

ANNEX VI

REFERRED TO IN ARTICLE 2.13

TRADE FACILITATION

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Article 1

General Principles

The Parties, aiming to serve the interests of their respective business communities and to create a trading environment allowing them to benefit from the opportunities offered by the Agreement, agree to pursue the following principles, in particular, as a basis for the development and administration of trade facilitation measures by the competent authorities:

- (a) transparency, efficiency, simplification, harmonisation and consistency of procedures for trade in goods and related services;
- (b) promotion of international standards;
- (c) consistency with multilateral instruments to which they are parties;
- (d) the best possible use of information technology;
- (e) high standards of public service;
- (f) governmental controls based on risk management;
- (g) cooperation within each Party among customs and other border authorities; and
- (h) consultations between the Parties and their respective business communities.

Article 2

Transparency

1. Each Party shall, without unnecessary delay, publish on the internet, all laws and regulations of general application relevant to trade in goods between the Parties, as far as practicable in English.

2. Each Party shall establish inquiry points for customs and other matters covered by this Annex, which may be contacted in English through the internet.

3. Each Party shall, as appropriate, consult its respective business community on its needs with regard to the development and implementation of trade facilitation measures.

4. Each Party shall ensure that, wherever applicable, a reasonable interval is provided between the publication of laws and regulations of general application relevant to international trade in goods and their entry into force.

5. Each Party shall publish in advance, to the extent practicable and in particular on the internet, any laws, regulations and information of general application relevant to international trade in goods, with a view to affording interested persons an opportunity to provide comments on them.

6. Each Party shall administer in a uniform, impartial and reasonable manner all its laws, regulations and administrative decisions relevant to international trade in goods.

Article 3

Cooperation

1. The Parties shall promote multilateral cooperation between the Parties in order to enhance their participation in the development and implementation of international conventions and recommendations on trade facilitation.

2. The Parties may identify, and submit to the Sub-Committee on Trade in Goods for consideration, further measures with a view to facilitating trade between them, as appropriate.

3. The Parties shall review relevant international initiatives on trade facilitation in order to identify, and submit to the Sub-Committee on Trade in Goods for consideration, further areas where joint action could contribute to their common objectives.

Article 4

Advance Rulings

1. A Party shall in a reasonable, time bound manner, issue a binding, written advance ruling upon written request, which contains all necessary information of an importer, producer or exporter established in its territory, or an exporter or producer in the territory of another Party¹, with regard to:

- (a) tariff classification of a product and the applied duty-rate for the product, including the unit of measurement;

¹ For greater certainty, an importer, exporter, or producer may submit a request for an advance ruling through a duly authorised representative.

- (b) the customs valuation of a product or, where appropriate, the method, and the application of the method, to be used for determining the customs value under a particular set of facts²;
 - (c) the rules of origin it will accord to a product³; and
 - (d) other matters as the Parties may agree.
2. A Party that declines the issuance of an advance ruling shall promptly notify the requester in writing, setting forth the basis for its decision to decline to issue the advance ruling.
3. Each Party shall provide that advance rulings take effect on the date they are issued, or on another date specified in the ruling, provided that the facts, or circumstances on which the ruling is based, remain unchanged.
4. Each Party may limit the validity of advance rulings to a period determined by its domestic laws and regulations.
5. Each Party shall endeavour to make information on advance rulings, which it considers to be of significant interest to other traders, publicly available, taking into account the need to protect confidential information.

Article 5

Simplification of International Trade Procedures

1. The Parties shall apply trade and border procedures that are simple, reasonable and impartial.
2. The Parties shall limit controls, formalities and the number of documents required in the context of trade in goods between the Parties to those necessary and appropriate to ensure compliance with legal requirements, thereby simplifying, to the greatest extent possible, the respective procedures.
3. The importing Party shall not require a copy of the export declaration from the importer.
4. The Parties shall use efficient trade procedures, based, as appropriate, on international standards, aiming to reduce costs and unnecessary delays in trade in goods between them.
5. Whenever practicable, each Party shall adopt or maintain procedures that:
- (a) provide for advance electronic submission and processing of information before the physical arrival of goods in order to expedite their clearance; and

² Switzerland applies customs duties based on weight or quantity rather than ad valorem duties.

