

International Trade and Investment Law Practicum

**TRADEBARRIERS.ORG:
FACILITATING TRADE THROUGH INFORMATION
ON NON-TARIFF BARRIERS**
Final Project

April 26, 2019
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1. INTRODUCTION

On behalf of the joint International Trade and Investment Law Practicum at the University of Ottawa and Queen's University ("the Joint Clinic"), Simon Gollish, Andrew MacDonald, and Alina Smirnova ("the Team") are grateful for the opportunity to work on a project for the benefit of the East African Community Secretariat ("the Beneficiary").

This project continued the work completed by a Queen's Law team last year. The team focused on suggesting improvements to the tradebarriers.org website ("the Website") that would make it more informative and resourceful.¹ Three Regional Economic Communities, one of which is the Beneficiary, have implemented a mechanism through the Website that assists in identifying and resolving complaints regarding Non-Tariff Barriers (NTBs) encountered by traders in Eastern and Southern Africa.² The Website facilitates the elimination of NTBs by enabling traders and stakeholders to transparently report NTBs and monitor their resolution.

One of the main components of last year's project was drafting descriptions for 81 NTB sub-categories under which traders can currently file complaints. Last year's team finished 23 descriptions, and this year, the Team completed the remaining ones, apart from four, which were removed. The final number of defined NTB sub-categories is 77. In addition, last year's team started a "website index" which includes hyperlinks to government trade-related websites. The Team is continued this work.

This document is the final report of the project with four appendixes comprising the project's substantive work for the Beneficiary.

We thoroughly enjoyed working with the East African Communities Secretariat ("EAC") and hope that the project will support its work in facilitating international trade in Africa. We are also grateful for the incredible learning opportunity this project offered to us as students.

¹ Blake Van Santen, Isabella Mira and Tristan McLeod submitted this work to the Beneficiary on April 26, 2018 in a report entitled "East African Community: Non-Tariff Barriers & Trade Facilitation, Final Report" ["Final 2018 Report"].

² Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), and the Southern African Development Community (SADC).

1.1 PROJECT SUMMARY

This section outlines the elements of the project completed between January and April 2019.

First, we drafted clear and succinct descriptions for the remaining 54 NTB sub-categories. Following last year's format, each description includes the following: a Definition, Key Features, and Keywords. In addition, we note that 20 out of the 27 countries currently using the Website are members of the World Trade Organization (WTO)³ and 13 have ratified the WTO Trade Facilitation Agreement (TFA). This is a landmark agreement containing provisions for expediting the movement and clearance of goods, measures for effective cooperation between customs authorities, and provisions for technical assistance and capacity building in the area of trade facilitation. For this reason, each NTB sub-category description also includes a reference to any applicable articles of the TFA. Because the descriptions are being produced for use on a website, we anticipate that the online Complaint Management System ("CMS") may be updated or improved in the future. As such, we drafted definitions in a way that will accommodate such future changes to the digital information system. We discuss this further in Sections 2 and 3 of this document. A complete list of the 77 NTB sub-category descriptions are listed in Appendix A. We recommend that the definitions and key features be available to users of the Website. This will benefit traders wishing to register complaints about the various types of NTBs they encounter in their trading activities. This deliverable comprised the bulk of the project for the Team.

Second, the Team continued work on the indexes of trade-related government websites hyperlinks, which we suggest should be added to the Website as a resource. This index has the potential to be useful to traders as an easily-accessible information resource. Because the index is based around applicable TFA articles (e.g. Articles 1-3 address requirements to make export and import information available), it could also be useful to countries who have ratified the TFA, in satisfying their treaty obligations. This part of the project is further discussed in Section 4, entitled "Indexing". The completed website indexes are included in Appendix B.

³ Currently, the following 20 countries are WTO Members: Angola, Botswana, Burundi, Democratic Republic of the Congo, Djibouti, Egypt, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, South Africa, Tanzania, Uganda, Zambia and Zimbabwe. The following 5 countries are Observer Governments: Comoros, Ethiopia, Libya, South Sudan and Sudan. The only 2 countries that are neither members nor observers are Eritrea and Swaziland.

2. FRAMEWORK OF THE PROJECT

This section discusses the context for this project, including relevant trade agreements and the role of the Website as part of this overall dynamic framework. Since the project focuses on a website, this section also covers general concepts relating to law and technology. We relied on this background information to inform our work and are setting it out below to be transparent about our assumptions.

2.1 TRADE FACILITATION IN THE REGION

The current landscape surrounding trade in Africa is dynamic. There is a push for trade liberalization across most of the continent. The countries of the EAC and others using the Website are already parties of, or are considering signing, various free trade agreements. These include the TFA, the Tripartite Free Trade Area (TFTA), and the African Continental Free Trade Area (AfCFTA).

2.1.1 Trade Facilitation Agreement (TFA)

The TFA entered into force in February 2017 for those WTO Members that had ratified it. According to the WTO'S TFA webpage, "[it] contains provisions for expediting the movement, release and clearance of goods, including goods in transit."⁴ Further, it "sets out measures for effective cooperation between customs and other appropriate authorities on trade facilitation and customs compliance issues" and "contains provisions for technical assistance and capacity building in this area."⁵ The aim of the agreement is to reduce inefficiencies related to bureaucratic delays and 'red tape'. According to a recent news release on the WTO website, the TFA is "forecast to slash members' trade costs by an average of 14.3 per cent, with developing and least-developed countries having the most to gain."⁶ The WTO Secretariat reports that as of February 12, 2019, 141 WTO members (86%), have ratified the TFA, and 61.3% have

⁴ "Trade Facilitation", online: <https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm>.

⁵ *Ibid.*

⁶ "Trade Facilitation: Members Discuss Progress and Assistance on Trade Facilitation Agreement's 2nd Year," 12 February 2019, online: <https://www.wto.org/english/news_e/news19_e/fac_14feb19_e.htm>.

implemented their commitments under the agreement.⁷ Figure 1 summarizes which countries have ratified the TFA.

#	Country
1	Botswana (SADC)
2	Djibouti (COMESA)
3	Kenya (EAC, COMESA)
4	Lesotho (SADC)
5	Mauritius (COMESA, SADC)
6	Mozambique (SADC)
7	Namibia (SADC)
8	Rwanda (EAC, SADC)
9	Seychelles (COMESA, SADC)
10	South Africa (SADC)
11	Uganda (EAC, COMESA)
12	Zambia (COMESA, SADC)
13	Zimbabwe (COMESA, SADC)

Figure 1 – Countries using the Website that ratified the TFA

2.1.2 Tripartite Free Trade Area Agreement (TFTA)

The TFTA aims to create a free trade area that covers most of eastern and southern Africa, combining three Regional Economic Communities (RECs) — the East African Communities (EAC)⁸, Common Market for Eastern and Southern Africa (COMESA)⁹, and South African Development Community (SADC)¹⁰ — into a single market. Twenty-seven countries are involved in the

⁷ *Ibid.*

⁸ The following six countries are part of the EAC: Burundi, Kenya, Rwanda, Tanzania and Uganda.

⁹ The following 19 countries are part of COMESA: Burundi, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.

¹⁰ The following 15 countries are part of the SADC: Angola, Botswana, Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.

negotiations. The first phase of this process, which focuses on trade in goods, is largely complete. While minor issues including country of origin and tariff reduction schedules are still under discussion by some parties, 22 have already signed the agreement¹¹ and four have ratified it.¹² The agreement must be ratified by 14 countries before it enters into force.¹³ Figure 2 indicates which SADC, EAC and COMESA countries signed and ratified the TFTA.

#	Countries	TFTA Ratified	TFTA Signed
1	Angola (SADC)		X
2	Botswana (SADC)		X
3	Burundi (EAC, COMESA)		X
4	Comoros (COMESA)		X
5	DRC (COMESA, SADC)		X
6	Djibouti (COMESA)		X
7	Egypt (COMESA)	X	X
8	Kenya (EAC, COMESA)	X	X
9	Libya (COMESA)		X
10	Madagascar (COMESA, SADC)		X
11	Malawi (COMESA, SADC)		X
12	Mauritius (COMESA, SADC)		X
13	Namibia (SADC)		X
14	Rwanda (EAC, SADC)		X
15	Seychelles (COMESA, SADC)		X
16	South Africa (SADC)	X	X
17	Sudan (COMESA)		X
18	Swaziland (COMESA, SADC)		X
19	Tanzania (EAC, SADC)		X
20	Uganda (EAC, COMESA)	X	X
21	Zambia (COMESA, SADC)		X
22	Zimbabwe (COMESA, SADC)		X
Total		4	22

Figure 2 – TFTA Ratifications & Signatures

¹¹ The only five countries that have not signed the TFTA are Eritrea, Ethiopia, Lesotho, Mozambique, and South Sudan, according to tralac, “SADC-EAC-COMESA Tripartite Free Trade Area Legal Texts and Policy Documents”, online: <<https://www.tralac.org/resources/by-region/comesa-eac-sadc-tripartite-fta.html>>.

¹² *Ibid.*

¹³ *Ibid.*

2.1.3 African Continental Free Trade Area Agreement (AfCFTA)

In March 2018, the African Union (AU) concluded negotiations on an expansive free trade agreement, the AfCFTA. This agreement aims to facilitate the free movement of capital, people, goods, and services between African states and to integrate the continent's markets. The preamble of the agreement indicates that this will be accomplished "through adequate infrastructure and the reduction or progressive elimination of tariffs and elimination of non-tariff barriers to trade and investment."¹⁴ A large majority of countries have already signed the agreement. The most recent data available on the Trade Law Center's (tralac) website indicates that 52 out of 55 AU countries are signatories, and 22 have completed the domestic process required to ratify the agreement.¹⁵ The AfCFTA will come into force 30 days after the required number of ratifications (i.e. 22) have been deposited with the AUC Chairperson.¹⁶ As of April, 2019, 20 countries have deposited their ratification with the AUC.¹⁷ See Figure 3, tralac's AfCFTA "barometer", for a visual depiction of the ratification statistics.

¹⁴ "Agreement Establishing the African Continental Free Trade Area", online: <<https://www.tralac.org/documents/resources/african-union/2162-afcfta-agreement-legally-scrubbed-version-signed-16-may-2018/file.htm>> ["AfCFTA"].

¹⁵ Out of the 27 countries using tradebarriers.org, 7 countries have ratified the AfCFTA. They are Kenya, Rwanda, Swaziland, Uganda, South Africa, Namibia, and Djibouti, according to tralac, "African Continental Free Trade Area (AfCFTA) Legal Texts and Policy Documents," online: <<https://www.tralac.org/resources/by-region/cfta.html>>.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

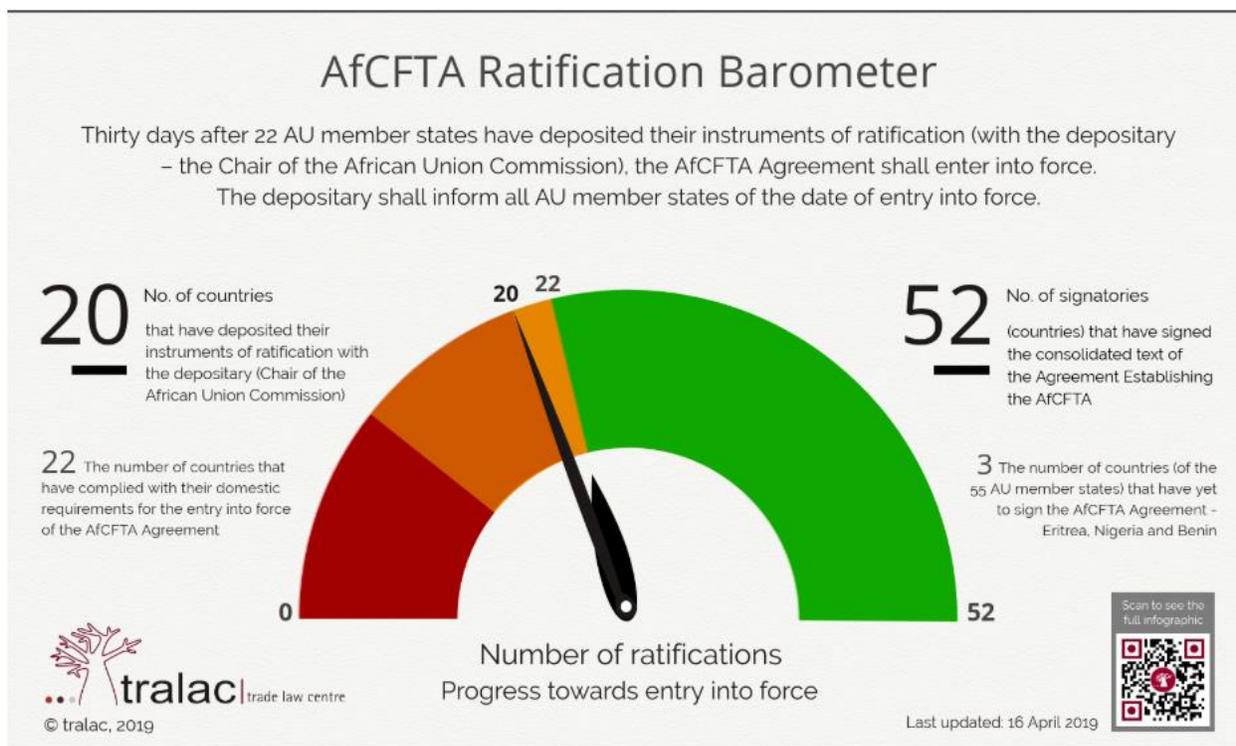


Figure 3 – AfCFTA Ratification Barometer¹⁸

Following the development of the TFTA and the wide-spread adoption of the AfCFTA, the EAC is committed to assisting its constituent states in the transition toward liberalized trade that is unfolding across the region and Africa more generally. Cooperation in trade as provided for in these agreements may have wide reaching impacts on states. The preamble to the AfCFTA states that the Member States of the AU recognize the importance of “international security, democracy, human rights, gender equality and the rule of law,” while reaffirming their rights to regulate within their territories to achieve legitimate policy objectives including “public health, safety, environment, public morals and the promotion and protection of cultural diversity.”¹⁹ It is reasonable to expect that countries will require institutional assistance in order to navigate this transformational period as smoothly as possible.

To this end, in facilitating development of liberalized trade, the Beneficiary and the other two RECs are using the Website as a mechanism to assist their traders and to ensure compliance

¹⁸ *Ibid.*

¹⁹ AfCFTA, *supra* note 14.

with trade obligations. The Website connects the 27 countries who are signatories of, or considering joining, the TFTA. It provides a forum for importers/exporters to report barriers-to-trade between the participating countries, resulting in the identification, removal and monitoring of NTBs. This assists the three RECs in fostering an environment consistent with the goals of the TFA, TFTA, and AfCFTA.

Following the coming into force of the AfCFTA agreement, the African Union will be operationalising trade facilitation initiatives, including the development of an AfCFTA Mechanism on the reporting, monitoring, and elimination of NTBs, which is based on Annex 5 of AfCFTA. This mechanism will be drawing lessons from the Tripartite system hosted on the Website. The technical paper on the AfCFTA Mechanism drew insights from the work done by the 2018 Queen's team, particularly the recommendations on improvements to sub-categorisation and the introduction of website indexing into the system. The 2019 work will therefore significantly contribute to the development of the AfCFTA NTBs mechanism.

2.2 TECHNICAL CONSIDERATIONS

The bulk of our effort on the project reflected the current priorities of the Beneficiary and was dedicated to the NTB sub-category descriptions, where we continued the critical work begun last year. Before we discuss our methodology for that work, we will provide a brief overview of the general concepts of computational legal analysis as discussed with the Team's mentor, Professor Wolfgang Alschner from the University of Ottawa. We begin with this element because it became clear to us in conducting our work that it was important to provide the Beneficiary with a product that can be readily recast into a digital information system should the Beneficiary decide to pursue this in the future, perhaps with the assistance of another team from the Joint Clinic. Our work was informed by these aspects so that we could provide the Beneficiary with the flexibility to move in that direction should it wish to do so in the future.

2.2.1 General Concepts

The use of digital systems in solving everyday problems is a feature of today's modern world. No sector of the economy, or part of the world, has been untouched by this transformation. Using

digital systems provides efficiencies, improves experiences for users, and offers opportunities which were previously unavailable.

