Kong, China (G/C/W/398), Japan (G/C/W/401), Korea (G/C/W/403) and the United States (G/C/W/400).

6422). An international standard for trade documents, in both paper and electronic format, the UNLK forms the basis of some of the main documents currently used in international trade, such as:

- Single Administrative Document (used within the European Union)
- Dangerous Goods Declaration (UNECE)
- GSP (Generalized System of Preferences) Certificate (UNCTAD)
- Air Waybill of the International Air Transport Association (IATA)
- Forwarding Document (used by the International Federation of Freight Forwarders Associations (FIATA))
- Certificate of Origin (revised WCO Kyoto Convention)
- Goods Declaration for Export (revised WCO Kyoto Convention)
- Standard Bill of Lading (International Chamber of Shipping)

20. **UN/EDIFACT:** UNECE introduced Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) to speed up international information flows. UN/EDIFACT is the single and most used international standard for electronic data interchange, which was developed to meet the needs of Governments and business worldwide. It offers uniform, “paperless” documentation and a “single language”, thereby accelerating international trade transactions and reducing costs by eliminating manual copying and entering of data.

21. **UNeDocs:** UN/CEFACT has expanded its work on facilitating information flows through e-business projects, such as ebXML⁸ and the United Nations Electronic Trade Documents (UNeDocs) project. The UNeDocs project promotes the use of better paper trade documents that can be implemented by electronic means. The aim is to further integrate supply-chain processes, significantly reduce transaction costs and risks, and help combat fraud. UNeDocs does not aim at eliminating paper documents but rather at opening a “migration path” from paper to electronic documents. It does this by defining electronic-document layouts that are equivalent to their paper-based peers.

22. In March 2004, UN/CEFACT released the first Set of International Electronic Documents⁹, based on UNLK, comprising the following 12 documents:

- Invoice
- Order
- Quotation
- Consignment Document Despatch Notice
- International Consignment Note
- Certificate of Origin
- Export Customs Declarations
- Shipping Instructions
- Non-negotiable Sea Waybill
- IMMTA Non-negotiable Transport Document
- IMMTA Negotiable Transport Document
- Forwarding Instructions.

23. **Single Window:** In 2004, UN/CEFACT adopted Recommendation 33 on the establishment of a “Single Window”. In practical terms, the Single Window aims to expedite and simplify information flows between trade and government and brings meaningful gains to all parties involved in cross-border trade. A Single Window:

⁸ UN/CEFACT develops ebXML in partnership with the Organization for the Advancement of Structured Information Standards (OASIS)

⁹ For further information please refer to <http://www.unedocs.org>

- Allows for the lodgement of standardised information and documents with a single entry point to fulfil all export, import and transit related regulatory requirements; if the information is electronic, then individual data elements should only be submitted once
- Co-ordinates the controls and inspections of the various governmental authorities, where appropriate
- Supports the sharing of information by a legal framework that provides privacy and security in the exchange of information
- Provides facilities to receive payment of duties and other charges
- Provides access to trade related government information

24. A Single Window does not necessarily imply the implementation and use of high-tech information and communication technology (ICT), although if Governments identify and adopt relevant ICT technologies, its efficiency can be greatly enhanced. The value of such a facility for Governments and traders has taken on increased importance in the new security environment with its emphasis on advance information and risk analysis.

25. The Recommendation is complemented by implementation guidelines that are designed to assist Governments and trade in planning and establishing a Single Window facility. They provide an overview of the main issues that have to be addressed, some of the tools available and the steps to be taken.

26. **Other standards and instruments:** UN/CEFACT has also developed complementary standards and instruments, among others, which are relevant to the GATT Article VIII and can be further considered by the WTO Members. These include:

- The United Nations Trade Data Elements Directory (UNTDDED, ISO 7372)
- ISO Country Code: Code for Representation of Names of Countries (Recommendation 3, ISO 3166)
- National Trade Facilitation Organs: Arrangements at the National Level to Coordinate Work on Facilitation Procedures (Recommendation 4)
- The United Nations Code for Trade and Transport Locations (UN/LOCODE, Recommendation 16)
- Facilitation Measures related to International Trade Procedures (Recommendation 18)

27. UN/CEFACT is currently finalizing the Guide to Benchmarking and revising the Recommendation on Measures to Facilitate Maritime Transport Documents Procedures (Recommendation 12).

28. All UN/CEFACT standards and recommendations are available free of charge on the UN/CEFACT web site: <http://www.unece.org/cefact>

C. Article X of the GATT 1994 and UNECE Instruments

29. The main objective of Article X (Publication and Administration of Trade Regulations) is to ensure transparency through publishing and making available to all parties concerned, in particular to traders, all regulations, laws, rulings and other information affecting and relating to international trade processes, including cross-border procedures and customs administration.