³ In accordance with the Parties' commitments under the WTO Trade Facilitation Agreement

- (b) provide importers with the possibility to obtain the release of goods prior to meeting all import requirements of that Party if the importer provides sufficient guarantees and where it is decided that neither further examination, physical inspection nor any other submission is required.

Article 6

Competent Customs Offices

1. Each Party shall designate the customs offices at which goods may be presented or cleared. In determining the competence and location of these offices and their business hours, the factors to be taken into account shall include in particular the requirements of trade.
2. Each Party shall, subject to the availability of resources, perform customs controls and procedures outside the designated hours of business or away from customs offices if so requested by a trader for valid reasons. Any related fee or charge shall be limited to the approximate cost of the services rendered.

Article 7

Risk Management

1. Each Party shall adopt or maintain risk management to determine control measures and based on it, and shall determine which persons, goods or means of transport are to be examined and the extent of the examination with the view to facilitate customs clearance and release of goods.
2. Each Party shall design and apply risk management in a manner so as to avoid arbitrary or unjustifiable discrimination, or disguised restrictions to international trade.

Article 8

Customs Brokers

The customs systems and procedures of each Party shall enable exporters and importers to submit their customs declaration without requiring recourse to customs brokers.

Article 9

Fees and Charges

1. Fees and charges of whatever character, other than import duties and other than taxes within the purview of Article 2.2 (Import Duties) of the Agreement and Article III of the GATT 1994, imposed in connection with importation or exportation, including tasks provided according to Article 4 (Advance Rulings), shall be limited in amount to the approximate cost of services rendered and shall not represent an indirect protection to domestic goods or a taxation of imports or exports for fiscal purposes.
2. The fees and charges referred to in paragraph 1 shall not be calculated on an *ad valorem* basis.
3. Each Party shall officially publish information on fees and charges. Such information shall include the reason for the fee or charge (the service provided), the competent authority, the fees and charges that will be applied and the way they are calculated, as well as when and how payment has to be made. The information shall be officially published, on the internet, in one of the WTO languages.
4. Upon request, the customs authorities or any other border authority of a Party shall provide information on fees and charges applicable to imports of goods into that Party, including the methods of calculation.

Article 10

Legalisation of Documents

For commercial trade a Party shall not require legalisation, in particular consular transaction, of commercial invoices, certificates of origin or other customs documentation, including related fees and charges, in connection with the importation of any goods of another Party.

Article 11

Temporary Admission of Goods

1. Each Party shall facilitate temporary admission of goods in accordance with international standards.
2. For the purposes of this Article, “temporary admission” means customs procedures under which certain goods may be brought into a customs territory conditionally relieved from payment of customs duties. Such goods shall be imported for a specific purpose, and shall be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

Article 12

Inward and Outward Processing

1. Each Party shall facilitate temporary importation and exportation for inward processing and outward processing in accordance with international standards.
2. For the purposes of this Article, “inward processing” means customs procedures under which certain goods can be brought into a customs territory conditionally relieved from payment of customs duties. Such goods must be intended for re-exportation within a specified period after having undergone manufacturing, processing or repair.
3. For the purposes of this Article, “outward processing” means customs procedures under which certain goods, which are in free circulation in a customs territory, may be temporarily exported for manufacturing, processing or repair abroad and then re-imported with total or partial exemption from customs duties.

Article 13

Border Agency Cooperation

Each Party shall ensure that its authorities and agencies involved in border and other import and export controls, cooperate and coordinate their procedures in order to facilitate trade.

Article 14

Appeal

Each Party shall ensure that importers, exporters and producers have the right to at least one level of independent administrative and judicial appeal in accordance with its domestic laws and regulations.

Article 15

Confidentiality

All information provided in relation with the importation, exportation, advance rulings or transit of goods shall be treated as confidential by the Parties and shall be covered by the obligation of professional secrecy, in accordance with the respective domestic laws and regulations of each Party. Such information shall not be disclosed by the authorities of a Party without the expressed permission of the person or authority providing it.