

ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION AND EXPORTATION

1. Review of Formalities and Requirements

1.1 Each Member shall [periodically] [as appropriate] review its formalities and requirements relating to import, export and transit taking into account changed circumstances, relevant new information and business practices, availability and adoption of techniques and technology, international best practices and input from interested parties.

1.2 The Trade Facilitation Committee shall (i) develop procedures for sharing relevant information and best practices as appropriate and (ii) consider what reasonable additional measures Members should take.

2. Reduction/Limitation of Formalities and Documentation Requirements

2.1 The provisions of this article shall apply to all formalities and documentation requirements within the meaning of paragraph 4 of Article VIII of GATT 1994.

2.2 Members shall ensure that formalities and documentation requirements are applied in an efficient manner so as not to constitute an unnecessary obstacle to trade.

2.3 Members shall minimize the incidence and complexity of formalities and decrease and simplify documentation requirements.

2.4 Any such formalities or requirements shall not be maintained if the circumstances or objectives giving rise to their adoption no longer exist or if changed circumstances can be addressed in a less trade restrictive manner.

2.5 Members [shall] [should] ensure that the following is aligned with International trade facilitation:

- (a) National trade document formats with the UN-Layout Key or its future updated electronic counterparts in accordance with the Customs Co-operation Council Recommendations on the matter;
- (b) National data elements in trade documents with the UN Trade Data Elements Directory (UNTDDED) and future updated versions in accordance with the Customs Co-operation Council Recommendations on the matter; and
- (c) Electronic messages to be interchanged between Customs administrations and between Customs administrations and other trade users with international standards for electronic information exchange.

3. Use of International Standards

3.1 Members shall [consider] [shall use as reference] relevant international standards or parts thereof except as otherwise provided for in this Agreement for their importation, exportation and transit formalities and procedures.

3.2 Members are not required to use international standards when the WTO Member is not a member of the organization that sets the international standard in question.

3.3 Members are encouraged to take part, within the limits of their resources, in the preparation and periodic review of relevant international standards by appropriate international intergovernmental organizations.

3.4 The TF Committee shall develop procedures for sharing relevant information and best practices on the implementation of international standards, as appropriate, including through invitations to relevant international organizations to discuss their work on international standards. As appropriate, the Committee may identify specific standards that are of particular value to Members.

3.5 For the purpose of this Agreement, the term "international standards" shall be understood to refer to standards promulgated by the relevant intergovernmental international organizations whose membership is open to all WTO Members.

This drafting suggestion is presented to replace Alternatives 1 and 2 of paragraph 7.1:

For a period of [X] years after entry into force of this Agreement, the provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall not apply to the settlement of disputes against a Developing Country or LDC Member concerning any provision or sub -part of a provision under Category A of that Member.

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<p>7. Grace Period for the Application of the Understanding on Rules and Procedures Governing the Settlement of Disputes [7.1 Alt.1 {A Member shall not initiate a procedure pursuant to Articles XXII and XXIII of GATT 1994 and the Understanding on Rules and Procedures Governing the Settlement of Disputes against a Developing Country Member or a LDC for provisions or subparts of provisions under Category A for a period of [X] after entry into force of the Agreement.} {Alt.2 For two years after entry into force of this Agreement, Articles XXII and XXIII of the GATT 1994 shall not apply to the settlement of disputes arising under any provision or sub part of a provision of this Agreement listed in Schedule A of a Member with respect to a measure of that Member.}}</p>	<p>7. Grace Period for the Application of the Understanding on Rules and Procedures Governing the Settlement of Disputes [7.1 Alt.1 For a period of [X] years after entry into force of this Agreement, the provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall not apply to the settlement of disputes against a Developing Country or LDC Member concerning any provision or sub -part of a provision under Category A of that Member.</p>