TRADE FACILITATION
AND
RULES OF ORIGIN
TRANSPARENCY

Publication vs. notification
Two new elements

Encouragement to publish through the internet

Establish, within available resources, an enquiry point
Other discussions

- Language of publication
- Non-preferential rules of origin
ADVANCE RULINGS

Same as assessments of origin?
Time to issue an advance ruling

New elements

Publication of the time to issue an advance

Preceding disciplines

150 days
Trade Facilitation Agreement

...issue an advance ruling in a **reasonable, time-bound manner** to the applicant that has submitted a written request containing all necessary information...

Each Member shall **publish**, at a minimum:

(b) the time period by which it will issue an advance ruling; and

Agreement on Rules of Origin

...issued as soon as possible but **no later than 150 days** after a request for such an assessment provided that all necessary elements have been submitted....
Who can request an advance ruling

- An importer
- An exporter
- A representative
Trade Facilitation Agreement

The advance ruling shall be valid for a reasonable period of time after its issuance unless the law, facts, or circumstances supporting that ruling have changed.

Agreement on Rules of Origin

Such assessments shall remain valid for three years provided that the facts and conditions, including the rules of origin, under which they have been made remain comparable.

Period of validity
Declining the issuance

- If the ruling is pending before any governmental agency, appellate tribunal or court
- It has already been decided by any appellate tribunal or court.

- Reasons must be provided in writing
- Non-exhaustive list
APPEAL OR REVIEW PROCEDURES

Points of clarification
Pre-existing elements

Maintain review procedures

Two-tiered approach
New elements

- Any person who has been issued an administrative decision
- Alternative routes—administrative and judicial
- Time to conclude proceedings
SMALL CONSIGNMENTS

De minimis value
Thank you

helen.chang@wto.org