Institutions, such as a governments or international organizations, can also benefit from this transformation, whether they engage with individuals or businesses on a local issue or a concern from half-a-world away. In the realm of trade, these institutions must ensure that information can be accessed or communicated in an efficient and effective way, without excessive delays. This is particularly important for small- and medium-sized businesses who encounter greater difficulties in understanding rules and regulations that apply to their operations.²⁰ As noted by The United Nations Economic Commission for Europe, the benefits of digital systems that facilitate the flow of information are significant. The Commission states that “[e]fficient information systems and procedures can significantly increase the speed at which goods can move, reduce costs, improve business efficiency, and enhance overall economic performance of a country.”²¹

Beyond these benefits, implementing digital information systems can facilitate the harmonization of standards and laws, as information becomes easily accessible and communications between various actors are improved.²² These systems allow researchers and academics to consider the available information and conduct research using data that were previously inaccessible or too onerous to collect. This unprecedented access to information will assist in developing a better understanding of international trade law and contributing to the creation and implementation of innovative solutions.²³

Finally, the use of digital systems reduces the need for individuals to manually engage with information. The interpretation, communication, and management of information can be done

²⁰ Craig Atkinson, “Disruptive trade technologies will usher in the ‘internet of rules’” (27 April 2018), London School of Economics Business Review Blog, online: <<https://blogs.lse.ac.uk/businessreview/2018/04/26/disruptive-trade-technologies-will-usher-in-the-internet-of-rules/>>.

²¹ United Nations Economic Commission for Europe, “the Single Window Concept” (24 July 2012), online: <<http://unpan1.un.org/intradoc/groups/public/documents/UNECE/UNPAN019892.pdf>>.

²² Craig Atkinson, “From Facilitation 2.0 to trade policy 3.0: Opportunities to expand and extend the rules of global trade” (11 June 2018), International Centre for Trade and Sustainable Development, online: <<https://www.ictsd.org/opinion/from-facilitation-20-to-trade-policy-30-opportunities-to-expand-and-extend-the>>.

²³ Wolfgang Alschner, Joost Pauwelyn, Sergio Puig, “The Data-Driven Future of International Economic Law” (June 2017), *Journal of International Economic Law*, 20:2, Pages 217-231, online: <<https://academic.oup.com/jiel/article/20/2/217/3852652>>.

automatically, requiring human action only when issues arise. This allows a business or an institution to focus their resources on other tasks or priorities that are less suited to automation. In theory, this should allow an organization to expand its services or enhance those it already provides.

In the context of our project, we consider the Website to be an excellent demonstration of how a digital system can deliver a meaningful service that would have otherwise been difficult to provide. In its 15 years of existence, the Website has contributed to the resolution of NTB complaints, provided information to traders and government on what is happening ‘on the ground’, and created an invaluable, accessible, and transparent dataset. The Team is hopeful that our work contributes to making this digital system an even more effective tool for the members of the TFTA and their trading communities.

The rest of this section discusses some specific concepts that are essential to developing an effective digital information system.

2.2.2 Building a Knowledge Base

The databank of user complaints that has been archived on the Website is invaluable. The current resource of more than 680 active and resolved user complaints is an excellent asset for developing and expanding the usefulness of the Website. These data contribute to the goals of reporting and monitoring NTBs between the TFTA member countries. Given the transparency of these archived complaints, the data provide an excellent resource for traders, governments, citizens, and academics to research the region’s progress in achieving these goals, and to evaluate the effectiveness of the Website’s complaint-monitoring mechanism. The Team believes that the data represent a best-practices model for any region similarly interested in facilitating and liberalizing international trade by recording, monitoring, and eliminating NTBs.

The Team used the complaints to inform the descriptions of every NTB sub-category. As such, we can speak first-hand to the value of these data.

2.2.3 Effective Categorization Through MECE & Vertical Mapping

This section illustrates the importance of clear and concise categorization of NTBs. A discussion on how they apply to drafting the definitions is found in Section 3.2.1 of this document.

a) Mutually Exclusive and Comprehensively Exhaustive – MECE

This concept is essential to developing a successful information system. Categories of information should be organized such that each category is mutually exclusive, while at the same time, all categories are, collectively, comprehensively exhaustive. This means that information applicable to the system should have at least, and at most, one category into which it can fit. This concept can be easily illustrated by the below chart, Figure 4.

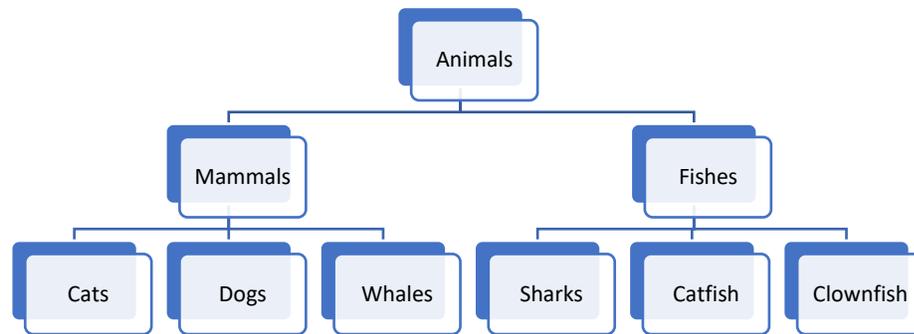


Figure 4 – Vertical Mapping Example (MECE)

This is a simple example, but it illustrates the concept of MECE well — while all of the words on the bottom row are types of animals, only sharks, catfish and clownfish are fishes and only cats, dogs, and whales are mammals. So if someone was attempting to classify an animal in this over-simplified hierarchical world, they should be able to select one, and only one, sub-category (i.e. cat, dog, whale, shark, catfish, or clownfish). In contrast, Figure 5 includes a sub-category that does not follow the MECE concept.

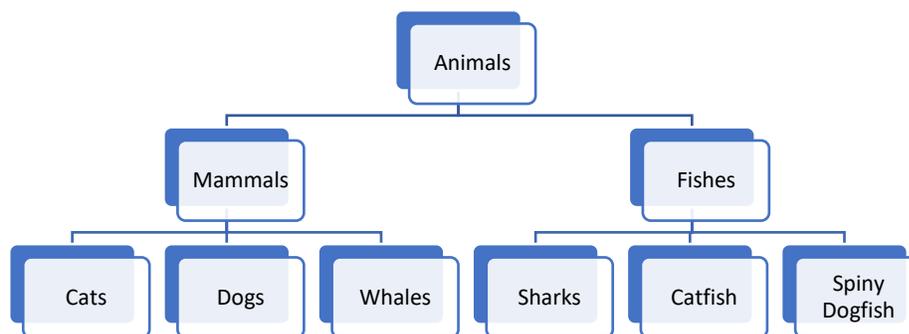


Figure 5 – Vertical Mapping Example (Not MECE)

In this case, the sub-category of “sharks” and “spiny dogfish” are not mutually exclusive since “spiny dogfish” are a type of shark. Ideally, “spiny dogfish” should then be removed as a sub-category.

Applying the concept of MECE is more complex when working with multiple, multi-pronged trade-related complaints that often concern diverse issues. However, this logic should still be applied because it ensures that information can be easily and effectively funneled into the correct category. For example, there are some similar NTB sub-categories under Category 5 “Specific Limitations”, e.g. 5.1 “Quantitative Restrictions” and 5.4 “Quotas”. Ideally, one of these should be removed as all quotas are quantitative restrictions and so having both is not consistent with the MECE principle. However, because these NTB sub-categories are enumerated in the TFTA, a document arising out of a diplomatic negotiation process, the Team worked with the assumption they could not simply be removed. For this reason, the Team used the MECE principle to draft definitions and key features that delineate any overlapping NTB sub-categories.

b) Vertical Mapping

The concept of Vertical Mapping relates to the importance of logically-organized information — smaller elements should consistently populate into larger ones. Put another way, every sub-category should logically relate to its parent category. For example, referring back to Figure 4, while looking at the bottom row without the middle one, it is possible to be confused by “cats”

and “catfish” because of the linguistic similarity, or think that “whales” are somehow related to “sharks” because of their physical similarities. But knowing the appropriate parent categories — mammals and fishes — informs the characterization, i.e. the organizing principle is not linguistic or physical similarities, but instead, scientific classes of animals.

Although trade law is more complex than a simplistic classification of animals, the concept remains relevant. For example, every NTB sub-category description under category 2, “Customs and Administrative Entry Procedures” should relate directly to customs or entry procedures. Further discussion and examples specific to this project are found in Section 3.2.1 of this document.

2.2.4 Standardized Language and Keywords

From the beginning of the project, the Team recognized the importance of developing standardized language for the NTB sub-category descriptions. Standardized language is conceptually coherent and simplified, and therefore helps users compare and differentiate between complex categories of information. NTB sub-categories that overlap with each other will always contain similar language. Using standardized language allows for precise definitions, which clearly identify similarities between like NTB sub-categories, but which are specifically delineated and mutually exclusive.

The Team drew much of its standardized language from relevant source-documents. For example, if an NTB sub-category relates to a provision of the TFTA, the definition uses the TFTA language as much as possible. This ensures that, where applicable, NTB sub-categories will correctly relate to relevant treaty obligations. This will help users of the Website and Governments to correctly connect complaints to such obligations. Developing the NTB sub-categories in this way should also assist users in drafting complaints that contain the standardized language and nomenclature we have developed.

The use of standardized language in the NTB sub-category descriptions will also be valuable for developing a new digital CMS, if the Beneficiary decides to make this a priority. Last year’s team did excellent work in developing alternative NTB classification frameworks. These alternatives methods, which are attached in Appendix C, were divided between front-end

intensive and back-end intensive systems. The front-end intensive systems use questions and lists of characteristics that assist users to identify the correct NTB sub-category under which to file their complaint. The back-end intensive systems use programming or machine learning to interpret the text of a user's complaint and automatically file it under the correct NTB sub-category. The use of standardized language in all the NTB sub-category descriptions will greatly assist the Beneficiary in developing either of these CMS methods. As mentioned above, standardized language is precise, and allows for similarities and differences between complex categories of information to be clearly identified. As such, the NTB sub-category descriptions we have drafted are tailored for the future implementation of a more complex CMS. This was also the motivation behind drafting a list of keywords for each NTB sub-category.

The keywords section of each NTB sub-category description is a list of words that are likely to be appear in a user-complaint filed under each NTB sub-category. While we don't intend for these keywords to be made available to users of the website, we do think they can be useful for future developers of an updated CMS. The Keywords are essentially an 'attribute string' for each NTB sub-category. In other words, they are a list of the attributes that apply to each NTB sub-category. This is useful for developing the "add-up" method that last year's team developed.²⁴ Further, keywords will be invaluable to the development of a back-end intensive system. Because back-end intensive systems evaluate the text of a complaint to determine which NTB sub-category it should fit under, keywords, by predicting what words a user will use in a complaint, are essentially the key to each NTB sub-category.

3. DRAFTING NTB SUB-CATEGORY DESCRIPTION

In this section of the report, we provide a brief overview of the work that was completed last year and explain what remained for our Team to complete this year. We also highlight the various insights from last year's team that we found to be particularly helpful. We have consulted with Isabella Mira and Tristan McLeod from last year's team and followed the template for descriptions that was created by them.

²⁴ See Appendix [], on page [].

3.1 METHODOLOGY

The Team took considerable time at the beginning of the project to devise a methodology for the creation of the four elements of each NTB sub-category (i.e. Definition, Key Features, TFA Obligations, Keywords). There are several components to this methodology which we discuss below. First, the experience of the previous year's team; second, using the existing complaints; third, external research; and last, collaborating to determine the final product.

For each of the NTB sub-categories that we worked on, we generally began by writing a definition, then moved onto key features, and then identified applicable TFA obligations. Keywords were not an element included in last year's descriptions and so was not an element we were initially setting out to create. For this reason, they were the last to be added to the overall NTB sub-category description.

3.1.1 Building on the Experience of Last Year's Team

Last year's team consisted of Tristan McLeod, Isabella Mira, and Blake Van Stanten. Fortunately, both Tristan and Isabella served as teaching assistants to this year's Trade Practicum and were therefore able to provide us with insights and assistance. The previous year's team developed definitions, key features, and TFA obligations for 23 of the NTB sub-categories out of the 81 provided by the Beneficiary. Tristan and Isabella emphasized two important points that helped our group decide on how to approach drafting the descriptions. First, they said it had been extremely valuable to them to consider the existing complaints available on the Website. Second, they found that it was difficult to complete this work when operating individually, and that they were most successful when they undertook this work together as a group. As a result of these insights, our group decided that this component of the project would be undertaken together in group sessions held at least twice a week.

Throughout the term, Tristan and Isabella continued to engage with the Team. When we were having difficulty with a given NTB sub-category or when we wanted to know how they had addressed a given topic, they were both extremely helpful.

3.1.2 Using Existing Complaints as a Resource

Acting on the advice of the last year's team, we considered the complaints filed under each NTB sub-category we defined. In some instances, reviewing the existing complaints confirmed our understanding about the kinds of issues the NTB sub-category attempts to capture. In other instances, this review provided insights and understanding of NTB issues that we may have otherwise not considered.

In considering the complaints, we also reflected on the best way to frame and phrase the four elements of each NTB sub-category. If a particular issue appeared often in properly-categorized complaints, we integrated that issue into the definition or key features of that NTB sub-category. Alternatively, if complaints filed under one NTB sub-category would actually be more appropriately filed under another NTB sub-category, we wrote the definition in a way that addressed possible sources of misunderstanding. Thus, the existing complaints proved to be an invaluable resource. Had we not been able to rely on them, customizing the deliverable in this way would not have been possible.

3.1.3 Conducting External Research

While the Team has considerable experience in trade and economic-related fields, we sometimes encountered new or challenging notions. As such, we always consulted external resources to confirm our understanding of relevant concepts.

An important resource is the TFTA. The Team ensured to consult the TFTA when drafting definitions and key features for the NTB sub-categories.

Another particularly relevant resource was the website of the United Nations Conference on Trade and Development (UNCTAD) and its *International Classification of Non-Tariff Measures*.²⁵ The document codes and defines common non-tariff measures. We consulted this document when developing each definition, often comparing definitions of different concepts to better understand an issue and avoid ambiguity. Another advantage of using this document was that it assisted the Team in using concise, standardized language in drafting definitions.

²⁵ UNCTAD's document on classification on Non-Tariff Measures can be accessed online at: <https://unctad.org/en/Pages/DITC/Trade-Analysis/Non-Tariff-Measures/NTMs-Classification.aspx>

Other sources we used include various WTO agreements, such the 1994 General Agreement on Tariffs and Trade, the Agreement on the Application of Sanitary and Phytosanitary Measures, and the Agreement on Subsidies and Countervailing Measures.

3.1.4 Implementing a Collaborative Approach

Having undertaken the process discussed above, we proceeded to develop each of the four elements for each of the NTB sub-categories. By proceeding in this way, we were able to talk through any roadblocks and, more importantly, ensure that the NTB sub-category has been considered from multiple angles. Each Team member's own individual expertise was useful. This process resulted in a consistent and uniform approach to writing the various elements. Consultations with the Beneficiary were also helpful in ensuring our misunderstanding of certain NTB sub-categories were cleared up.

3.2 DEFINITIONS

Given our understanding of the work completed last year and our consultations with the Beneficiary this year, drafting descriptions for the remaining 54 NTB sub-categories was the Team's top priority. We began this work immediately upon receiving the project in January 2019.

As noted above, we considered a number of elements when writing a definition of a given NTB sub-category. As a result, two particular challenges have stood out. The first was how to reconcile our understanding of an NTB with the traders' different understanding, reflected in filed complaints. The second challenge was providing succinct and clear definitions for NTB sub-categories that were broad or encompassed multiple potential issues.

Given that one of the possible uses of the deliverable is to assist traders in understanding the NTB sub-categories, we ensured to develop definitions that are clear, accessible to an average person, and do not use legal jargon. If an issue was frequently cited within the complaints of a given NTB sub-category, we ensured to incorporate it into the definition. Alternatively, if an issue was frequently found under one NTB sub-category but is actually better classified under another, we incorporated a clarification to clear up the misunderstanding and assist a trader in proper classification.

3.2.1 Application of Vertical Mapping & MECE

Vertical Mapping and MECE were both essential to the Team in drafting definitions. As there are NTB sub-categories that appear to overlap, we consistently referred back to the parent categories to inform the definitions and delineate them using the key features. For example, on their face, the NTB sub-categories 2.4 “Import Licensing” and 5.5 “Import Licensing Requirement” appear similar. Hypothetically, any issues that fall under “Import Licensing Requirement” would also fall under “Import Licensing”. However, the parent categories provide a distinction. “Import Licensing” is classified under category 2 “Customs and Administrative Entry Procedures” and “Import Licensing Requirement” is classified under category 5 “Specific Limitations”. By virtue of this information alone, we were able to infer that NTB sub-category 2.4, “Import Licensing,” is intended to cover issues related to the administrative process of obtaining a licence. NTB sub-category 5.5, “Import Licensing Requirement,” is intended to cover issues regarding the requirements that must be met in order to obtain an import licence.