30. Traders need to fully understand the trade rules and regulations of other countries to take advantage of the trade benefits arising from WTO Members' commitments. Transparency is therefore vital for ensuring efficiency and stability of the international supply chain and the rules-based environment for goods crossing borders. It is also central for providing certainty and consistency in the

application of international trade rules and regulations. For this reason, transparency was addressed in one of the original GATT articles and later built into all WTO agreements.

31. Transparency provisions form part of most multilateral, regional and bilateral arrangements, including UNECE conventions and recommendations. For example, UN/CEFACT Recommendation 11 on the Documentary Aspects of the International Transport of Dangerous Goods suggests that the international community should harmonize information requirements of dangerous goods documents, both for different modes of transport and for different parties engaged in the transport of goods. It also suggests developing a single form of words for the text of the legal declaration and a standard for transport-emergency information.

32. The Harmonization Convention also contains provisions for ensuring transparency. For instance, it requires the Contracting Parties to establish enquiry points from which relevant information could be obtained on the technical regulations and standards that have been adopted or have been proposed for adoption.

III. TECHNICAL ASSISTANCE AND CAPACITY BUILDING

33. The Modalities set out that WTO Members invite relevant international organizations to undertake a collaborative effort “to make technical assistance and capacity building more effective and operational and to ensure better coherence”¹⁰.

34. Whatever trade facilitation rules the WTO Members develop will ultimately be related to the capacity of each Member country to implement them. This introduces an element of flexibility, recognizing that each country faces different challenges and opportunities for introducing trade facilitation measures. UNECE recognizes and supports the crucial role of tailor made capacity building and technical assistance to each country to implement these measures.

35. UNECE has a wide range of tools and instruments that can be applied to enhance implementation of trade facilitation provisions. UNECE also provides a platform for policy-oriented discussions, and organizes international, regional and national capacity-building workshops on the implementation of trade facilitation measures.

36. For example, in October 2004, UNECE held a three-day Capacity-Building Workshop on Trade Facilitation Implementation, targeting policy makers and trade facilitation practitioners, particularly from developing countries and countries in transition. The Workshop helped participants from 42 countries to understand the concrete advantages to applying the UN/CEFACT trade facilitation standards and tools. It offered training in document harmonization and simplification, establishment of a Single Window for trade data and documents, standards and codes supporting GATT Articles V, VIII and X and supply-chain efficiency.

37. In November 2004, UNECE and the Russian authorities jointly organized a national Workshop on Trade Facilitation in Moscow. The Workshop helped to define concrete projects to address trade facilitation priorities and needs of the Russian Federation.

38. UNECE will hold four regional capacity-building workshops in 2005 with the support of the other four regional commissions of the United Nations. The first workshop, which takes place in March in Kuala Lumpur, will be organized jointly with the Economic and Social Commission for Asia and the Pacific (UNESCAP) and Malaysian Customs. In June, UNECE will organize in Geneva the third UNECE International Forum on trade facilitation, dedicated to “Trade Facilitation and Security”.

¹⁰ Document WT/L/579, paragraph 8.

IV. CONCLUSIONS

39. The majority of WTO Members already apply various trade facilitation obligations bilaterally or at the regional level through different bilateral and regional trade arrangements. Such arrangements often go much further than those taken at the multilateral level and most contain detailed provisions on the transit of goods and the simplification of customs procedures. It will be important now to bring similar obligations to the multilateral level and to “lock them” into the WTO.

40. UNECE is prepared to contribute to the process of WTO negotiations on trade facilitation with its expertise and international standards, conventions and instruments in the following areas:

- Transit (including TIR Convention and Harmonization Convention)
- Standardization of trade documents and related data (e.g. UNLK, UNTDED, UNEDocs)
- Simplification and harmonization of trade procedures (e.g. Recommendation 33 on establishing a Single Window, Recommendation 4 on National Trade Facilitation Organs, Recommendation 18 on Facilitation Measures related to International Trade Procedures)
- Codes for international trade (including UN/LOCODE, Code for Representation of Names of Countries, Alphabetic Code for the Representation of Currencies)
- Automation and use of information technology (e.g. UN/EDIFACT, UNEDocs and the UN Trade Elements Directory).

41. In collaboration with other international organizations, UNECE is prepared to lead and/ or participate in capacity building workshops and seminars assisting developing and transition economies to implement trade facilitation instruments.

42. UNECE is fully committed to cooperating with WTO Member countries and relevant international organizations in working towards building consensus and achieving satisfactory results for all parties involved, while addressing the particular concerns of developing countries and countries in transition. This is consistent with the United Nations Millennium Goals, as well as the United Nations General Assembly debate in autumn 2004 to promote “an international dialogue on measures to provide developing countries with the policy space and flexibility to manage the risks of integrating into the global economy”¹¹.