This distinction drawn through vertical mapping from the parent categories not only helped us draft better definitions but also informed our Key Features section by enabling us to cross reference the similar NTB sub-categories. This process is further described in Section 3.3 below.

3.3 KEY FEATURES

The Key Features section provides a series of prompts to the user as to whether their complaint fits appropriately within a given NTB sub-category.²⁶ These prompts include a clarifying statement, a specific example, and cross-references to similar NTB sub-categories. In creating these prompts, we provide the user with an idea of what is included in a given NTB sub-category, and what is excluded. For example, NTB sub-category 2.5: “Decreed Customs Surcharges” has three key features: (1) a clarifying prompt: “A decreed customs surcharge is imposed in addition to existing tariffs and duties”, (2) a practical example: “Country A has decreed a surcharged to be

²⁶ E.g. NTB Sub-category 1.1 – Export Subsidies. A key feature is: This issue deals with countries subsidizing domestic businesses and producers. This is not a definition, but it provides additional information that helps to differentiation NTB sub-category 1.1 from others found in category 1.

applied on all imports of agricultural goods. This increases the costs for traders importing into Country A”, and (3) a delineation from a similar NTB sub-category: “This sub-category relates to general surcharges on imported goods implemented as a result of a specific government policy, which is in addition to other duties, tariffs, or taxes. (For all issues relating to taxation on goods crossing a border, see sub-category 6.6: “Border Taxes”)”.

Similar to the definitions, we used the available complaints to inform the drafting of the key features. The Team looked at which elements of given NTB sub-categories were understood or misunderstood by the trader who filed each complaint, which then helped the Team craft key features that responded directly to common misunderstandings. Comparing information found in external resources or considering the examples provided within the external resources also assisted the Team in determining whether there was potential for confusion about an NTB sub-category. We accordingly sought to eliminate confusion through the development of clear key features for the particular NTB sub-category, as well as reviewing the definition if necessary.

We also used the concepts of MECE and Vertical Mapping to provide cross-references as a prompt. To use the example of import licensing again, in NTB sub-category 2.4, “Import Licensing,” we included the following key feature: “For all non-administrative issues relating to restrictive licensing policies, see NTB sub-category 5.5.” Accordingly, in NTB sub-category 5.5, “Import Licensing Requirement,” we included the following key feature: “For all administrative and procedural issues with import licences, see NTB sub-category 2.4”. This ensures the NTB sub-categories are exclusive of one another, in accordance with MECE, and that a trader is able to decide more easily under which NTB sub-category their complaint falls.

3.4 TRADE FACILITATION AGREEMENT OBLIGATIONS

In our initial conversation, the Beneficiary stated that it is valuable for each NTB sub-category description to include any applicable TFA obligations. Given this clear priority, the Team read the TFA and added any articles relevant to an NTB sub-category to the description. For example, a common and widely-applicable TFA obligation is contained in Article 1.1, related to the publication and availability of trade-related information in an accessible way. Article 3.1 then is also implicated as it behests a country to establish enquiry points to answer questions regarding

the information covered in Article 1.1. There are also more specific obligations — for example, NTB sub-category 2.9 “Issues Related to Transit Fees” links up with Article 11 of the TFA, “Freedom of Transit”.

One challenge the Team encountered was determining whether a TFA obligation is directly applicable to an NTB sub-category, or whether the obligation is indirectly applicable. For example, we defined NTB sub-category 5.12 “Export Restraint Arrangements” as “An arrangement by which an exporter agrees to limit exports in order to avoid imposition of restrictions by the importing country.” We linked this description with Article 11.3 which states that “Members shall not seek, take, or maintain any voluntary restraints or any other similar measures on traffic in transit.” Although this does not appear directly applicable, we imagined a scenario in which a trader from Country A who has an export restraint arrangement on a good with Country B encounters a barrier when transiting that good from Country A through Country B to Country C. While we are confident in this particular link, we also acknowledge that sometimes the hypothetical scenarios we entertained were far-fetched and including additional TFA Articles would be more confusing rather than clarifying. For example, for NTB sub-category 5.9: “Non-automatic Licensing”, we included Article 4(1), which states that Members shall provide a right to administrative or judicial review for administrative decisions. We did not however include Article 4(3), which states that this process shall be carried out in a non-discriminatory manner. Even though this is an important obligation, it relates more to the process for handling the appeals rather than dealing with the NTB itself. For this reason, we decided it is too tangential for the purposes of drafting a description and so may not be helpful.

3.5 KEYWORDS

The Keywords element was not included in the descriptions completed by last year’s team. Given this, the Team this year did not originally plan to include them in our deliverable. However, following a conversation with our mentor, Professor Alschner, we decided to include them as suggestions for all descriptions that may be useful to the Beneficiary should it choose to move to a different CMS in the future, as was discussed in last year’s report.

Keywords are a list of words the Team believes are likely to appear in a user-complaint filed under each NTB sub-category. As with the elements discussed above, the keywords are the product of collaborative decision-making between the members of the Team. The Team consulted sources such as UNCTAD, the TFTA, and active and resolved complaints from the Website to develop the keywords. The Team believes this list could be expanded in the future, as more complaints are filed on the Website.

4. GOALS & LIMITATIONS

In this section we discuss the goals of the project, and the limitations we have identified. We also use illustrative examples.

It should be emphasized that currently, the Website is successful, transparent and easy-to-use. A quick overview of other countries' methods of managing NTB complaints online — including those in Canada, Australia, and the European Union — reveals that such CMSs are either non-existent or are less transparent and user-centred. For this reason, the discussion below on limitations should be seen as suggestions for possible proactive future development of an enhanced website.

4.1 Defining NTB Sub-Categories: Our Main Goal

Our main goal was to provide clear descriptions for each NTB sub-category listed on the Website. Currently, traders only have access to the titles of the NTB sub-categories. We hope that providing descriptions that can be added to the Website will assist traders in better categorizing their complaints under the correct NTB sub-category, with a view to ensuring improved and more efficient resolution of complaints. We illustrate the importance of this with an example of a complaint filed on the Website. Complaint # NTB-000-215, filed under NTB sub-category “2.4 Import Licensing”, states: “[c]ooking oil can only be exported after obtaining a license from the Ministry of Industry and International trade.” While this complaint relates to import licensing, we think it fits better under NTB sub-category 5.5 “Import Licensing Requirement.” This conclusion is based on the vertical mapping considerations discussed in Section 3.2.1 of this document. We hope that if a trader has the benefit of reviewing the descriptions before filing their complaint,

they will make a more accurate choice. We do recognize, however, that merely completing all the NTB sub-category descriptions will not resolve all user issues with the Website. Given that the Website uses a system that allows traders to freely select an NTB sub-category and file a complaint about any trade-related issue they encountered, there are some limitations. These are discussed below. Some of these limitations can only be overcome with technical overhauls, which should not be made before conducting research into an optimal CMS.

4.2 Traders May Not Understand or Read Descriptions

Our goal was to draft definitions and key features that are clear and succinct and which provide information to guide a trader to filing a complaint in the correct NTB sub-category. As much as we hope that these descriptions will be easy to understand, a trader may still reasonably be confused. Moreover, a trader may not have the time to read multiple descriptions to decide which NTB sub-category is the most appropriate. Because of these two possibilities, complaints may still be misclassified in the future. This is one limitation under the current CMS on the Website, which may only be resolved by a website interface update, as discussed in last year's Report.²⁷

4.3 Traders May File Erroneous Complaints

Because the Website does not screen out complaints as they are filed, traders may file complaints that are not in fact an issue. For example, a complaint from a Tanzanian trader to Zambia, Complaint #NTB-000-163, stated that the “[l]icensing process [is] just too long.” The resolution of the complaint was that “Zambia reported that the process only takes 24 hours.” Providing descriptions or additional information to a trader may not reduce or eliminate these types of complaints. However, this may not necessarily be a problem — the information from the resolution is available online, which bolsters the transparency of the Website and may still be useful for data-collection purposes.

²⁷ Final 2018 Report at pages 19-32.

4.4 Traders May File Complaints About Legitimate Non-Tariff Measures

Not all non-tariff, trade-related issues are NTBs. Some are justified non-tariff measures used for legitimate purposes, and this is reflected both in the TFA and TFTA. An example of a legitimate measure that was the subject of a complaint can be seen in #NTB-000-076 from a trader in Tanzania, which states that “South Africa offers a large number of export incentives for to [sic] promote locally produced exports.” The resolution of the complaint explained that “South Africa reported that export incentives are offered to promote manufactured exports and exports in general.” In other words, while the trader may have been frustrated by this issue, it is not actually something that needs to be resolved. But again, allowing these kinds of complaints to be filed is not necessarily a problem as it comports with the Website’s monitoring function and transparency goals.

4.5 Traders May File Single Complaints with Multiple Issues

Under the current CMS, a trader selects one NTB sub-category under which to file a complaint, but may actually include multiple issues, each one meriting its own NTB sub-category. Complaint # NTB-000-631 is illustrative. It was filed under “1.1 Export Subsidies”, and states that:

I apparently needed a certificate from the State Vet to carry wool tops over the border! This proved impossible to get in Finksburg. I have also experienced many problems bringing craft goods over to South Africa from lesotho [sic] as we need to pay VAT on all goods coming to exhibitions. This is extremely time consuming process and then I have to claim the VAT back when I bring unsold goods back over the border!

First, the complaint appears to be misclassified as it does not speak to “Export Subsidies”. Second, it actually contains three separate issues: (1) a certificate requirement for wool tops, (2) the requirement to pay VAT on temporary imports for exhibitions, and (3) that the process of claiming the VAT back is too long. Assuming the issues arose from the same incident (e.g. the trader was attempting to temporarily import wool tops for an exhibition), it is not clear whether they should have filed three separate complaints speaking to only one issue each, or filed the complaint three times. This is an issue that can be controlled by either providing more directions to the traders, or by implementing a different CMS that constrains them in what they can select.

5. WEBSITE INDEXING

Last year's team identified the potential for expanding the scope of the Website to include a website index directing users to government agencies responsible for activities affecting trade.²⁸ As the team explained in their final report, including such information would add even more useful content and information to the website, which already draws significant online traffic, and would contribute to making it a "one-stop-shop" for traders. Last year's team finished indexing five countries (i.e. Botswana, Kenya, Lesotho, Rwanda, and Uganda).²⁹ This year, the Beneficiary stated that this work was useful and should be continued. For this reason, the Team continued this work.

In addition to serving as a useful tool for traders, the Website Index also assists countries to meet their WTO obligations. Thirteen countries using the Website are parties to the TFA, which requires member states to publish trade-related information in an easily accessible manner.

Article 1.1 states that:

Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:

- (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
- (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
- (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
- (d) rules for the classification or valuation of products for customs purposes;
- (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
- (f) import, export or transit restrictions or prohibitions;
- (g) penalty provisions for breaches of import, export, or transit formalities;
- (h) procedures for appeal or review;
- (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit; and
- (j) procedures relating to the administration of tariff quotas.

Similarly, Article 2.1 refers to making information available on the internet and states that:

²⁸ Final 2018 Report at pages 36-39.

²⁹ Final 2018 Report at pages 116-144.

Each Member shall make available, and update to the extent possible and as appropriate, the following through the internet:

(a) a description of its procedures for importation, exportation, and transit, 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) the forms and documents required for importation into, exportation from, or transit through the territory of that Member;

(c) contact information on its enquiry point(s).

Thus, achieving this element of the project would assist countries that ratified the TFA in ensuring compliance with the agreement. It would also be useful for countries that choose to ratify the TFA in the future.

APPENDIX A: COMPLETED NTB DESCRIPTIONS

Below is the list of all of the completed NTB sub-category descriptions. At the end, we also included a short list of suggestions of NTB sub-categories that can either be removed or consolidated. The Team received a list of 81 NTB sub-categories from the Beneficiary. We removed four of these, which we believed were added to the list in error. The four we removed were: 3.0 “Technical Barriers to Trade; 3.6 “Unknown”; 3.7 “Unknown”; and 4.0 “Sanitary and Phyto-Sanitary Measures”. The following are the 77 NTB Sub-Categories that we have defined.

CATEGORY 1 – Government Participation in Trade & Restrictive Practices Tolerated by Governments

1.1 – Export Subsidies

- Definition:
 - A policy or law by a government or governmental organization that establishes financial support or a contribution to an exporter or exporting industry. This contribution must confer a benefit and be contingent on export performance.
- Key Features:
 - This sub-category concerns the actions of countries that subsidize domestic businesses and producers.
 - In order for a subsidy to be considered an export subsidy, governments must provide incentives for exporters to export more goods.
 - For Example: businesses receiving export subsidies will have a comparative advantage because export subsidies allow businesses to sell at lower prices.
- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “support”
 - “export”
 - “subsidy”
 - “financial”
 - “benefit”
 - “government assistance”
 - “government support”

1.2 – Government Monopoly in Export/Import

- Definition:
 - Government measures that grant exclusive or special preferences or privileges to itself or a limited group of businesses with respect to importing or exporting goods.
- Key Features:
 - Government monopolies may take the form of a single channel system for importing or exporting specific goods. This means that all goods entering a country must be sold to a public organization that may set prices or control supply.
 - Government monopolies will have the effect of reducing competition for importers and/or exporters.
- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “government”
 - “monopoly”
 - “control”
 - “only one”
 - “single channel”
 - “supplier”
 - “privileges”
 - “price”

1.3 – State Subsidies, Procurement, Trading, State Ownership

- Definition:
 - This sub-category is for all issues related to state subsidies, procurement, trading, and state ownership that are not covered elsewhere in Category 1, “Government Participation in Trade & Restrictive Practices Tolerated by Governments.”
- Key Features:
 - Examples of sub-categories relating to Government Participation in Trade & Restrictive Practices Tolerated by Governments measures include:
 - 1.1, “Export Subsidies”;
 - 1.2, “Government Monopoly in Export/Import”;
 - 1.4, “Preference Given to Domestic Bidders/Suppliers”;
 - 1.7, “Discriminatory or Flawed Government Procurement Policies”.
 - Government procurement is a structured procedure designed to consult the market for the purchase of a good or service, concluding in a public contract.

- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “government”
 - “subsidy”
 - “procurement”
 - “tender”
 - “bid”
 - “preference”
 - “domestic”

1.4 – Preference Given to Domestic Bidders/Suppliers

- Definition:
 - This sub-category relates to government measures controlling the purchase of goods by government agencies, preferring domestic over foreign suppliers.
- Key Features:
 - This sub-category may relate to government procurement of goods or public tenders.
 - Government procurement is a structured procedure designed to consult the market for the purchase of a good, concluding in a public contract.
 - This sub-category is for complaints related to governments giving preference to domestic business. (For issues of discrimination in government procurement between two or more non-domestic businesses, see sub-category 1.7: “Discriminatory or Flawed Government Procurement Policies”)
- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “government”
 - “procurement”
 - “bids”
 - “provider”
 - “tender”
 - “bid”
 - “preference”
 - “domestic”

1.5 – Requirement for Counter Trade

- Definition:

- Government requirements for engaging in trade where goods are exchanged for other goods rather than for currency.
- Key Features:
 - Bartering goods for other goods is a form of counter trade.
 - These transactions will not include cash or other forms of currency.
 - This sub-category may relate to public or private market transactions.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit;
 - ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 1 Formalities and Documentation Requirements
 - 1.1 With a view to minimizing the incidence and complexity of import, export, and transit formalities and to decreasing and simplifying import, export, and transit documentation requirements and taking into account the legitimate policy objectives and other factors such as changed circumstances, relevant new information, business practices, availability of techniques and technology, international best practices, and inputs from interested parties, each Member shall review such formalities and documentation requirements and, based on the results of the review, ensure, as appropriate, that such formalities and documentation requirements are:
 - (b) adopted and/or applied in a manner that aims at reducing the time and cost of compliance for traders and operators;
 - (c) the least trade restrictive measure chosen where two or more alternative measures are reasonably available for fulfilling the policy objective or objectives in question; and
 - (d) not maintained, including parts thereof, if no longer required.

- 1.2 The Committee shall develop procedures for the sharing by Members of relevant information and best practices, as appropriate.
- Keywords:
 - “currency”
 - “cash”
 - “barter”
 - “exchange”
 - “counter”

1.6 – Domestic Assistance Programmes for Companies

- Definition:
 - A policy or law by a government or governmental organization that establishes financial support or a contribution to a domestic business or producer. This contribution is not contingent on export performance.
- Key Features:
 - For Example: a country provides preferential terms on government loans to domestic businesses. This places foreign competitors at a disadvantage.
 - Domestic assistance programs will generally qualify as a subsidy, but they are not necessarily contingent on export performance. (For all other issues relating to export subsidies, see sub-category 1.1: “Export Subsidies”)
- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “support”
 - “financial”
 - “loan”
 - “interest rate”
 - “credit”
 - “preference”
 - “benefit”
 - “government assistance”
 - “government support”

1.7 – Discriminatory or Flawed Government Procurement Policies

- Definition:
 - A government procurement policy that a) confers an advantage, favour, privilege or immunity to traders, based on nationality, or b) which does not follow a clear, rules-based process.

- Key Features:
 - Government procurement is a structured procedure designed to consult the market for the purchase of a good, concluding in a public contract.
 - This sub-category is for complaints related to government discrimination in procurement between two or more non-domestic businesses. (For issues related to governments giving preference to domestic businesses, see sub-category 1.4: “Preference Given to Domestic Bidders/Suppliers”)
- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “advantage”
 - “favour”
 - “privilege”
 - “procurement”
 - “unfair”
 - “discrimination”
 - “tender”
 - “bid”
 - “flaw”

1.8 – Import Bans

- Definition:
 - A policy or law implemented by a country that prohibits the importation of a certain good.
- Key Features:
 - A country may ban the importation of a good coming from a single country, several countries, or all countries.
 - This sub-category relates to total bans on goods or classes of goods. (For temporary or regulatory prohibitions, see sub-category 5.10: “Prohibitions”)
 - This sub-category relates specifically with issues that arise with the country into which a trader is importing. This sub-category does not cover issues of transit through countries (For all other issues relating to transit, see sub-category 8.8: “Issues Related to Transit”).
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication

- “government”
- “decision”
- “import”
- “export”
- “deny”

1.10 – Determination of Eligibility of an Exporting Establishment by the Importing Country

- Definition:
 - Any decision by the government of an importing country, not related to an import licence, which has the effect of refusing market access to a foreign exporting establishment.
- Key features:
 - An exporting establishment can include: a company, a firm, or other organisation responsible for exporting.
 - This sub-category relates specifically with issues that arise when a country determines an exporting establishment’s eligibility to import. (For all other issues concerning the determination of eligibility of a country to import, see sub-category 1.9: “Determination of Eligibility of an Exporting Country by the Importing Country”)
 - This sub-category does not relate to the granting of an import licence. (For issues relating to importing licensing requirements, see sub-category 5.5: “Import Licence Requirements”)
- TFA Obligations:
 - This complaint sub-category does not appear to link to any TFA obligations.
- Keywords:
 - “eligible”
 - “market access”
 - “government”
 - “business”
 - “decision”
 - “import”
 - “export”
 - “deny”

1.11 – Occupational Safety and Health Regulation

- Definition:
 - A difference in occupational safety and health regulations between countries.
- Key Features:

- For Example: Country A refuses to allow the importation of products from Country B, because Country B has less stringent occupational safety and health regulations.
- For Example: Country B has lower regulatory standards than Country A. This provides producers in Country B with a comparative advantage.
- TFA Obligations:
 - Article 1 - PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (f) import, export or transit restrictions or prohibitions
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - Article 5 - OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY
 - 1 Notifications for enhanced controls or inspections
 - Where a Member adopts or maintains a system of issuing notifications or guidance to its concerned authorities for enhancing the level of controls or inspections at the border in respect of foods, beverages, or feedstuffs covered under the notification or guidance for protecting human, animal, or plant life or health within its territory, the following disciplines shall apply to the manner of their issuance, termination, or suspension:
 - (a) the Member may, as appropriate, issue the notification or guidance based on risk;
 - (b) the Member may issue the notification or guidance so that it applies uniformly only to those points of entry where the sanitary and phytosanitary conditions on which the notification or guidance are based apply;
 - (c) the Member shall promptly terminate or suspend the notification or guidance when circumstances giving rise to it no longer exist, or if changed circumstances can be addressed in a less trade-restrictive manner; and

- (d) when the Member decides to terminate or suspend the notification or guidance, it shall, as appropriate, promptly publish the announcement of its termination or suspension in a non-discriminatory and easily accessible manner, or inform the exporting Member or the importer.
- Keywords:
 - “policy”
 - “difference”
 - “international”
 - “standards”
 - “regulation”
 - “discrepancy”
 - “workplace”
 - “safety”
 - “health”

1.12 – Multiplicity and Controls of Foreign Exchange Market

- Definition:
 - A government restriction on the ability of individuals to dispose of or purchase foreign exchange in a country, or a government policy which mandates the use of particular foreign currencies.
- Key Features:
 - Multiplicity of currency is the use of multiple currencies in a country. This can be an issue if a government is manipulating the use of currencies in a manner that affects trade.
 - This sub-category is for general limitations on the use of foreign currency. (For specific limitations, targeting an industry, type of good, or trader/producer, see sub-category 5.2: “Exchange Controls”)
- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “exchange”
 - “foreign”
 - “purchase”
 - “dispose”
 - “sell”
 - “currency”

- “money”
- “cash”

1.13 – “Buy National” Policy

- Definition:
 - A policy or law that encourages or requires domestic consumption of goods produced by domestic businesses and prohibits or discourages consumption of imported goods.
- Key Features:
 - This sub-category may relate to financial incentives for businesses or consumers to buy domestic products.
 - This sub-category may include regulatory requirements to buy local goods.
 - This sub-category does not refer to consumer preferences.
 - This sub-category does not relate to issues associated with government procurement. (For all other issues concerning procurement, see sub-category 1.4: “Preference Given to Domestic Bidders/Suppliers”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “domestic”
 - “consumption”
 - “policy”
 - “preference”
 - “buy national”

- “local”
- “protect”

1.14 – Lack of Government Institution Coordination

- Definition:
 - Trade-related policies of one government agency that duplicate or conflict with those of another agency, or information on such policies that is not effectively circulated among all agencies.
- Key Features:
 - For Example: a country’s policies are not effectively communicated between government agencies, which creates redundancies or imposes impossible requirements on traders.
- TFA Obligations:
 - ARTICLE 8 – BORDER AGENCY COOPERATION
 - 1 Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.
 - ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 4 Single Window
 - 4.1 Members shall endeavour to establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.
 - 4.2 In cases where documentation and/or data requirements have already been received through the single window, the same documentation and/or data requirements shall not be requested by participating authorities or agencies except in urgent circumstances and other limited exceptions which are made public.
 - 4.3 Members shall notify the Committee of the details of operation of the single window.

- 4.4 Members shall, to the extent possible and practicable, use information technology to support the single window.
- 7 Common Border Procedures and Uniform Documentation Requirements
 - 7.1 Each Member shall, subject to paragraph 7.2, apply common customs procedures and uniform documentation requirements for release and clearance of goods throughout its territory.
 - 7.2 Nothing in this Article shall prevent a Member from:
 - (a) differentiating its procedures and documentation requirements based on the nature and type of goods, or their means of transport;
 - (b) differentiating its procedures and documentation requirements for goods based on risk management;
 - (c) differentiating its procedures and documentation requirements to provide total or partial exemption from import duties or taxes;
 - (d) applying electronic filing or processing; or
 - (e) differentiating its procedures and documentation requirements in a manner consistent with the Agreement on the Application of Sanitary and Phytosanitary Measures.
- Keywords:
 - “conflict”
 - “agency”
 - “policy”
 - “regulation”
 - “standards”
 - “inefficient”
 - “communication”
 - “duplication”

1.15 – Other

- Definition:
 - All other complaints related to Category 1, “Government participation in trade & restrictive practices tolerated by governments,” not covered by any sub-category within Category 1.

CATEGORY 2 – Customs and Administrative Entry Procedures

2.1 – Government Imposing Antidumping Duties

- Definition:
 - A government imposing a duty on imported goods in response to dumping. This is inappropriate if the duty is not linked to actual evidence of dumping, or exceeds the margin of dumping.
- Key Features:
 - The TFTA defines dumping as: The introduction into the commerce of a Tripartite Member State of products at less than their normal value and shall have the same meaning as in the WTO Agreement on Antidumping Measures (TFTA Annex 6: Annex on Trade Remedies, Article 1).
 - For Example: Country A determines that Country B is dumping goods into Country A's market. Country A imposes a duty designed to counteract the effect of the dumping.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
 - (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - 3 Enquiry
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “protect”
 - “dumping”
 - “duty”
 - “retaliate”
 - “domestic”
 - “market”
 - “price”

- “policy”

2.2 – Arbitrary Customs Classification

- Definition:
 - The unreasonable or unjustifiable classification of a good by a customs agency, resulting in the application of a higher rate of import duty or tariff.
- Key Features:
 - For Example: an agent of Country A arbitrarily classifies a trader’s goods under an incorrect tariff code. This results in a higher tariff charges on those goods.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
 - (d) rules for the classification or valuation of products for customs purposes;
 - ARTICLE 3: ADVANCE RULINGS
 - 1 Each Member shall issue an advance ruling in a reasonable, time-bound manner to the applicant that has submitted a written request containing all necessary information. If a Member declines to issue an advance ruling, it shall promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.
 - 2 A Member may decline to issue an advance ruling to the applicant where the question raised in the application:
 - (a) is already pending in the applicant's case before any governmental agency, appellate tribunal, or court; or
 - (b) has already been decided by any appellate tribunal or court.
 - 3 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.
 - 4 Where the Member revokes, modifies, or invalidates the advance ruling, it shall provide written notice to the applicant setting out the relevant facts and the basis for its decision. Where a Member revokes, modifies, or invalidates

advance rulings with retroactive effect, it may only do so where the ruling was based on incomplete, incorrect, false, or misleading information.

- 5 An advance ruling issued by a Member shall be binding on that Member in respect of the applicant that sought it. The Member may provide that the advance ruling is binding on the applicant.
- 6 Each Member shall publish, at a minimum:
 - (a) the requirements for the application for an advance ruling, including the information to be provided and the format;
 - (b) the time period by which it will issue an advance ruling; and
 - (c) the length of time for which the advance ruling is valid.
- 7 Each Member shall provide, upon written request of an applicant, a review of the advance ruling or the decision to revoke, modify, or invalidate the advance ruling.
- 8 Each Member shall endeavour to make publicly available any information on advance rulings which it considers to be of significant interest to other interested parties, taking into account the need to protect commercially confidential information.
- 9 Definitions and scope:
 - (a) An advance ruling is a written decision provided by a Member to the applicant prior to the importation of a good covered by the application that sets forth the treatment that the Member shall provide to the good at the time of importation with regard to:
 - (i) the good's tariff classification;
 - (b) In addition to the advance rulings defined in subparagraph (a), Members are encouraged to provide advance rulings on:
 - (i) the appropriate method or criteria, and the application thereof, to be used for determining the customs value under a particular set of facts;
 - (ii) the applicability of the Member's requirements for relief or exemption from customs duties;
 - (iii) the application of the Member's requirements for quotas, including tariff quotas; and
 - (iv) any additional matters for which a Member considers it appropriate to issue an advance ruling.
 - (c) An applicant is an exporter, importer or any person with a justifiable cause or a representative thereof.

- (d) A Member may require that the applicant have legal representation or registration in its territory. To the extent possible, such requirements shall not restrict the categories of persons eligible to apply for advance rulings, with particular consideration for the specific needs of small and medium-sized enterprises. These requirements shall be clear and transparent and not constitute a means of arbitrary or unjustifiable discrimination.
 - ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES
 - 1 General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
 - 1.2 Information on fees and charges shall be published in accordance with Article 1. This information shall include the fees and charges that will be applied, the reason for such fees and charges, the responsible authority and when and how payment is to be made.
 - ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 4 Risk Management
 - 4.2 Each Member shall design and apply risk management in a manner as to avoid arbitrary or unjustifiable discrimination, or a disguised restriction on international trade.
- Keywords:
 - “decision”
 - “arbitrary”
 - “incorrect”
 - “error”
 - “tariff”
 - “duty”
 - “schedule”
 - “border”
 - “officer”
 - “agent”
 - “HS Code”

2.3 – Issues Related to Rules of Origin

- Definition:
 - The rules applied by an importing country to determine a product’s country of origin for the purposes of applying the appropriate duties and restrictions to that good.

- Key features:
 - This sub-category relates to the place of origin of a product or a product's components.
 - Complaints may concern application of the rules or the rules themselves.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
 - ARTICLE 3: ADVANCE RULINGS
 - 1 Each Member shall issue an advance ruling in a reasonable, time-bound manner to the applicant that has submitted a written request containing all necessary information. If a Member declines to issue an advance ruling, it shall promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.
 - 2 A Member may decline to issue an advance ruling to the applicant where the question raised in the application:
 - (a) is already pending in the applicant's case before any governmental agency, appellate tribunal, or court; or
 - (b) has already been decided by any appellate tribunal or court.
 - 3 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.
 - 4 Where the Member revokes, modifies, or invalidates the advance ruling, it shall provide written notice to the applicant setting out the relevant facts and the basis for its decision. Where a Member revokes, modifies, or invalidates advance rulings with retroactive effect, it may only do so where the ruling was based on incomplete, incorrect, false, or misleading information.
 - 5 An advance ruling issued by a Member shall be binding on that Member in respect of the applicant that sought it. The Member may provide that the advance ruling is binding on the applicant.
 - 6 Each Member shall publish, at a minimum:

- (a) the requirements for the application for an advance ruling, including the information to be provided and the format;
 - (b) the time period by which it will issue an advance ruling; and
 - (c) the length of time for which the advance ruling is valid.
- 7 Each Member shall provide, upon written request of an applicant, a review of the advance ruling or the decision to revoke, modify, or invalidate the advance ruling.
- 8 Each Member shall endeavour to make publicly available any information on advance rulings which it considers to be of significant interest to other interested parties, taking into account the need to protect commercially confidential information.
- 9 Definitions and scope:
 - (a) An advance ruling is a written decision provided by a Member to the applicant prior to the importation of a good covered by the application that sets forth the treatment that the Member shall provide to the good at the time of importation with regard to:
 - (ii) the origin of the good.
 - (b) In addition to the advance rulings defined in subparagraph (a), Members are encouraged to provide advance rulings on:
 - (i) the appropriate method or criteria, and the application thereof, to be used for determining the customs value under a particular set of facts;
 - (ii) the applicability of the Member's requirements for relief or exemption from customs duties;
 - (iii) the application of the Member's requirements for quotas, including tariff quotas; and
 - (iv) any additional matters for which a Member considers it appropriate to issue an advance ruling.
 - (c) An applicant is an exporter, importer or any person with a justifiable cause or a representative thereof.
 - (d) A Member may require that the applicant have legal representation or registration in its territory. To the extent possible, such requirements shall not restrict the categories of persons eligible to apply for advance rulings, with particular consideration for the specific needs of small and medium-sized enterprises. These requirements shall be clear and transparent and not constitute a means of arbitrary or unjustifiable discrimination.

- Keywords:
 - “rules”
 - “origin”
 - “component”
 - “incorrect”
 - “error”
 - “tariff”
 - “duty”
 - “schedule”
 - “proportion”
 - “percentage”

2.4 – Import Licensing

- Definition:
 - The administrative measures imposed by a country in order for a trader to obtain permission to import into that country.
- Key Features:
 - For Example, complaints regarding import licensing may include:
 - Difficulty obtaining permission to import goods into a country;
 - Limits on the quantity of goods that may be imported;
 - Administrative delay in acquiring a licence;
 - Applications that are too onerous, or prohibitively expensive.
 - This sub-category is for complaints generally related to import licensing. (For all other issues concerning non-administrative issues relating to restrictive licence policies, see sub-category 5.5: “Import Licensing Requirements”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (f) import, export or transit restrictions or prohibitions
 - ARTICLE 7: RELEASE AND CLEARANCE OF GOODS

- 2.2 Where a government agency of a Member already holds the original of such a document, any other agency of that Member shall accept a paper or electronic copy, where applicable, from the agency holding the original in lieu of the original document.
- Keywords:
 - “administrative”
 - “procedure”
 - “import”
 - “licence”
 - “permit”
 - “time”
 - “cost”

2.5 – Decreed Customs Surcharges

- Definition:
 - A government policy imposing a surcharge on imports of a good, a class of goods, or all goods.
- Key Features:
 - A decreed customs surcharge is imposed in addition to existing tariffs and duties.
 - For Example: Country A has decreed a surcharge to be applied on all imports of agricultural goods. This increases the costs for traders importing into Country A.
 - This sub-category relates to general surcharges on imported goods implemented as a result of a specific government policy, which is in addition to other duties, tariffs, or taxes. (For all issues relating to taxation on goods crossing a border, see sub-category 6.6: “Border Taxes”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).

○ ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES

▪ 1 General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation

- 1.1 The provisions of paragraph 1 shall apply to all fees and charges other than import and export duties and other than taxes within the purview of Article III of GATT 1994 imposed by Members on or in connection with the importation or exportation of goods.
- 1.2 Information on fees and charges shall be published in accordance with Article 1. This information shall include the fees and charges that will be applied, the reason for such fees and charges, the responsible authority and when and how payment is to be made.
- 1.3 An adequate time period shall be accorded between the publication of new or amended fees and charges and their entry into force, except in urgent circumstances. Such fees and charges shall not be applied until information on them has been published.
- 1.4 Each Member shall periodically review its fees and charges with a view to reducing their number and diversity, where practicable.

○ ARTICLE 11: FREEDOM OF TRANSIT

- 2 Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.

• Keywords:

- “surcharge”
- “decree”
- “cost”
- “charge”
- “customs”
- “border”
- “transit”
- “transport”

2.6 – Additional Taxes & Other Charges

This category cannot be described in a way consistent with the MECE principle. We strongly recommend its removal. (See Proposed categories for removal section).

2.7 – International Taxes and Charges Levied On Imports And Other Tariff Measures

Based on our discussions with the Beneficiary, we understand this should be divided into two sub-categories. We would additionally recommend that the second element, i.e. “Charges Levied On Imports And Other Tariff Measures” should be removed for the same reasons identified with sub-category 2.6.

International Taxes

- Definition:
 - Tax liability from more than one country, experienced by businesses that operate internationally.
- Key Features:
 - Tax liability from more than one country may result in businesses that operate internationally being taxed twice for the same activities.
- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “tax”
 - “double tax”
 - “international”
 - “cost”
 - “corporate”

2.8 – Lengthy & Costly Customs Clearance Procedures

- Definition:
 - Unreasonable time delays or unreasonable monetary costs arising out of a customs clearance procedure or its implementation.
- Key Features:
 - Customs clearance procedures relate to the process by which goods are given permission by a customs authority to enter or exit a country.
 - This sub-category relates with costly customs clearance procedures. (For other costly procedural issues, see sub-category 7.4: “Costly Procedures”)
 - This sub-category relates with lengthy customs clearance procedures. (For other lengthy procedural issues, see sub-category 7.5: “Lengthy Procedures”)

- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 3 Enquiry Points
 - 3.3 Members are encouraged not to require the payment of a fee for answering enquiries and providing required forms and documents. If any, Members shall limit the amount of their fees and charges to the approximate cost of services rendered.
 - ARTICLE 3: ADVANCE RULINGS
 - 1 Each Member shall issue an advance ruling in a reasonable, time-bound manner to the applicant that has submitted a written request containing all necessary information. If a Member declines to issue an advance ruling, it shall promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.
 - ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES
 - 2 Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
 - Fees and charges for customs processing:
 - (i) shall be limited in amount to the approximate cost of the services rendered on or in connection with the specific import or export operation in question;
 - ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 1 Pre-arrival Processing
 - 1.1 Each Member shall adopt or maintain procedures allowing for the submission of import documentation and other required information, including manifests, in order to begin processing prior to the arrival of goods with a view to expediting the release of goods upon arrival.
 - 3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
 - 3.1 Each Member shall adopt or maintain procedures allowing the release of goods prior to the final determination of customs duties, taxes, fees, and charges, if such a determination is not done prior to, or upon arrival, or as rapidly as possible after arrival and provided that all other regulatory requirements have been met.
 - 4 Risk Management
 - 4.3 Each Member shall concentrate customs control and, to the extent possible other relevant border controls, on high-risk consignments and

expedite the release of low-risk consignments. A Member also may select, on a random basis, consignments for such controls as part of its risk management.

▪ 8 Expedited Shipments

- 8.1 Each Member shall adopt or maintain procedures allowing for the expedited release of at least those goods entered through air cargo facilities to persons who apply for such treatment, while maintaining customs control. If a Member employs criteria limiting who may apply, the Member may, in published criteria, require that the applicant shall, as conditions for qualifying for the application of the treatment described in paragraph 8.2 to its expedited shipments:
 - (a) provide adequate infrastructure and payment of customs expenses related to processing of expedited shipments in cases where the applicant fulfils the Member's requirements for such processing to be performed at a dedicated facility;
 - (b) submit in advance of the arrival of an expedited shipment the information necessary for the release;
 - (c) be assessed fees limited in amount to the approximate cost of services rendered in providing the treatment described in paragraph 8.2;
 - (d) maintain a high degree of control over expedited shipments through the use of internal security, logistics, and tracking technology from pick-up to delivery;
 - (e) provide expedited shipment from pick-up to delivery;
 - (f) assume liability for payment of all customs duties, taxes, fees, and charges to the customs authority for the goods;
 - (g) have a good record of compliance with customs and other related laws and regulations;
 - (h) comply with other conditions directly related to the effective enforcement of the Member's laws, regulations, and procedural requirements, that specifically relate to providing the treatment described in paragraph 8.2.
- 8.2 Subject to paragraphs 8.1 and 8.3, Members shall:
 - (a) minimize the documentation required for the release of expedited shipments in accordance with paragraph 1 of Article 10 and, to the extent possible, provide for release based on a single submission of information on certain shipments;

- (b) provide for expedited shipments to be released under normal circumstances as rapidly as possible after arrival, provided the information required for release has been submitted;
- (c) endeavour to apply the treatment in subparagraphs (a) and (b) to shipments of any weight or value recognizing that a Member is permitted to require additional entry procedures, including declarations and supporting documentation and payment of duties and taxes, and to limit such treatment based on the type of good, provided the treatment is not limited to low value goods such as documents; and
- (d) provide, to the extent possible, for a *de minimis* shipment value or dutiable amount for which customs duties and taxes will not be collected, aside from certain prescribed goods. Internal taxes, such as value added taxes and excise taxes, applied to imports consistently with Article III of the GATT 1994 are not subject to this provision.
- 8.3 Nothing in paragraphs 8.1 and 8.2 shall affect the right of a Member to examine, detain, seize, confiscate or refuse entry of goods, or to carry out post-clearance audits, including in connection with the use of risk management systems. Further, nothing in paragraphs 8.1 and 8.2 shall prevent a Member from requiring, as a condition for release, the submission of additional information and the fulfilment of non-automatic licensing requirements.
- 9 Perishable Goods
 - 9.1 With a view to preventing avoidable loss or deterioration of perishable goods, and provided that all regulatory requirements have been met, each Member shall provide for the release of perishable goods:
 - (a) under normal circumstances within the shortest possible time; and
 - (b) in exceptional circumstances where it would be appropriate to do so, outside the business hours of customs and other relevant authorities.
 - 9.2 Each Member shall give appropriate priority to perishable goods when scheduling any examinations that may be required.

- ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 1 Formalities and Documentation Requirements
 - 1.1 With a view to minimizing the incidence and complexity of import, export, and transit formalities and to decreasing and simplifying import, export, and transit documentation requirements and taking into account the legitimate policy objectives and other factors such as changed circumstances, relevant new information, business practices, availability of techniques and technology, international best practices, and inputs from interested parties, each Member shall review such formalities and documentation requirements and, based on the results of the review, ensure, as appropriate, that such formalities and documentation requirements are:
 - (a) adopted and/or applied with a view to a rapid release and clearance of goods, particularly perishable goods;
 - (b) adopted and/or applied in a manner that aims at reducing the time and cost of compliance for traders and operators;
- Keywords
 - “administrative”
 - “procedure”
 - “time”
 - “cost”
 - “transport”
 - “transit”
 - “border”
 - “clearing”

2.9 – Issues Related to Transit Fees

- Definition:
 - Fees arising from an administrative process, government policy, or regulation imposed by a country through which goods are transported while bound for a final destination in a third country, except for reasonable administrative or transportation costs.
- Key Features:
 - Transit is the movement of goods from one country through a second country to a third country.

- Issues related to transit fees often arise for land-locked countries seeking to access to sea or ocean routes for transporting goods.
- This sub-category does not apply to legitimate and demonstrable costs associated with transportation, such as non-discriminatory tolls or fuel costs.
- This sub-category does not include costs proportional to the value of administrative services rendered.
- This sub-category is for complaints related to transit-related fees. (For all other transit issues, see sub-category 8.8: “Issues Related to Transit”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - (g) penalty provisions for breaches of import, export, or transit formalities;
 - (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit; and
 - ARTICLE 11: FREEDOM OF TRANSIT
 - 1 Any regulations or formalities in connection with traffic in transit imposed by a Member shall not be:
 - (a) maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a reasonably available less trade-restrictive manner;
 - (b) applied in a manner that would constitute a disguised restriction on traffic in transit.
 - 2 Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.
 - 7 Once goods have been put under a transit procedure and have been authorized to proceed from the point of origination in a Member's territory,

they will not be subject to any customs charges nor unnecessary delays or restrictions until they conclude their transit at the point of destination within the Member's territory.

- 11 Where a Member requires a guarantee in the form of a surety, deposit or other appropriate monetary or non-monetary¹³ instrument for traffic in transit, such guarantee shall be limited to ensuring that requirements arising from such traffic in transit are fulfilled.
- 12 Once the Member has determined that its transit requirements have been satisfied, the guarantee shall be discharged without delay.
- 13 Each Member shall, in a manner consistent with its laws and regulations, allow comprehensive guarantees which include multiple transactions for same operators or renewal of guarantees without discharge for subsequent consignments.
- 14 Each Member shall make publicly available the relevant information it uses to set the guarantee, including single transaction and, where applicable, multiple transaction guarantee.
- 15 Each Member may require the use of customs convoys or customs escorts for traffic in transit only in circumstances presenting high risks or when compliance with customs laws and regulations cannot be ensured through the use of guarantees. General rules applicable to customs convoys or customs escorts shall be published in accordance with Article 1.
- 16 Members shall endeavour to cooperate and coordinate with one another with a view to enhancing freedom of transit. Such cooperation and coordination may include, but is not limited to, an understanding on:
 - (a) charges;
 - (b) formalities and legal requirements; and
 - (c) the practical operation of transit regimes.
- 17 Each Member shall endeavour to appoint a national transit coordinator to which all enquiries and proposals by other Members relating to the good functioning of transit operations can be addressed.

- Keywords

- “administrative”
- “procedure”
- “time”
- “fee”
- “cost”
- “transport”
- “transit”

- “transport”
- “border”

2.10 – Inadequate or Unreasonable Customs Procedures & Charges

This category cannot be described in a way consistent with the MECE principle. We strongly recommend its removal. (See Proposed categories for removal section).

2.11 – Lack of Control in Customs-Related Infrastructure

- Definition:
 - Deficiencies or inadequacies in security infrastructure at customs entry points or other border crossings which result in a lack of control over goods clearing customs.
- Key Features:
 - For Example: While importing goods in to Country A, traders must temporarily transfer control of their goods to officials in order to clear customs. Country A does not possess the infrastructure to ensure the protection of the goods while the temporary transfer takes place.
- TFA Obligations:
 - ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 9 Perishable Goods
 - 9.3 Each Member shall either arrange or allow an importer to arrange for the proper storage of perishable goods pending their release. The Member may require that any storage facilities arranged by the importer have been approved or designated by its relevant authorities. The movement of the goods to those storage facilities, including authorizations for the operator moving the goods, may be subject to the approval, where required, of the relevant authorities. The Member shall, where practicable and consistent with domestic legislation, upon the request of the importer, provide for any procedures necessary for release to take place at those storage facilities.
 - ARTICLE 8: BORDER AGENCY COOPERATION
 - 1 Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.
- Keywords:
 - “security”
 - “protect”

- “infrastructure”
- “facility”
- “capacity”
- “theft”
- “danger”
- “clearance”
- “transit”
- “border”
- “customs”

2.12 – Lack of Capacity of Customs Officers

- Definition:
 - Deficiencies in the training of customs officers, in the quality or amount of equipment available to customs officers, or in border office staffing levels.
- Key Features:
 - Personnel training or equipment may be non-existent, inadequate, or ineffective.
 - For Example: Country A’s main border crossing is chronically understaffed, creating significant delays for traders.
- TFA Obligations:
 - ARTICLE 3: ADVANCE RULINGS
 - 1 Each Member shall issue an advance ruling in a reasonable, time-bound manner to the applicant that has submitted a written request containing all necessary information. If a Member declines to issue an advance ruling, it shall promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.
 - ARTICLE 5: OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY
 - 2 Detention
 - 2 A Member shall promptly inform the carrier or importer in case of detention of goods declared for importation, for inspection by customs or any other competent authority.
 - 3 Test Procedures
 - 3.3 A Member shall consider the result of the second test, if any, conducted under paragraph 3.1, for the release and clearance of goods and, if appropriate, may accept the results of such test.
 - ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 1 Pre-arrival Processing

- 1.1 Each Member shall adopt or maintain procedures allowing for the submission of import documentation and other required information, including manifests, in order to begin processing prior to the arrival of goods with a view to expediting the release of goods upon arrival.
 - 3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
 - 3.1 Each Member shall adopt or maintain procedures allowing the release of goods prior to the final determination of customs duties, taxes, fees, and charges, if such a determination is not done prior to, or upon arrival, or as rapidly as possible after arrival and provided that all other regulatory requirements have been met.
 - 5 Post-clearance Audit
 - 5.2 Each Member shall select a person or a consignment for post-clearance audit in a risk-based manner, which may include appropriate selectivity criteria. Each Member shall conduct post-clearance audits in a transparent manner. Where the person is involved in the audit process and conclusive results have been achieved the Member shall, without delay, notify the person whose record is audited of the results, the person's rights and obligations, and the reasons for the results.
- ARTICLE 8: BORDER AGENCY COOPERATION
 - 1 Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.
- ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 4 Single Window
 - 4.1 Members shall endeavour to establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.
 - 4.2 In cases where documentation and/or data requirements have already been received through the single window, the same documentation and/or data requirements shall not be requested by

participating authorities or agencies except in urgent circumstances and other limited exceptions which are made public.

- 4.3 Members shall notify the Committee of the details of operation of the single window.
- 4.4 Members shall, to the extent possible and practicable, use information technology to support the single window.
- Keywords:
 - “officer”
 - “official”
 - “agent”
 - “personnel”
 - “training”
 - “qualification”
 - “equipment”
 - “border”
 - “clearing”
 - “transit”
 - “transport”
 - “customs”

2.13 – Issues Related to Pre-Shipment Inspections

- Definition:
 - Issues related to compulsory quality, quantity, or price controls on goods prior to shipment from the exporting country, which are mandated by the authorities of the importing country.
- Key Features:
 - This sub-category may relate to administrative delays in obtaining pre-shipment certificates.
 - This sub-category may relate to issues of certificate-recognition at the border of the importing country.
 - This sub-category may relate to inspection requirements that are in contravention of existing agreements or treaties between the countries.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication

CATEGORY 3 – Technical Barriers to Trade

3.1 – Restrictive Technical Regulations and Standards Not Based On International Standards

- Definition:
 - Product standards or regulations for goods that are more stringent or substantially different than international standards.
- Key Features:
 - In order to be considered an international standard, it must be accepted as universal within a given trade region or internationally.
 - For Example: Country A is refusing to recognize standards issued by the International Organization for Standardization despite other countries in the region having done so.
- TFA Obligations:
 - ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 3 Use of International Standards
 - 3.1 Members are encouraged to use relevant international standards or parts thereof as a basis for their import, export, or transit formalities and procedures, except as otherwise provided for in this Agreement.
 - 3.2 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 organizations.
 - 3.3 The Committee shall develop procedures for the sharing by Members of relevant information, and best practices, on the implementation of international standards, as appropriate. Committee may also invite 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.
 - 8 Rejected Goods
 - 8.1 Where goods presented for import are rejected by the competent authority of a Member on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or to return the rejected goods to the exporter or another person designated by the exporter.
 - ARTICLE 11: FREEDOM OF TRANSIT

- 8 Members shall not apply technical regulations and conformity assessment procedures within the meaning of the Agreement on Technical Barriers to Trade to goods in transit.
 - ARTICLE 24: FINAL PROVISIONS
 - 6 Notwithstanding the general interpretative note to Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.
- Keywords:
 - “standards”
 - “international”
 - “certificate”
 - “certification”
 - “quality”
 - “restrictive”
 - “TBT”
 - “ISO”

3.2 – Inadequate/Unreasonable Testing & Certification Arrangements

- Definition:
 - Testing and certification arrangements are agreements between countries that aim to achieve harmonization by recognizing agreed-upon standards. Issues can arise when a country fails to adhere to the arrangement, subjecting traders to inefficiencies that the countries sought to avoid.
- Key Features:
 - For Example: Countries A and B agree to recognize each other’s standards for marketing food as organic. A trader has had their goods certified as organic in Country A, but Country B is refusing to acknowledge this certification, making the trader go through the process again.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable

governments, traders, and other interested parties to become acquainted with them:

- (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit
- 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- ARTICLE 8: BORDER AGENCY COOPERATION
 - 1 Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.
 - 2 Each Member shall, to the extent possible and practicable, cooperate on mutually agreed terms with other Members with whom it shares a common border with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:
 - (b) alignment of procedures and formalities
- ARTICLE 24: FINAL PROVISIONS
 - 6 Notwithstanding the general interpretative note to Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.
- Keywords:
 - “inadequate”
 - “unreasonable”
 - “testing”
 - “arrangement”
 - “certification”
 - “standards”
 - “recognize”

3.3 – Standards Disparities

- Definition:
 - A difference in technical standards or regulations for goods between countries that is sufficient to provide an advantage to businesses and producers in one country that is not available to businesses in other countries.
- Key Features:
 - Standards disparities can exist provided they are implemented for legitimate purposes (e.g. furthering public policy goals), or comply with international standards.
 - For Example: Country A has developed a policy that requires all plastic goods to be comprised of at least 50% recycled plastic. Country B, which regularly exports plastic goods to Country A, only requires 25% recycled plastic content. Because of this disparity in their respective standards, goods from Country B can no longer be exported to Country A.
 - This sub-category is for issues relating to technical standards for goods. (For all complaints relating to worker safety and health regulations, see sub-category 1.11: “Occupational Safety and Health Regulation”)
- TFA Obligations:
 - ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 3 Use of International Standards
 - 3.1 Members are encouraged to use relevant international standards or parts thereof as a basis for their import, export, or transit formalities and procedures, except as otherwise provided for in this Agreement.
 - 3.2 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 organizations.
 - 3.3 The Committee shall develop procedures for the sharing by Members of relevant information, and best practices, on the implementation of international standards, as appropriate.
 - The Committee may also invite 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.
 - 8 Rejected Goods
 - 8.1 Where goods presented for import are rejected by the competent authority of a Member on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the

Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or to return the rejected goods to the exporter or another person designated by the exporter.