¹¹ Globalization and interdependence, Report of the Secretary-General, UN General Assembly, A/59/312, 31 August 2004, p.18

Relevant provisions of the GATT 1994	UNECE trade facilitation instruments	WTO Members' needs and priorities identified in their submissions that can be addressed by UNECE instruments
<p>Article V, paragraph 3.: “Any contracting party may require that traffic in transit through its territory be entered at the proper custom house, but, except in cases of failure to comply with applicable customs laws and regulations, such traffic coming from or going to the territory of other contracting parties shall not be subject to any unnecessary delays or restrictions and shall be exempt from customs duties and from all transit duties or other charges imposed in respect of transit, except charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.”</p>	<p>1. Reduction, simplification and harmonization of documentary and data requirements, and procedures for transit, including risk assessment and limitation of physical inspection</p> <ul style="list-style-type: none"> – TIR Convention – provides that goods carried under the TIR procedure in approved and sealed road vehicles, combination of vehicles or containers is not subject to Customs examination, unless irregularities are suspected. It reduces the regular requirements of national transit procedures, while avoiding the need for physical inspection in countries of transit other than checking seals and the external conditions of the load compartment or container. It also dispenses with the need to operate national guarantees and national systems of documentation through an internationally accepted document and guarantee system. The TIR system is multimodal, although at least one part of the total transport operation still has to be made by road. – Harmonization Convention (International Convention on the Harmonization of Frontiers Controls) - aims at reducing the requirements for completing formalities as well as the number and duration of controls, in particular through national and international co-ordination of control procedures and of their methods of application. Annexes to the Convention deal with the following types of control: Customs, medico-sanitary, veterinary, phytosanitary, technical standards and quality. – TIR Carnet is an international Customs document serves both as a customs transit declaration and as guarantee for the goods transported under the TIR system. The TIR Carnet remains valid until completion of the TIR transport at the Customs office of final destination, provided it has been brought into operation at the Customs office of departure within the time prescribed by the issuing association. 	<p>1. Reduction, simplification and harmonization of documentary and data requirements, and procedures for transit, including risk assessment and limitation of physical inspection (Canada (G/C/W/424), European Communities (G/C/W/422), Korea (G/C/W/423))</p> <p>Canada:</p> <ul style="list-style-type: none"> – “Develop new provisions to limit any undue documentation requirements on arrival, or on any intermediate or subsequent stops in the Customs territory while in transit and on departure of goods in transit. <p>To better facilitate trade, limit Customs formalities on arrival, on subsequent stops within the Customs territory and on departure to the minimum necessary to ensure compliance with Customs law in the territory of the contracting party. Such formalities should as simple as possible taking into account necessary control measures.</p> <p>Provide for the use of risk management principles to permit special procedures for those traders (and/or their authorized consignee) that have demonstrated a good record of compliance with Customs requirements for goods in transit through the Customs territory. This might include special arrangements under which Customs formalities are reduced by agreement between the Customs and the trader and/or the authorized consignor or consignee, similar to the proposals made by Canada in its submission on Article VIII. (...)”</p> <p>European Communities:</p> <ul style="list-style-type: none"> – “(...) Members could consider provisions to limit to the minimum and harmonise to the best possible degree the extent and nature of the documents and data to be presented purely in respect of transiting goods. It would seem appropriate that any specific rules in this context should begin with specifying that the requirements and procedures

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	<p>– e-TIR – is a project under development to computerize the TIR procedure and the TIR Carnet. The finalized e-TIR system is intended to facilitate the international transfer of transit data between Contracting Parties through a centralized transmission point and to provide Contracting Parties with a number of facilities such as advanced cargo information as well as risk management tools. The system will be based on national transit or Customs applications, including electronic information sharing with economic operators</p>	<p>applied to traffic in transit should be significantly less onerous than that for imported or, as the case may be, exported goods.</p> <p>The EC considers it unlikely that a common set of transit data could be agreed upon for all WTO members given the significant number of transit agreements that have their own data requirements. The most operational way to proceed will be to introduce a rule that stipulates that the data required for transit and any other procedures applied must be:</p> <ul style="list-style-type: none"> a) Based on international standards where they exist (comparable to the proposals in the EU paper on Article VIII). b) The minimum needed and for a legitimate purpose. c) Based on the presumption that they be less comprehensive and onerous than those for importation.“ <p>Korea:</p> <p>– “Apart from the measures proposed for the improvement of Article VIII of the GATT, a further simplification of customs procedures for goods in transit should be instituted. Documentary requirements and physical inspection for transit traffic should be further simplified in due consideration that transit traffic usually poses lower risks than final destination goods. “Authorization of a consignor” can be one method of simplifying customs requirements for goods in transit and setting appropriate risk-based customs procedures.</p> <p>Documentation data sets should be standardized internationally while reflecting risk elements in terms of transit. The uniformity of data sets can improve risk management, and can also facilitate the use of electronic systems for customs procedures.”</p>

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<p>Article V, paragraph 3.: “Any contracting party may require that traffic in transit through its territory be entered at the proper custom house, but, except in cases of failure to comply with applicable customs laws and regulations, such traffic coming from or going to the territory of other contracting parties shall not be subject to any unnecessary delays or restrictions and shall be exempt from customs duties and from all transit duties or other charges imposed in respect of transit, except charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.”</p>	<p>2. Use of multilateral, regional and bilateral transit instruments or arrangements</p> <ul style="list-style-type: none"> – TIR Convention – has 64 contracting parties, covering the whole Europe, Central Asia, North America, the Near and Middle East, and a few countries from South America, such as Chile and Uruguay. Several countries in Africa, Asia and South America have also shown their interest in joining the Convention. – Harmonization Convention – has 44 Contracting Parties, mainly from Europe and Central Asia. 	<p>2. Use of multilateral, regional and bilateral transit instruments or arrangements (Canada (G/C/W/424), European Communities (G/C/W/422))</p> <p>Canada:</p> <ul style="list-style-type: none"> – “Promote the use of international instruments relating to Customs transit including the possibility of accession to various instruments relating to Customs transit¹², where applicable. “ <p>European Communities:</p> <ul style="list-style-type: none"> – “Even though current Article V only requires WTO members to operate national transit schemes and does not prescribe or encourage the formation of larger transit areas between countries, some WTO members have responded to the need for facilitating transit by entering into international or regional transit agreements. As a result a number of international and regional transit instruments exist, (including the TIR Convention, the European Convention on common transit; the ASEAN Framework agreement on the facilitation of goods in Transit and existing UN instruments relevant to transit). <p>(...) Members could consider whether it would be useful, in the framework of GATT Article V, to promote the establishment of regional transit regimes and provide guidance on their main elements.</p> <p>WTO members could also envisage provisions encouraging accession to international instruments relating to customs transit, or to take account of the standards in such instruments when drawing up bilateral or regional instruments. The EC would be ready to discuss this issue further at a later stage, if it finds favour among WTO members.”</p>

Relevant provisions of the GATT 1994	UNECE trade facilitation instruments	WTO Members' needs and priorities identified in their submissions that can be addressed by UNECE instruments
<p>Article VIII(c): “The contracting parties also recognize the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements.*”</p>	<p>1. Specific provisions regarding data and documentation requirements and procedures</p> <p><u>1.1 Simplification and standardization of documentation and data requirements</u></p> <ul style="list-style-type: none"> – UN Layout Key (UNLK, ISO 6422): Provides an international basis for the standardization of documents used in international trade and transport, including the visual representation of such documents. The UN Layout Key is intended particularly to serve as a basis for designing aligned series of forms employing a master document in a reprographic one run method of document preparation. It can also be used to design screen layouts for the visual display of electronic documents – Trade Data Element Directory (TDED, ISO 7372) contains the standard data elements, which can be used with any method for data interchange on paper documents as well as with other means of data communication. They can be selected for transmission one by one, or used within a particular system of interchange rules, e.g. the UN/EDIFACT. The Directory provides a common language for terms used in international trade and facilitates the interchange of data. UNTDED is a component of aligned, UNLK conform trade documents. The directory has been the basis for the first UN/EDIFACT releases and will be integrated in the future UN/CEFACT core component directory. The WCO data harmonization initiative is based on TDED definitions. – UNeDocs is a tool based on the UN Layout Key to provide standard based trade documents in paper and electronic forma that has been designed with the objective of letting small and medium enterprises participate in advanced supply chains. UNeDocs is built upon the UN standard for the creation of paper documents – the UN Layout Key – that 	<p>1. Specific provisions regarding data and documentation requirements and procedures</p> <p><u>1.1 Simplification and standardization of documentation and data requirements</u> (Canada (G/C/W/397), Colombia (G/C/W/425), European Communities (G/C/W/394), Hong Kong, China (G/C/W/398))</p> <p>Canada:</p> <ul style="list-style-type: none"> – “Simplifying border-related documentation and increasing compatibility/standardizing data required for release of merchandise by (i) using existing international standards where appropriate, developing common data sets to be requested in the process of clearance. The objective would be to create standard, international compatible data sets that will meet government and trade requirements for international cross-border trade; (ii) increased compatibility and standardization of data sets would facilitate the increased use of information and communication technologies (i.e., EDI or electronic data interchange).” <p>Colombia:</p> <ul style="list-style-type: none"> – “Commitment to reduce excessive documentation; “ <p>European Communities:</p> <ul style="list-style-type: none"> – “Commitment by Members to simplify and reduce documentation and data requirements to the absolute minimum, consistent with the need to enforce legitimate policies, including the use of agreed international standards as a basis for documentation and data requirements (both for format and content of documents and data). The WCO’s simplified data set could be developed further as the basic reference point/standard, while the UN layout key is also relevant here. <p>Members could agree to abolish excessive documentation requirements such as demands for consular invoices and the like, and in cases where physical documentation is</p>