- ARTICLE 11: FREEDOM OF TRANSIT
 - 8 Members shall not apply technical regulations and conformity assessment procedures within the meaning of the Agreement on Technical Barriers to Trade to goods in transit.
- ARTICLE 24: FINAL PROVISIONS
 - 6 Notwithstanding the general interpretative note to Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.

- Keywords:

- “standards”
- “discrepancies”
- “international”
- “certificate”
- “certification”
- “quality”
- “TBT”
- “ISO”
- “regulation”

3.4 – Intergovernmental Acceptance of Testing Methods & Standards

- Definition:

- Refusal by a country to recognize or coordinate on testing methods or standards used in another country.

- Key Features:

- A country’s refusal to accept another country’s testing methods and standards may create inefficiencies for businesses engaging in trade.
- For Example: Country A refuses to accept the testing methods which are standard across the region in manufacturing a type of good. This results in a need to duplicate testing in order to trade with that country. This duplication increases the costs of doing business.

- TFA Obligations:
 - ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 3 Use of International Standards
 - 3.1 Members are encouraged to use relevant international standards or parts thereof as a basis for their import, export, or transit formalities and procedures, except as otherwise provided for in this Agreement.
 - 3.2 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 organizations.
 - 3.3 The Committee shall develop procedures for the sharing by Members of relevant information, and best practices, on the implementation of international standards, as appropriate.
 - The Committee may also invite 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.
 - 8 Rejected Goods
 - 8.1 Where goods presented for import are rejected by the competent authority of a Member on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or to return the rejected goods to the exporter or another person designated by the exporter.
 - ARTICLE 11: FREEDOM OF TRANSIT
 - 8 Members shall not apply technical regulations and conformity assessment procedures within the meaning of the Agreement on Technical Barriers to Trade to goods in transit.
 - ARTICLE 24: FINAL PROVISIONS
 - 6 Notwithstanding the general interpretative note to Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.
- Keywords:

- “standards”
- “discrepancies”
- “international”
- “certificate”
- “certification”
- “quality”
- “TBT”
- “ISO”
- “regulation”
- “acceptance”

3.5 – Issues Related to Packaging, Labeling and Marking

- Definition:
 - This sub-category relates to issues concerned with requirement for packaging, labeling, and marking of goods being imported into a country.
- Key Features:
 - For Example: Country A requires that packaging for all goods being imported must have both country’s official languages. Issues may arise if these requirements are not made clear to traders.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - ARTICLE 24: FINAL PROVISIONS

- 6. Notwithstanding the general interpretative note to Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.
- Keywords:
 - “packaging”
 - “label”
 - “marking”
 - “requirement”
 - “regulation”
 - “shipping”
 - “discrepancy”
 - “standards”
 - “language”

Removed sub-categories 3.6 & 3.7 which were titled “Unknown”

3.8 – Other

- Definition:
 - Other complaints related to Category 3, “Technical Barriers to Trade,” not covered by any sub-category within Category 3.

CATEGORY 4 – Sanitary and Phyto-Sanitary Measures

4.1 – Issues Related to Sanitary & Phyto-Sanitary Measures

- Definition:
 - Sanitary and phyto-sanitary (SPS) measures allow countries to implement measures to safeguard human, animal, or plant life or health. Issues can arise when countries implement SPS measures without appropriate justification.
- Key Features:
 - SPS measures do not address environmental protection, animal welfare, or the protection of consumer interests.
- TFA Obligations:

- ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- ARTICLE 5: OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY
 - 1 Notifications for enhanced controls or inspections.
 - Where a Member adopts or maintains a system of issuing notifications or guidance to its concerned authorities for enhancing the level of controls or inspections at the border in respect of foods, beverages, or feedstuffs covered under the notification or guidance for protecting human, animal, or plant life or health within its territory, the following disciplines shall apply to the manner of their issuance, termination, or suspension:
 - (a) the Member may, as appropriate, issue the notification or guidance based on risk;
 - (b) the Member may issue the notification or guidance so that it applies uniformly only to those points of entry where the sanitary and phytosanitary conditions on which the notification or guidance are based apply;
 - (c) the Member shall promptly terminate or suspend the notification or guidance when circumstances giving rise to it no longer exist, or if changed circumstances can be addressed in a less trade-restrictive manner; and
 - (d) when the Member decides to terminate or suspend the notification or guidance, it shall, as appropriate, promptly

publish the announcement of its termination or suspension in a non-discriminatory and easily accessible manner, or inform the exporting Member or the importer.

- 2 Detention
 - A Member shall promptly inform the carrier or importer in case of detention of goods declared for importation, for inspection by customs or any other competent authority.
- 3 Test Procedures
 - 3.1 A Member may, upon request, grant an opportunity for a second test in case the first test result of a sample taken upon arrival of goods declared for importation shows an adverse finding.
 - 3.2 A Member shall either publish, in a non-discriminatory and easily accessible manner, the name and address of any laboratory where the test can be carried out or provide this information to the importer when it is granted the opportunity provided under paragraph 3.1.
 - 3.3 A Member shall consider the result of the second test, if any, conducted under paragraph 3.1, for the release and clearance of goods and, if appropriate, may accept the results of such test.
- ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 7 Common Border Procedures and Uniform Documentation Requirements
 - 7.1 Each Member shall, subject to paragraph 7.2, apply common customs procedures and uniform documentation requirements for release and clearance of goods throughout its territory.
 - 7.2 Nothing in this Article shall prevent a Member from:
 - (a) differentiating its procedures and documentation requirements based on the nature and type of goods, or their means of transport;
 - (b) differentiating its procedures and documentation requirements for goods based on risk management;
 - (c) differentiating its procedures and documentation requirements to provide total or partial exemption from import duties or taxes;
 - (d) applying electronic filing or processing; or
 - (e) differentiating its procedures and documentation requirements in a manner consistent with the Agreement on the Application of Sanitary and Phytosanitary Measures.

- 8 Rejected Goods
 - 8.1 Where goods presented for import are rejected by the competent authority of a Member on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or to return the rejected goods to the exporter or another person designated by the exporter.
 - 8.2 When such an option under paragraph 8.1 is given and the importer fails to exercise it within a reasonable period of time, the competent authority may take a different course of action to deal with such non-compliant goods.
- ARTICLE 24: FINAL PROVISIONS
 - 6. Notwithstanding the general interpretative note to Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.

4.2 – Other

Given sub-category 4.1: “Issues Related to Sanitary & Phyto-Sanitary Measures”, we recommend this sub-category be removed.

CATEGORY 5 – Specific Limitations

5.1 – Quantitative Restrictions

- Definition:
 - A restriction on the amount or value of a specified good being imported into a country.
- Key Features:
 - Quantitative restrictions may be enacted to protect the price of a domestically-protected good.
 - This sub-category is not for issues specifically related to quotas. (For all issues related to quotas, see sub-category 5.4: “Quotas”)

- This sub-category is not for issues related to temporary safeguard measures. (For all issues related temporary safeguard measures, see sub-category 5.11: “Quantitative Safeguard Measures”)
- TFA Obligations:
 - Article 1 PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “restriction”
 - “quantity”
 - “amount”
 - “limit”
 - “percentage”
 - “cap”
 - “maximum”
 - “value”

5.2 – Exchange Controls

- Definition:
 - A specific or targeted government restriction on the ability of individuals to dispose of or purchase foreign exchange in a country.
- Key Features:
 - For Example: Country A requires all trades in luxury vehicles to be conducted in a specific currency.
 - This sub-category is for specific limitations, targeting an industry, type of good, or trader/producer. (For general controls on foreign exchange, see sub-category 1.12: “Multiplicity and Controls of Foreign Exchange Market”)

- TFA Obligations:
 - This complaint sub-category does not appear to directly link to any TFA obligations.
- Keywords:
 - “exchange”
 - “foreign”
 - “purchase”
 - “dispose”
 - “sell”
 - “currency”
 - “money”
 - “cash”

5.3 – Export Taxes

- Definition:
 - Taxes collected on exported goods by the government of the exporting country.
- Key Features:
 - Taxes may be charged as a flat rate or as a percentage of the value of the good.
 - This sub-category relates to taxes on exported goods charged. (For all issues related to taxes charged on imported goods at the border, see sub-category 6.6: “Border Taxes”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “tax”

- “export”
- “levy”
- “cost”
- “high”

5.4 – Quotas

- Definition:
 - Restrictions on the importation of specific products through the setting of a maximum quantity or value that is authorized for import into a country.
- Key Features:
 - Quotas can be enacted to encourage production of a good domestically by shielding domestic products from competition.
 - This sub-category relates specifically to quotas. (For all other issues related to quantitative restrictions, see sub-category 5.1: “Quantitative Restrictions”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (f) import, export or transit restrictions or prohibitions;
 - (j) procedures relating to the administration of tariff quotas.
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “quota”
 - “restriction”
 - “quantity”
 - “amount”
 - “limit”
 - “percentage”
 - “cap”

- “maximum”
- “value”

5.6 – Proportion Restrictions of Foreign to Domestic Goods (Local Content Requirement)

- Definition:
 - Requirements that manufactured goods contain a certain quantity of domestic content before it can be imported into the country.
- Key Features:
 - For Example: Country A sets a threshold that 50% of the cotton in shirts being imported into Country A must have been sourced from Country A. This may create significant costs or production challenges for businesses in Country B, making impossible for those businesses to export shirts into Country A.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “quantity”
 - “percentage”
 - “local”
 - “domestic”
 - “content”
 - “source”
 - “origin”
 - “proportion”

5.7 – Minimum Import Price Limits

- Definition:
 - Pre-established minimum import price set by an importing country, below which imports cannot take place.
- Key Features:
 - For Example: Country A establishes a floor-price for imported maize. Maize costs less than this floor-price in Country B. Regardless, all maize must be imported at a value equal to or above this price.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (d) rules for the classification or valuation of products for customs purposes;
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - ARTICLE 3: ADVANCE RULINGS
 - 1 Each Member shall issue an advance ruling in a reasonable, time-bound manner to the applicant that has submitted a written request containing all necessary information. If a Member declines to issue an advance ruling, it shall promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.
 - 9 Definitions and scope:
 - (b) In addition to the advance rulings defined in subparagraph (a), Members are encouraged to provide advance rulings on:
 - (i) the appropriate method or criteria, and the application thereof, to be used for determining the customs value under a particular set of facts;
- Keywords:

- “price”
- “cost”
- “market”
- “minimum”
- “floor”
- “import”
- “protect”
- “limit”

5.8 – Embargoes

- Definition:
 - Prohibition on trade with a country or group of countries, applied for political reasons.
- Key Features:
 - An embargo may be full or partial, and may target specific industries or goods, or entire countries.
 - Embargoes are generally imposed to exert political pressure on a foreign country.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “policy”
 - “foreign”
 - “embargo”
 - “sanction”
 - “ban”

- “total”

5.9 – Non-automatic Licensing

- Definition:
 - A non-automatic licensing system allows a country to use decision when issuing an import licence. This is used to administer trade restrictions.
- Key Features:
 - If a non-automatic licence policy is used to enforce legitimate trade restrictions, it must correspond in scope and duration to the purpose underlying the restriction.
 - For Example: Country A wants to impose a quantitative restriction on maize during the summer. It achieves this by implementing a non-automatic licensing policy during the summer months. In the following autumn, a trader from Country B discovers that this policy is still in effect and therefore is not legitimate.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - ARTICLE 4: PROCEDURES FOR APPEAL OR REVIEW
 - 1 Each Member shall provide that any person to whom customs issues an administrative decision has the right, within its territory, to:
 - (a) an administrative appeal to or review by an administrative authority higher than or independent of the official or office that issued the decision; and/or
 - (b) a judicial appeal or review of the decision.

- ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 8 Expedited Shipments
 - 8.1 Each Member shall adopt or maintain procedures allowing for the expedited release of at least those goods entered through air cargo facilities to persons who apply for such treatment, while maintaining customs control.⁸ If a Member employs criteria⁹ limiting who may apply, the Member may, in published criteria, require that the applicant shall, as conditions for qualifying for the application of the treatment described in paragraph 8.2 to its expedited shipments:
 - (a) provide adequate infrastructure and payment of customs expenses related to processing of expedited shipments in cases where the applicant fulfils the Member's requirements for such processing to be performed at a dedicated facility;
 - (b) submit in advance of the arrival of an expedited shipment the information necessary for the release;
 - (c) be assessed fees limited in amount to the approximate cost of services rendered in providing the treatment described in paragraph 8.2;
 - (d) maintain a high degree of control over expedited shipments through the use of internal security, logistics, and tracking technology from pick-up to delivery;
 - (e) provide expedited shipment from pick-up to delivery;
 - (f) assume liability for payment of all customs duties, taxes, fees, and charges to the customs authority for the goods;
 - (g) have a good record of compliance with customs and other related laws and regulations;
 - (h) comply with other conditions directly related to the effective enforcement of the Member's laws, regulations, and procedural requirements, that specifically relate to providing the treatment described in paragraph 8.2.
 - 8.2 Subject to paragraphs 8.1 and 8.3, Members shall:
 - (a) minimize the documentation required for the release of expedited shipments in accordance with paragraph 1 of Article 10 and, to the extent possible, provide for release based on a single submission of information on certain shipments;
 - (b) provide for expedited shipments to be released under normal circumstances as rapidly as possible after arrival,

provided the information required for release has been submitted;

- (c) endeavour to apply the treatment in subparagraphs (a) and (b) to shipments of any weight or value recognizing that a Member is permitted to require additional entry procedures, including declarations and supporting documentation and payment of duties and taxes, and to limit such treatment based on the type of good, provided the treatment is not limited to low value goods such as documents; and
 - (d) provide, to the extent possible, for a de minimis shipment value or dutiable amount for which customs duties and taxes will not be collected, aside from certain prescribed goods. Internal taxes, such as value added taxes and excise taxes, applied to imports consistently with Article III of the GATT 1994 are not subject to this provision.
- 8.3 Nothing in paragraphs 8.1 and 8.2 shall affect the right of a Member to examine, detain, seize, confiscate or refuse entry of goods, or to carry out post-clearance audits, including in connection with the use of risk management systems. Further, nothing in paragraphs 8.1 and 8.2 shall prevent a Member from requiring, as a condition for release, the submission of additional information and the fulfilment of non-automatic licensing requirements.
- Keywords:
 - “licence”
 - “non-automatic”
 - “restriction”
 - “SPS”
 - “policy”

5.5 – Import Licensing Requirements

- Definition:
 - Licensing requirements imposed by the importing country on specific goods or classes of goods being imported into that country.
- Key Features:
 - For Example: Country A requires a trader to import a minimum amount of maize in order to qualify for a licence. If the trader be unable to meet this threshold, they will not be granted the licence.