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	<p>by and large is already adopted in business. UNEDocs documents incorporate UN/CEFACT trade facilitation recommendations and best business practices. Key documents for trade (invoice, custom declaration, shipping instruction, forwarding instruction, etc.) have been already implemented in UNEDocs. UNEDocs documents can be adapted to take into account specific country/industry requirements. UNEDocs documents can be generated in paper, XML, PDF and EDI format, thus delivering a powerful migration tool from a paper to a paper-less environment, with the option of “falling back” to paper at any time.</p> <ul style="list-style-type: none"> – UN/LOCODE: Codes for Trade and Transport Location (Recommendation 16) recommends a five-letter alphabetic code for abbreviating the names of locations of interest to international trade, such as ports, airports, inland freight terminals, and other locations where Customs clearance of goods can take place, and whose names need to be represented unambiguously in data interchange between participants in international trade. The UN/LOCODE’s code list is revised and updated twice a year and currently contains about 40,000 location codes. – ISO Country Code: Code for Representation of Names of Countries (Recommendation 3/ ISO 3166) known as the “ISO ALPHA-2 Country Code,” it is intended for use in representing the names of countries, dependencies, and other areas of special geopolitical interest for purposes of international trade whenever there is a need for a coded alphabetical designation – Numerical Representation of Dates, Time and Periods of Time (Recommendation 7/ ISO 8601:2000) establishes a method for a standardized and unambiguous all-numerical designation of a given: date, time of day and period of time. It applies to all cases where these data are presented as 	<p>required, routinely accept copies and not originals of documents, except in narrowly defined and clearly identified circumstances.”</p> <p>Hong Kong, China</p> <ul style="list-style-type: none"> – “Inject basic GATT/WTO principles such as least trade restrictiveness/necessity, use of international standards/harmonization, review, simplicity/modernization, neutrality, consistency and predictability into paragraph 1 (c) to make it more operational. The suggested measures include (i) a requirement for import and export formalities and documentation requirements to be not more trade restrictive and administratively burdensome than necessary to fulfil a legitimate objective, (ii) a requirement for Members to adopt formalities and documentation requirements with reference to international standards, or to follow guidelines and recommendations in their import, and export formalities where they exist and appropriate, (iii) a requirement to review formalities and documentation requirements in the light of changed circumstances and objectives and to remove/reduce such formalities and documentation requirements if the circumstances or objectives which gave rise to their adoption no longer exist or if they could be addressed in a less trade-restrictive manner, (iv) a requirement to streamline procedures, and simplify and reduce data/documentation requirements to the minimum and an encouragement to adopt information and data exchange through electronic means, (v) a requirement for procedures to be neutral in application and administered in a fair and equitable manner, and for any necessary import and export formalities maintained for the conduct of trade to follow the principles of consistency and predictability so as to minimize uncertainty and discretionary practices”.

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	<p>separate entries in numerical form but not when they are part of a plain language text.</p> <ul style="list-style-type: none"> – Alphabetic Code for the Representation of Currencies (Recommendation 9/ ISO 4217) encourages the use of the three-letter alphabetic codes of International Standard ISO 4217, “Codes for the representation of currencies and funds,” for application in international trade and their use in commercial transactions when currencies are expressed in coded or abbreviated form. The code is designed to be equally suitable for automated or manual applications. – Documentary Aspects of the International Transport of Dangerous Goods (Recommendation 11) sets forth actions to harmonize information requirements and to simplify documentary procedures for the transport of dangerous goods in order to decrease complexity and increase accuracy and efficiency. – Measures to Facilitate Maritime Transport Documents Procedures (Recommendation 12) aims at the simplification, rationalization and harmonization of procedures and documents used to evidence the contract of carriage in maritime transport. It encourages the use of sea waybill or other non-negotiable transport documents instead of negotiable transport documents, such as bill of lading. This should avoid the problem of delay of the goods delivery and facilitate the introduction of the EDI. 	
<p>Article VIII(c): “The contracting parties also recognize the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements.*”</p>	<p><u>1.2 Establishment of a single agency for trade data and documents</u></p> <ul style="list-style-type: none"> – Recommendation and Guidelines Establishing A Single Window o enhance the efficient exchange of information between trade and government (Recommendation 33) - A Single Window is a facility that allows parties involved in international trade and transport to lodge standardized information and documents with a single entry point to 	<p><u>1.2 Establishment of a single agency for trade data and documents</u> (Canada (G/C/W/397), Colombia (G/C/W/425), European Communities (G/C/W/394), Japan (G/C/W/401))</p> <p>Canada:</p> <ul style="list-style-type: none"> – “Consider ways and means to ensure that the activities and requirements of all agencies present at borders are