- This sub-category relates to issues regarding the stated requirements for acquiring an import licence. (For all administrative and procedural issues with import licences see category 2.4: “Import Licensing”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 1 Pre-arrival Processing
 - 1.1 Each Member shall adopt or maintain procedures allowing for the submission of import documentation and other required information, including manifests, in order to begin processing prior to the arrival of goods with a view to expediting the release of goods upon arrival.
 - 1.2 Each Member shall, as appropriate, provide for advance lodging of documents in electronic format for pre-arrival processing of such documents.
 - ARTICLE 10: FORMALITIES CONNECTED WITH THE IMPORTATION, EXPORTATION AND TRANSIT
 - 1 Formalities and Documentation Requirements
 - 1.1 With a view to minimizing the incidence and complexity of import, export, and transit formalities and to decreasing and simplifying import, export, and transit documentation requirements and taking into account the legitimate policy objectives and other factors such as changed circumstances, relevant new information, business practices,

availability of techniques and technology, international best practices, and inputs from interested parties, each Member shall review such formalities and documentation requirements and, based on the results of the review, ensure, as appropriate, that such formalities and documentation requirements are:

- (a) adopted and/or applied with a view to a rapid release and clearance of goods, particularly perishable goods;
 - (b) adopted and/or applied in a manner that aims at reducing the time and cost of compliance for traders and operators;
 - (c) the least trade restrictive measure chosen where two or more alternative measures are reasonably available for fulfilling the policy objective or objectives in question; and
 - (d) not maintained, including parts thereof, if no longer required.
- 1.2 The Committee shall develop procedures for the sharing by Members of relevant information and best practices, as appropriate.
- 2 Acceptance of Copies
 - 2.1 Each Member shall, where appropriate, endeavour to accept paper or electronic copies of supporting documents required for import, export, or transit formalities.
 - 2.2 Where a government agency of a Member already holds the original of such a document, any other agency of that Member shall accept a paper or electronic copy, where applicable, from the agency holding the original in lieu of the original document.
- Keywords:
 - “import”
 - “licence”
 - “requirement”
 - “permit”
 - “procedure”
 - “application”
 - “denial”
 - “rejection”

5.10 – Prohibitions

- Definition:

- A restriction on the importation of a good, which may be imposed for regulatory reasons.
- Key Features:
 - A restriction on the importation of a good, which may be imposed for regulatory reasons.
 - Generally, prohibitions apply to imported and domestic goods.
 - For example, a prohibition may take the form of:
 - Seasonal Prohibition;
 - Temporary prohibition, including suspension of issuance of licences;
 - Prohibition of importation in bulk;
 - Prohibition of products infringing patents or other intellectual property rights.
 - This sub-category relates to specific prohibitions. (For total import bans, see sub-sub-category 1.8: “Import Bans”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “prohibit”
 - “import”
 - “restrict”
 - “regulation”
 - “domestic”
 - “allow”
 - “entry”
 - “border”

5.11 – Quantitative Safeguard Measures

- Definition:
 - A temporary restriction on the quantity of a good being imported, which a country implements to prevent or remedy serious economic injury to the domestic industry that produces similar goods.
- Key Features:
 - A country typically imposes such measures after having determined that the quantity of imports of a specific good will cause or threaten to cause serious injury to its industry.
 - This sub-category is for issues specifically related to temporary safeguard measures. (For all other quantitative restriction issues, see sub-category 5.1: “Quantitative Restrictions”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “temporary”
 - “measure”
 - “domestic”
 - “restriction”
 - “safeguard”
 - “damage”
 - “protect”

5.12 – Export Restraint Arrangements

- Definition:
 - An arrangement by which an exporter agrees to limit exports in order to avoid the imposition of restrictions by an importing country.
- Key Features:
 - An arrangement may take the form of quotas, raised tariffs, or any other import controls.
 - An arrangement may be concluded at either the government or industry level.
 - For Example: Country A makes an agreement with maize farmers in Country B in order to reduce maize imports from Country B. They do this in order to avoid Country A having to implement a trade-restrictive policy.
- TFA Obligations:
 - ARTICLE 11: FREEDOM OF TRANSIT
 - 3 Members shall not seek, take, or maintain any voluntary restraints or any other similar measures on traffic in transit. This is without prejudice to existing and future national regulations, bilateral or multilateral arrangements related to regulating transport, consistent with WTO rules.
- Keywords:
 - “arrangement”
 - “agreement”
 - “export”
 - “import”
 - “restrict”
 - “limit”
 - “voluntary”

5.13 – Other Quantity Control Measures

- Definition:
 - This sub-category is for all other issues related to quantity control measures that are not covered elsewhere in Category 5, “Specific Limitations.”
- Key Features:
 - Examples of sub-categories relating to quantity control measures include:
 - 5.1: “Quantitative Restrictions”;
 - 5.4: “Quotas”;
 - 5.5: “Import Licensing Requirements”;
 - 5.8: “Embargoes”;

- 5.9: “Non-Automatic Licensing”;
 - 5.10: “Prohibitions”;
 - 5.11: “Quantitative Safeguard Measures”;
 - 5.12: “Export Restraint Arrangements”.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (f) import, export or transit restrictions or prohibitions;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “restriction”
 - “quantity”
 - “amount”
 - “limit”
 - “percentage”
 - “cap”
 - “maximum”
 - “value”

5.14 – Restrictive Licenses

- Definition:
 - Licences issued for prohibited and restricted goods.
- Key Features:
 - Prohibited and restricted goods might include weapons, dangerous substances, and other controlled goods.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication

- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “temporary”
 - “deposit”
 - “interest”
 - “import”
 - “percentage”
 - “guarantee”

6.2 – Administrative Fees

- Definition:
 - A monetary charge required by a country for administrative purposes, related to the importation of goods.
- Key Features:
 - This is a general sub-category, it may apply to a variety of administrative fees charged by the government in order to import into the country.
- TFA Obligations:
 - ARTICLE 1 PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:

- (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
- 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES
 - 1 General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
 - 1.1 The provisions of paragraph 1 shall apply to all fees and charges other than import and export duties and other than taxes within the purview of Article III of GATT 1994 imposed by Members on or in connection with the importation or exportation of goods.
 - 1.2 Information on fees and charges shall be published in accordance with Article 1. This information shall include the fees and charges that will be applied, the reason for such fees and charges, the responsible authority and when and how payment is to be made.
 - 1.3 An adequate time period shall be accorded between the publication of new or amended fees and charges and their entry into force, except in urgent circumstances. Such fees and charges shall not be applied until information on them has been published.
 - 1.4 Each Member shall periodically review its fees and charges with a view to reducing their number and diversity, where practicable.
 - 2 Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
 - Fees and charges for customs processing:
 - (i) shall be limited in amount to the approximate cost of the services rendered on or in connection with the specific import or export operation in question; and

- (ii) are not required to be linked to a specific import or export operation provided they are levied for services that are closely connected to the customs processing of goods.
- Keywords:
 - “administrative”
 - “fee”
 - “charge”
 - “process”
 - “application”
 - “form”
 - “miscellaneous”

6.3 – Special Supplementary Duties

- Definition:
 - Any customs charges on goods imported into a country that are additional to regular customs duties but are not Value Added Taxes (VATs).
- Key Features:
 - Special supplementary duties may be applied to specific types of goods.
 - Special supplementary duties may take the form of an excise tax applied to ‘vice goods’, like cigarettes or alcohol.
 - For Example: Country A charges a special supplementary duty of 5% on luxury items such as Porsche cars being imported into the country.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).

- Keywords:
 - “supplementary”
 - “duty”
 - “luxury tax”
 - “additional”
 - “charge”
 - “fee”

6.4 – Import Credit Discrimination

- Definition:
 - Discriminatory policies that impose requirements on financial institutions in an importing country, making it more difficult or costly for foreign traders to obtain financing to facilitate importing into that country.
- Key Features:
 - Financial institutions (e.g. banks) can be private or state-owned.
 - For Example: A trader in Country A faces greater obstacles in securing import credit than a domestic business, based on factors other than creditworthiness and other relevant financial considerations.
- TFA Obligations:
 - This complaint sub-category does not appear to link to any TFA obligations.
- Keywords:
 - “import”
 - “credit”
 - “discrimination”
 - “bank”
 - “loan”
 - “domestic”

6.5 – Variable Levies

- Definition:
 - A charge applied to an import to raise its price to match the domestic price for that type of good, which is higher than the world market price. The value of this charge is subject to change, because world market prices can fluctuate over time.
- Key Features:

- A country usually charges variable levies in order to maintain a price level for goods that is higher than the world market price. When the world market price goes down, the variable levy will go up by the same amount.
- A variable levy policy is for the benefit of domestic businesses.
- For Example: Due to drought, the cost of producing maize in Country A has gone up and this causes the price of maize to rise. The country decides to increase the price of imported maize above world market prices so that imports do not under-cut domestic farmers. To do this, the country charges a levy on imported maize equal to the difference between the increased domestic price and the world market price.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “variable”
 - “levy”
 - “charge”
 - “world market price”
 - “price”
 - “difference”
 - “disparity”

6.6 – Border Taxes

- Definition:
 - A government policy that taxes goods at the point of importation.
- Key Features:
 - A border tax will be applied on imported goods.
 - A border tax policy disincentivizes imports and incentivizes domestic production.
 - This sub-category relates to taxes on imported goods charged at the border. (For all issues related to export taxes, see sub-category 5.3: “Export Taxes”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES
 - 1 General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
 - 1.1 The provisions of paragraph 1 shall apply to all fees and charges other than import and export duties and other than taxes within the purview of Article III of GATT 1994 imposed by Members on or in connection with the importation or exportation of goods.
 - 1.2 Information on fees and charges shall be published in accordance with Article 1. This information shall include the fees and charges that

will be applied, the reason for such fees and charges, the responsible authority and when and how payment is to be made.

- 1.3 An adequate time period shall be accorded between the publication of new or amended fees and charges and their entry into force, except in urgent circumstances. Such fees and charges shall not be applied until information on them has been published.
- 1.4 Each Member shall periodically review its fees and charges with a view to reducing their number and diversity, where practicable.

6.7 – Other

- Definition:
 - All other complaints related to Category 6, “Charges on Imports,” not covered by any sub-category within Category 6.

CATEGORY 7 – Other Procedural Problems

7.1 – Arbitrariness

- Definition:
 - A country subjects a trader to procedures, requirements or decisions that have no rational or legal basis.
- Key Features:
 - Policies and decisions that are arbitrary are those that are implemented without reasonable grounds.
 - This sub-category does not include policies or decisions related to Technical Barriers to Trade or Sanitary and Photo-Sanitary Measures.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - ARTICLE 4: PROCEDURES FOR APPEAL OR REVIEW

- Discrimination is the unjust or prejudicial treatment of a person by withholding an advantage, favour, or privilege based on the person's perceived membership of a group.
- Key Features:
 - For Example: Country A affords special privileges to traders from Country B that it does not afford to those from Country C.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
 - (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - (d) rules for the classification or valuation of products for customs purposes;
 - (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
 - (f) import, export or transit restrictions or prohibitions;
 - (g) penalty provisions for breaches of import, export, or transit formalities;
 - (h) procedures for appeal or review;
 - (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit; and
 - (j) procedures relating to the administration of tariff quotas.
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - ARTICLE 4: PROCEDURES FOR APPEAL OR REVIEW

- 3 Each Member shall ensure that its procedures for appeal or review are carried out in a non-discriminatory manner.
- ARTICLE 5: OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY
 - 1 Notifications for enhanced controls or inspections
 - Where a Member adopts or maintains a system of issuing notifications or guidance to its concerned authorities for enhancing the level of controls or inspections at the border in respect of foods, beverages, or feedstuffs covered under the notification or guidance for protecting human, animal, or plant life or health within its territory, the following disciplines shall apply to the manner of their issuance, termination, or suspension:
 - (d) when the Member decides to terminate or suspend the notification or guidance, it shall, as appropriate, promptly publish the announcement of its termination or suspension in a non-discriminatory and easily accessible manner, or inform the exporting Member or the importer.
 - 3 Test Procedure
 - 3.2 A Member shall either publish, in a non-discriminatory and easily accessible manner, the name and address of any laboratory where the test can be carried out or provide this information to the importer when it is granted the opportunity provided under paragraph 3.1.
- ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 4 Risk Management
 - 4.2 Each Member shall design and apply risk management in a manner as to avoid arbitrary or unjustifiable discrimination, or a disguised restriction on international trade.
 - 7 Trade Facilitation Measures for Authorized Operators
 - 7.2 The specified criteria to qualify as an authorized operator shall be related to compliance, or the risk of non-compliance, with requirements specified in a Member's laws, regulations or procedures.
 - (b) Such criteria shall not:
 - (i) be designed or applied so as to afford or create arbitrary or unjustifiable discrimination between operators where the same conditions prevail; and
 - (ii) to the extent possible, restrict the participation of small and medium-sized enterprises.
- ARTICLE 24: FINAL PROVISIONS

- 6 Notwithstanding the general interpretative note to Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.
- Keywords:
 - “discrimination”
 - “unjust”
 - “unfair”
 - “unreasonable”
 - “preference”
 - “treatment”
 - “privilege”

7.3 – Corruption

- Definition:
 - Dishonest, deceitful, or fraudulent conduct by a government official or agent, relating to any area of trade other than the transport of goods.
- Key Features:
 - Corrupt behaviour may involve bribery, theft, fraud, extortion or another form of abuse of power.
 - This sub-category relates to all aspects of corruption in trade except for transportation of goods. (For transport related corruption, see sub-category 8.4: “Transport Related Corruption”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;

- (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
- (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
- (d) rules for the classification or valuation of products for customs purposes;
- (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
- (f) import, export or transit restrictions or prohibitions;
- (g) penalty provisions for breaches of import, export, or transit formalities;
- (h) procedures for appeal or review;
- (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit; and
- (j) procedures relating to the administration of tariff quotas.
- 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- ARTICLE 4: PROCEDURES FOR APPEAL OR REVIEW
 - 1 Each Member shall provide that any person to whom customs issues an administrative decision⁴ has the right, within its territory, to:
 - (a) an administrative appeal to or review by an administrative authority higher than or independent of the official or office that issued the decision; and/or
 - (b) a judicial appeal or review of the decision.
 - 3 Each Member shall ensure that its procedures for appeal or review are carried out in a non-discriminatory manner.
 - 5 Each Member shall ensure that the person referred to in paragraph 1 is provided with the reasons for the administrative decision so as to enable such a person to have recourse to procedures for appeal or review where necessary.
- ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES
 - 2 Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation

- Fees and charges for customs processing:
 - (i) shall be limited in amount to the approximate cost of the services rendered on or in connection with the specific import or export operation in question;
 - (ii) are not required to be linked to a specific import or export operation provided they are levied for services that are closely connected to the customs processing of goods.
 - ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
 - 3.3 Such guarantee shall not be greater than the amount the Member requires to ensure payment of customs duties, taxes, fees, and charges ultimately due for the goods covered by the guarantee.
 - 3.5 The guarantee as set out in paragraphs 3.2 and 3.4 shall be discharged when it is no longer required.
 - ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 6 Use of Customs Brokers
 - 6.3 With regard to the licensing of customs brokers, Members shall apply rules that are transparent and objective.
 - Keywords:
 - “corrupt”
 - “government”
 - “agent”
 - “employee”
 - “theft”
 - “bribe”
 - “extortion”
 - “abuse”

7.4 – Costly Procedures

- Definition:
 - Any onerous or unreasonable monetary cost for any procedure not associated with customs.
- Key Features:
 - A fee or practice that has the effect of increasing the cost of importing or exporting.