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	<p>fulfill all import, export, and transit-related regulatory requirements. If information is electronic, then individual data elements should only be submitted once. This can enhance the availability and handling of information, expedite and simplify information flows between trade and government and can result in a greater harmonization and sharing of the relevant data across governmental systems, bringing meaningful gains to all parties involved in cross-border trade.</p> <ul style="list-style-type: none"> - Repository of Single Window systems containing information on the operation of current Single Window systems worldwide. It is under preparation and will complement Recommendation 33 	<p>coordinated in a manner designed to facilitate trade. This might include increasing the compatibility of, or standardizing the import/export data requirements of such agencies with the objective of allowing importers and exporters to present all required data to only one border agency. Such a "single window" approach could be designed to take into account, where possible, the use of relevant electronic technology."</p> <p>Colombia:</p> <ul style="list-style-type: none"> - "Establishment of a single-window facility at border points, with efficient carrier media," <p>European Communities:</p> <ul style="list-style-type: none"> - "Introduction of the principle of a single, one-time presentation to one agency, normally the customs, of all documentation and data requirements for export or import, subject to any exceptions to be identified. For developing countries, the commitment should be to implement this provision in a progressive manner." <p>Japan:</p> <ul style="list-style-type: none"> - (...) introduction of "single window" through which a trader can submit, once and for all, the required data to a single agency for various official purposes;"
<p>Article VIII(c): "The contracting parties also recognize the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements.*"</p>	<p>2. Specific provisions regarding trade procedures</p> <p><u>2.1 Simplification, harmonization and standardization of trade procedures, including the use of international standards</u></p> <ul style="list-style-type: none"> - Facilitation Measures related to International Trade Procedures (Recommendation 18) outlines a series of measures related to the movement of goods, presented in groups covering different phases of a common international trade transaction, which on their own would not justify an independent formal recommendation, but which Governments should consider implementing. Each section 	<p>2. Specific provisions regarding trade procedures</p> <p><u>2.1 Simplification, harmonization and standardization of trade procedures, including the use of international standards</u> (Canada (G/C/W/397), Colombia (G/C/W/425), European Communities (G/C/W/394), Hong Kong, China (G/C/W/398), Japan (G/C/W/401))</p> <p>Canada:</p> <ul style="list-style-type: none"> - "Devising of a series of expedited, differentiated, simplified procedures for speedy clearance through customs of large volumes of small consignments requiring

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	<p>describes the application area, outlines the procedures and documents covered, and describes the particular problems for which facilitation measures are provided.</p> <p>– UN/CEFACT Benchmarking Guide measuring international trade procedures and practices, to enhance competitiveness, reduces costs and improves official control. Benchmarking can be one of the most effective tools for bringing about swift and significant advances in performance, by establishing a point of reference, and identifying where and how to make improvements is a technique. This can be used for measuring trade facilitation performance in the public and private sectors. The Guide will also contain examples of benchmarking in trade facilitation by business, Governments and international organizations. It is currently under preparation and will be available in early 2005.</p>	<p>immediate release.</p> <p>Such procedures/guidelines should provide for immediate release to all such consignments, provided that conditions stipulated are met and the necessary information is communicated at a specified time before the consignments arrive at destination. Procedures should take into account the different categories of goods involved and varying trade patterns and compliance requirements. In developing such a system, goods could be grouped into certain categories as noted below. “</p> <p>Colombia:</p> <p>– “(...) Adoption of international standards on the harmonization and simplification of customs procedures; “</p> <p>European Communities:</p> <p>– “Members should base their import and export procedures <i>on</i> agreed international standards and instruments, except where such international standards would be an ineffective or inappropriate means to fulfil the legitimate objectives sought.”</p> <p>Hong Kong, China:</p> <p>– “ (...) The operation of GATT Article VIII:1(c) could therefore be enhanced by requiring Members to adopt formalities and documentation requirements with reference to international standards, or follow guidelines, and recommendations in their import and export formalities and requirements where they exist and as appropriate”</p> <p>Japan:</p> <p>– “Adoption of internationally-accepted standards and instruments, if any, as a basis for setting up and implementing trade procedures; (...) use of internationally accepted standards (as regards the automation of border procedures for imports and exports, including customs procedures).”</p>

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	<p><u>2.2 Automation and use of ICT</u></p> <ul style="list-style-type: none"> – UN/EDIFACT (Recommendation 25) supports coordinated action by Governments to promote UN/EDIFACT as the single international standard for electronic interchange of data (EDI) between public administrations and private companies of all economic sectors world-wide. There are currently over 200 UN/EDIFACT messages available for the exchange of data between organizations. – Trade Data Element Directory (TDED, ISO 7372) - refer to the part 1.2 – UNeDocs - refer to the part 1.2 on page 2. – Commercial Use of Interchange Agreements for Electronic Data Interchange (Recommendation 26) promotes the use of interchange agreements between commercial parties using Electronic Data Interchange (EDI) in connection with international commercial transactions. The Recommendation includes a Model Interchange Agreement for international use. Though designed for bilateral agreements between two trading partners, the Model Interchange Agreement can be implemented in multilateral relationships. – Authentication of Trade Documents by means other than signature (Recommendation 14) seeks to encourage the use of electronic data transfer in international trade by recommending that Governments review national and international requirements for signatures on international trade documents, in order to eliminate the requirement for paper documents by meeting the requirement for signatures through authentication methods or guarantees, which can be electronically transmitted. 	<p><u>2.2 Automation and use of ICT</u> (Colombia (G/C/W/425), European Communities (G/C/W/394), Japan (G/C/W/401))</p> <p>Colombia:</p> <ul style="list-style-type: none"> – “Commitment to press forward with programmes to automate procedures, and to ensure better use of information technology.” <p>European Communities:</p> <ul style="list-style-type: none"> – “Automation of customs and other agency procedures for import and export, including the possibility to present electronically the customs’ and other declarations, and for the payment of duties or other fees and charges.” <p>Japan:</p> <ul style="list-style-type: none"> – “Promoting the automation of official border procedures for imports and exports, including customs procedures;”

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	<ul style="list-style-type: none"> – Electronic Commerce Agreement (Recommendation 31) proposes a model for a contractual approach of electronic commerce operations. This approach takes into consideration the need for a framework of basic provisions to be agreed by business entities combined with the flexibility required to conduct day-to-day commercial transactions. – Recommendation on E-Commerce Self-Regulatory Instruments (Recommendation 32) Emphasizes the need for the development, support and promulgation of voluntary codes of conduct for electronic business so as to support the development of international trade, and calls on governments to promote and facilitate the development of relevant self-regulation instruments, national and international accreditation schemes, codes of conduct and trust mark schemes. – UN/CEFACT Modelling Methodology (UMM) is a useful tool in a development stage of a project for establishing a model of the processes involved in submitting import and export information to government. This model facilitates understanding the processes and information flows and will assist in the further analysis and development and automation of the project. <p>ebXML provides an open XML-based infrastructure enabling the global use of electronic business information in an interoperable, secure and consistent manner by all parties.</p>	
	<p><u>2.3 Risk assessment/ advance information</u></p> <ul style="list-style-type: none"> – Recommendation and Guidelines Establishing A Single Window to enhance the efficient exchange of information between trade and government (Recommendation 33) - refer to the part 1.2 on page 4. 	<p><u>2.3 Risk assessment/ advance information</u> (Canada (G/C/W/397), European Communities (G/C/W/394), Japan (G/C/W/401), Korea (G/C/W/403)</p> <p>Canada:</p> <ul style="list-style-type: none"> – “Development of disciplines covering the use of risk assessment principles and post-entry audits as a step

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	<ul style="list-style-type: none"> - UN/CEFACT Benchmarking Guide - refer to the part 2.1 	<p>forward in addressing the trade facilitation principles of efficiency and effective compliance. (...)“</p> <p>“The use of risk management techniques can be supplemented by post-entry audits (or compliance verifications) under which customs can initiate a systems audit and or a periodic verification of importers’ and carriers’ books and records. This could range from a single program review (e.g., valuation, origin, tariff classification) to a comprehensive review of all customs programs. The overall objective in using risk management techniques and post-entry audits is to allow customs to be able to identify and effectively attend to areas of higher and unknown risk while allowing the optimal use of resources to facilitate legitimate trade.”</p> <p>European Communities:</p> <ul style="list-style-type: none"> - “Use of risk assessment methods based on international standards and practices (...) Such system should not exclude the participation of small and medium sized enterprises. “ <p>Japan:</p> <ul style="list-style-type: none"> - “A reasonable selection of goods to be investigated/examined, based on the appropriate risk assessment methods; Adoption of advanced control techniques, such as deferred payment, post-clearance audit, and release of goods before import permission (with an adequate security, if required);” <p>Korea:</p> <ul style="list-style-type: none"> - “Pre-arrival processing, post-auditing and core risk-management measures are the key measures for the rapid release of goods.”

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<p>Article VIII(c): “The contracting parties also recognize the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements.*”</p>	<p>3. Cooperation and coordination among authorities/ among authorities and traders</p> <ul style="list-style-type: none"> – Recommendation and Guidelines Establishing A Single Window to enhance the efficient exchange of information between trade and government (Recommendation 33) - refer to the part 1.2. – National Trade Facilitation Organs: Arrangements at the National Level to Coordinate Work on Facilitation of Trade Procedures (Recommendation 4) recommends that Governments establish and support national trade facilitation bodies with balanced private and public sector participation in order to identify issues affecting the cost and efficiency of their country’s international trade; develop measures to reduce the cost and improve the efficiency of international trade; assist in the implementation of those measures; provide a national focal point for the collection and dissemination of information on best practices in international trade facilitation; and participate in international efforts to improve trade facilitation and efficiency. 	<p>3. Cooperation and coordination among authorities/ among authorities and traders (Canada (G/C/W/397), European Communities (G/C/W/394), Japan (G/C/W/401))</p> <p>Canada:</p> <ul style="list-style-type: none"> – “Consideration of ways and means to ensure that the activities and requirements of all agencies present at borders are coordinated in a manner designed to facilitate trade. This might include increasing the compatibility of, or standardizing the import/export data requirements of such agencies with the objective of allowing importers and exporters to present all required data to only one border agency. Such a “single window” approach could be designed to take into account, where possible, the use of relevant electronic technology. <p>It could also include the coordination of procedures and formalities. (...)“</p> <p>European Communities:</p> <ul style="list-style-type: none"> – “Where documentary or physical verification of consignments by more than one agency is necessary this should be carried out at a single place and time, to the extent possible, and at hours that meet traders’ needs.” <p>Japan:</p> <ul style="list-style-type: none"> – “Cooperation and coordination among different authorities in charge of border controls at entry and exit point, e.g., introduction of "single window" through which a trader can submit, once and for all, the required data to a single <i>agency</i> for various official purposes;”

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<p>Article X, paragraph 1.: 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, shall be published promptly in such manner as to enable governments and traders to become acquainted with them. Agreements affecting international trade policy which are in force between the government or a governmental agency of any Contracting Party and the government or governmental agency of any other Contracting Party shall also be published.</p>	<p>1. Publication and availability of information regarding international trade and border crossing procedures</p> <p><u>1.1 Publication and availability of information regarding international trade and border crossing procedures:</u></p> <ul style="list-style-type: none"> – Documentary Aspects of the International Transport of Dangerous Goods (Recommendation 11) suggests harmonizing the overall information requirements of dangerous goods documents; both for different modes of transport, and for different parties engaged in the transport of goods. In particular, the amount of information required to classify the goods should be standardized as: the correct technical name, hazard class/division, United Nations number and (when required) flashpoint. Other information about the goods should be derived by reference to this central core of information. To meet the requirements of regulations and conventions governing different modes of transport, the Recommendation also suggests developing a single form of words for the text of the legal declaration and a standard for transport emergency information. – International Convention on the Harmonization of Frontier Controls of Goods (Harmonization Convention) contains several transparency ensuring provisions, committing each Contracting Party to ensure availability of information any person interested regarding: the goods subject to medico-sanitary inspection, veterinary inspection and special phytosanitary conditions. 	<p>1. Publication and availability of information regarding international trade and border crossing procedures</p> <p><u>1.1 Publication and availability of information regarding international trade and border crossing procedures:</u> (Canada (G/C/W/379), European Communities (G/C/W/363), Korea (G/C/W/377))</p> <p>Canada:</p> <ul style="list-style-type: none"> – “All laws, regulations, judicial decisions, administrative guidelines and administrative rulings affecting imports and exports; all multilateral, regional and bilateral agreements affecting international trade policy; information on customs and other border-related agency processes; conditions and qualifications for different forms of customs treatment, including any amendments to the foregoing; as well as of where (e.g., offices, websites) the above information can be obtained;” <p>European Communities:</p> <ul style="list-style-type: none"> – “All relevant laws, regulations, administrative guidelines, specific decisions of or having general application, information on customs and other agency processes, conditions and qualifications for different forms of customs treatment, right of appeal procedures, fees and charges, port, airport and other entry-point procedures, including all amendments thereto, as well as details of customs' and other government agencies' management plans relating to implementation of WTO commitments, or of their relevant reform and modernisation programmes, including for example

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	<p><u>1.2 A Single Focal Point for publication and availability of information</u></p> <ul style="list-style-type: none"> – International Convention on the Harmonization of Frontier Controls of Goods (Harmonization Convention) also requires the Contracting Parties to establish enquire points from which relevant information could be obtained on the technical regulations and standards that are adopted or proposed to be adopted. – National Trade Facilitation Organs: Arrangements at the National Level to Coordinate Work on Facilitation of Trade Procedures (Recommendation 4) recommends that Governments establish and support national trade facilitation bodies that should, among others, provide a national focal point for the collection and dissemination of information on best practices in international trade facilitation; and participate in international efforts to improve trade facilitation and efficiency. 	<p>targets, deadlines and benchmarks set in such programmes”</p> <p>Korea:</p> <ul style="list-style-type: none"> – “Laws, regulation, judicial decision and administrative rulings of general applications, made effective by any contracting party and pertaining directly to international trade and customs administration, (referred to as 'Measures' for the rest of this paper);” <p><u>1.2 A Single Focal Point for publication and availability of information</u> (Canada (G/C/W/379), European Communities (G/C/W/363), Japan (G/C/W/376), Korea (G/C/W/377))</p> <p>Canada:</p> <ul style="list-style-type: none"> – “Through centralized inquiry points, publications and, where possible and feasible, through display on-line (e.g., via electronic homepages); (...).” <p>European Communities:</p> <ul style="list-style-type: none"> – “Information should be presented in a simple and accessible manner and not designed to discriminate or make it inaccessible (...);“ <p>Japan:</p> <ul style="list-style-type: none"> – “Establishment of inquiry points to ease accessibility to trade-related information for the private sector;” <p>Korea:</p> <ul style="list-style-type: none"> – “Establishment of a Single National Focal Point (SNFP) to respond to inquiries by Members and traders regarding Measures or any information (...).”