- This sub-category relates to costly procedures generally. (For costly customs clearance procedural issues, see sub-category 2.8: “Lengthy & Costly Customs Clearance Procedures”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 3 Enquiry Points
 - 3.3 Members are encouraged not to require the payment of a fee for answering enquiries and providing required forms and documents. If any, Members shall limit the amount of their fees and charges to the approximate cost of services rendered.
 - ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 1 Formalities and Documentation Requirements
 - 1.1 With a view to minimizing the incidence and complexity of import, export, and transit formalities and to decreasing and simplifying import, export, and transit documentation requirements and taking into account the legitimate policy objectives and other factors such as changed circumstances, relevant new information, business practices, availability of techniques and technology, international best practices, and inputs from interested parties, each Member shall review such formalities and documentation requirements and, based on the results of the review, ensure, as appropriate, that such formalities and documentation requirements are:
 - (b) adopted and/or applied in a manner that aims at reducing the time and cost of compliance for traders and operators;
 - ARTICLE 11: FREEDOM OF TRANSIT
 - 2 Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.
- Keywords:
 - “cost”
 - “expensive”
 - “procedure”
 - “fee”
 - “charge”

7.5 – Lengthy Procedures

- Definition:
 - Any procedure unrelated to customs which takes an unreasonable amount of time to complete.
- Key Features:
 - This sub-category relates to lengthy procedures generally. (For lengthy customs clearance procedural issues, see sub-category 2.8: “Lengthy & Costly Customs Clearance Procedures”)
- TFA Obligations:
 - ARTICLE 3: ADVANCE RULINGS
 - 9 Definitions and scope:
 - In addition to the advance rulings defined in subparagraph (a), Members are encouraged to provide advance rulings on:
 - (iii) the application of the Member's requirements for quotas, including tariff quotas; and
 - (iv) any additional matters for which a Member considers it appropriate to issue an advance ruling.
 - ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 3 Use of International Standards
 - 3.1 Members are encouraged to use relevant international standards or parts thereof as a basis for their import, export, or transit formalities and procedures, except as otherwise provided for in this Agreement.
 - 4 Single Window
 - 4.1 Members shall endeavour to establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.
 - 7 Common Border Procedures and Uniform Documentation Requirements
 - 7.1 Each Member shall, subject to paragraph 7.2, apply common customs procedures and uniform documentation requirements for release and clearance of goods throughout its territory.
 - 8 Rejected Goods

- 8.1 Where goods presented for import are rejected by the competent authority of a Member on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or to return the rejected goods to the exporter or another person designated by the exporter.
- Keywords:
 - “lengthy”
 - “slow”
 - “delay”
 - “time”
 - “backlog”
 - “process”
 - “procedure”
 - “administrative”

7.6 – Lack of Information on Procedures (or changes thereof)

- Definition:
 - Information concerning trade-related policies and procedures is absent or difficult for the public to obtain.
- Key Features:
 - Customs requirements and procedures are not readily available to traders.
 - For Example: Country A updates its customs procedures but it does not communicate this publicly to traders, which creates confusion and delays for traders.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;

- (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - (d) rules for the classification or valuation of products for customs purposes;
 - (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
 - (f) import, export or transit restrictions or prohibitions;
 - (g) penalty provisions for breaches of import, export, or transit formalities;
 - (h) procedures for appeal or review;
 - (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit; and
 - (j) procedures relating to the administration of tariff quotas.
- 2 Information Available Through Internet
 - 2.1 Each Member shall make available, and update to the extent possible and as appropriate, the following through the internet:
 - (a) a Definition¹ of its procedures for importation, exportation, and transit, 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) the forms and documents required for importation into, exportation from, or transit through the territory of that Member;
 - (c) contact information on its enquiry point(s).
- 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - 3.2 Members of a customs union or involved in regional integration may establish or maintain common enquiry points at the regional level to satisfy the requirement of paragraph 3.1 for common procedures.
 - 3.3 Members are encouraged not to require the payment of a fee for answering enquiries and providing required forms and documents. If any, Members shall limit the amount of their fees and charges to the approximate cost of services rendered.

- 3.4 The enquiry points shall 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.
- ARTICLE 2: OPPORTUNITY TO COMMENT, INFORMATION BEFORE ENTRY INTO FORCE, AND CONSULTATIONS
 - 1 Opportunity to Comment and Information before Entry into Force
 - 1.2 Each Member shall, to the extent practicable and in a manner consistent with its domestic law and legal system, ensure that new or amended laws and regulations of general application related to the movement, release, and clearance of goods, including goods in transit, are published or information on them made otherwise publicly available, as early as possible before their entry into force, in order to enable traders and other interested parties to become acquainted with them.
- ARTICLE 3: ADVANCE RULINGS
 - 6 Each Member shall publish, at a minimum:
 - (a) the requirements for the application for an advance ruling, including the information to be provided and the format;
 - (b) the time period by which it will issue an advance ruling; and
 - (c) the length of time for which the advance ruling is valid.
 - 8 Each Member shall endeavour to make publicly available any information on advance rulings which it considers to be of significant interest to other interested parties, taking into account the need to protect commercially confidential information.
- ARTICLE 5: OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY
 - 1 Notifications for enhanced controls or inspections
 - Where a Member adopts or maintains a system of issuing notifications or guidance to its concerned authorities for enhancing the level of controls or inspections at the border in respect of foods, beverages, or feedstuffs covered under the notification or guidance for protecting human, animal, or plant life or health within its territory, the following disciplines shall apply to the manner of their issuance, termination, or suspension:
 - (d) when the Member decides to terminate or suspend the notification or guidance, it shall, as appropriate, promptly publish the announcement of its termination or suspension in

a non-discriminatory and easily accessible manner, or inform the exporting Member or the importer.

- 3 Penalty Disciplines
 - 3.2 Each Member shall ensure that penalties for a breach of a customs law, regulation, or procedural requirement are imposed only on the person(s) responsible for the breach under its laws.
- ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES
 - 1 General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
 - 1.2 Information on fees and charges shall be published in accordance with Article 1. This information shall include the fees and charges that will be applied, the reason for such fees and charges, the responsible authority and when and how payment is to be made.
- ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 7 Trade Facilitation Measures for Authorized Operators
 - 7.2 The specified criteria to qualify as an authorized operator shall be related to compliance, or the risk of non-compliance, with requirements specified in a Member's laws, regulations or procedures.
 - (a) Such criteria, which shall be published, may include:
 - (i) an appropriate record of compliance with customs and other related laws and regulations;
 - (ii) a system of managing records to allow for necessary internal controls;
 - (iii) financial solvency, including, where appropriate, provision of a sufficient security or guarantee; and
 - (iv) supply chain security.
- ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 6.2 – Member fails to publish its measures on the use of customs brokers or any subsequent modifications to those measures.
- ARTICLE 11: FREEDOM OF TRANSIT
 - 14 Each Member shall make publicly available the relevant information it uses to set the guarantee, including single transaction and, where applicable, multiple transaction guarantee.
 - 15 Each Member may require the use of customs convoys or customs escorts for traffic in transit only in circumstances presenting high risks or when compliance with customs laws and regulations cannot be ensured through the

use of guarantees. General rules applicable to customs convoys or customs escorts shall be published in accordance with Article 1.

- Keywords:
 - “information”
 - “procedure”
 - “process”
 - “communication”
 - “law”
 - “regulation”
 - “policy”
 - “customs”
 - “website”
 - “availability”
 - “access”
 - “public”

7.7 – Complex Variety of Documentation Required

- Definition:
 - A government process that requires a large number or complex set of documents.
- Key Features:
 - This sub-category relates specifically to documentation requirements and not costs. (For all issues related to costly procedures, see sub-category 7.4 “Costly Procedures”).
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).

- Keywords:
 - “document”
 - “long”
 - “complex”
 - “many”
 - “numerous”
 - “complicated”
 - “confusing”

7.8 – Consular and Immigration Issues

- Definition:
 - A host or transit country’s immigration policies that make it difficult or costly for foreign traders to work in or travel through that country.
- Key Features:
 - For Example: Country A’s consulate’s hours of operation in Country B are very limited and they require individuals to appear in person.
 - This sub-category relates to general issues relating to Consular and Immigration services. (for immigration issues specifically relating to transport, clearing and forwarding, see sub-category 8.3: “Immigration Requirements (Visa, Travel Permit)”)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).

- Keywords:
 - “embassy”
 - “consulate”
 - “visa”
 - “immigration”
 - “passport”
 - “permit”

7.9 – Inadequate Trade Related Infrastructure

- Definition:
 - Issues concerning the infrastructure used by traders for the purpose of trading.
- Key Features:
 - For Example: Despite significant increases in international trade, Country A has not expanded the availability of offices that provide trade-related services.
 - This sub-category does not relate to the security of goods. (For all issues related to the security of goods, see sub-category 2.11: “Lack of Control in Customs-Related Infrastructure”)
 - This sub-category does not relate to transport infrastructure or ports of entry. (For issues relating to transport infrastructure or ports of entry, see sub-category 8.5: “Infrastructure (Air, port, rail, road, border posts)”)
- TFA Obligations:
 - ARTICLE 8: BORDER AGENCY COOPERATION
 - 1 Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.
- Keywords:
 - “infrastructure”
 - “import”
 - “lack”
 - “insufficient”
 - “few”
 - “office”

7.10 – Other

- Definition:

- All other complaints related to Category 7, “Other Procedural Problems,” not covered by any sub-category within Category 7.

CATEGORY 8 – Transport, Clearing and Forwarding

8.1 – Government Policy and Regulations

- Definition:
 - Enacted government policies and regulations relating to transport, clearing, and forwarding.
- Key Features:
 - This sub-category relates to issues with enacted policies and regulations, not their implementation.
 - This sub-category does not relate to improper implementation of policies or regulations, such as arbitrary conduct. (For all issues related to arbitrariness, see sub-category 7.1: “Arbitrariness”)
 - This sub-category does not relate to improper implementation of policies and regulations, such as discriminatory conduct. (For all issues related to discrimination, see sub-category 7.2: “Discrimination”)
- TFA Obligations:
 - ARTICLE 2: OPPORTUNITY TO COMMENT, INFORMATION BEFORE ENTRY INTO FORCE, AND CONSULTATIONS
 - 1 Opportunity to Comment and Information before Entry into Force
 - 1.1 Each Member shall, to the extent practicable and in a manner consistent with its domestic law and legal system, provide opportunities and an appropriate time period to traders and other interested parties to comment on the proposed introduction or amendment of laws and regulations of general application related to the movement, release, and clearance of goods, including goods in transit.
 - 1.2 Each Member shall, to the extent practicable and in a manner consistent with its domestic law and legal system, ensure that new or amended laws and regulations of general application related to the movement, release, and clearance of goods, including goods in transit, are published or information on them made otherwise publicly available, as early as possible before their entry into force, in order to enable traders and other interested parties to become acquainted with them.

- 1.3 Changes to duty rates or tariff rates, measures that have a relieving effect, measures the effectiveness of which would be undermined as a result of compliance with paragraphs 1.1 or 1.2 measures applied in urgent circumstances, or minor changes to domestic law and legal system are each excluded from paragraphs 1.1 and 1.2.
 - 2 Consultations
 - Each Member shall, as appropriate, provide for regular consultations between its border agencies and traders or other stakeholders located within its territory.
- Keywords:
 - “policy”
 - “regulation”
 - “law”
 - “transport”
 - “clearing”
 - “forwarding”

8.2 – Administrative (border operating hours, delays at border posts, etc.)

- Definition:
 - Inefficient or ineffective management of operations at border crossings or lack of cooperation and coordination between the border agencies of adjacent border crossings.
- Key Features:
 - For Example: Country A’s border crossing has inconvenient hours of operation, which create significant inefficiencies for traders.
 - This sub-category does not relate to issues with inadequate staffing or training of border agents. (For issues relating to the capacity of customs officers, see sub-category 2.12: “Lack of Capacity of Customs Officers”)
- TFA Obligations:
 - ARTICLE 8: BORDER AGENCY COOPERATION
 - 2 Each Member shall, to the extent possible and practicable, cooperate on mutually agreed terms with other Members with whom it shares a common border with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:
 - (a) alignment of working days and hours;
 - (b) alignment of procedures and formalities;
 - (c) development and sharing of common facilities;

- (d) joint controls;
 - (e) establishment of one stop border post control.
- ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT
 - 7 Common Border Procedures and Uniform Documentation Requirements
 - 7.1 Each Member shall, subject to paragraph 7.2, apply common customs procedures and uniform documentation requirements for release and clearance of goods throughout its territory.
 - 7.2 Nothing in this Article shall prevent a Member from:
 - (a) differentiating its procedures and documentation requirements based on the nature and type of goods, or their means of transport;
 - (b) differentiating its procedures and documentation requirements for goods based on risk management;
 - (c) differentiating its procedures and documentation requirements to provide total or partial exemption from import duties or taxes;
 - (d) applying electronic filing or processing; or
 - (e) differentiating its procedures and documentation requirements in a manner consistent with the Agreement on the Application of Sanitary and Phytosanitary Measures.
- Keywords:
 - “administrative”
 - “hours”
 - “delay”
 - “disorganized”
 - “cooperation”
 - “border”
 - “crossing”
 - “customs”
 - “post”

8.3 – Immigration Requirements (Visa, Travel Permit)

- Definition:
 - Issues with a host or transit country’s immigration policies related to transport, clearing and forwarding.
- Key Features:
 - For Example: a truck driver carrying maize into Country A is provided with a visa that is of insufficient duration, making it impossible to complete the delivery.

- This sub-category is for complaints by individuals involved in transporting goods. (For all other immigration-related issues, see sub-category 7.8: “Consular and Immigration Issues)
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents[.]
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
- Keywords:
 - “immigration”
 - “visa”
 - “passport”
 - “permit”
 - “consular”
 - “embassy”
 - “transport”

8.4 – Transport Related Corruption

- Definition:
 - Dishonest, deceitful, or fraudulent conduct by a government official or agent, relating to transport, clearing or forwarding of goods.
- Key Features:
 - The conduct may involve bribery, theft, fraud, extortion or other abuse of power while goods are being transported.
 - This sub-category relates solely to the transportation of goods. (For all other issues regarding corruption, see sub-category 7.3 “Corruption”)

- TFA Obligations:

- ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION

- 1 Publication

- 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:

- (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
 - (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
 - (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
 - (d) rules for the classification or valuation of products for customs purposes;
 - (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
 - (f) import, export or transit restrictions or prohibitions;
 - (g) penalty provisions for breaches of import, export, or transit formalities;
 - (h) procedures for appeal or review;
 - (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit; and
 - (j) procedures relating to the administration of tariff quotas.

- ARTICLE 11: FREEDOM OF TRANSIT

- 2 Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.

- Keywords:

- “corrupt”
 - “government”
 - “agent”
 - “employee”
 - “theft”
 - “bribe”
 - “extortion”

- “abuse”
- “transport”
- “clearing”
- “forwarding”

8.5 – Infrastructure (Air, port, rail, road, border posts)

- Definition:
 - Issues related to transport infrastructure, such as roads, airports, railroads, and border posts.
- Key Features:
 - For Example: Country A’s main airport has insufficient runway capacity, making it impossible for larger cargo planes to land.
 - This sub-category does not relate to the security of goods. (For all issues related to the security of goods, see sub-category 2.11: “Lack of Control in Customs-Related Infrastructure”)
 - This sub-category relates specifically to transport infrastructure or ports of entry. (For issues relating to other trade-related infrastructure, see sub-category 7.9: “Inadequate Trade Related Infrastructure”)
- TFA Obligations:
 - ARTICLE 7: RELEASE AND CLEARANCE OF GOODS
 - 9 Perishable Goods
 - 9.3 Each Member shall either arrange or allow an importer to arrange for the proper storage of perishable goods pending their release. The Member may require that any storage facilities arranged by the importer have been approved or designated by its relevant authorities. The movement of the goods to those storage facilities, including authorizations for the operator moving the goods, may be subject to the approval, where required, of the relevant authorities. The Member shall, where practicable and consistent with domestic legislation, upon the request of the importer, provide for any procedures necessary for release to take place at those storage facilities.
 - ARTICLE 11: FREEDOM OF TRANSIT
 - 5 – Members are encouraged to make available, where practicable, physically separate infrastructure (such as lanes, berths and similar) for traffic in transit.
- Keywords:
 - “infrastructure”
 - “import”

- “lack”
- “insufficient”
- “airport”
- “road”
- “bridge”
- “rail”
- “border”
- “post”
- “transport”

8.6 – Vehicle Standards

- Definition:
 - Issues related to standards imposed on vehicles transporting goods into or through a country.
- Key Features:
 - This sub-category does not relate to the required standards for imported vehicles.
 - For Example: Country A has onerous non-standardized requirements for trucks bringing goods into the country, increasing the cost of transportation for traders.
- TFA Obligations:
 - ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION
 - 1 Publication
 - 1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:
 - (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents[.]
 - 3 Enquiry Points
 - 3.1 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 by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
 - ARTICLE 11: FREEDOM OF TRANSIT
 - 1 Any regulations or formalities in connection with traffic in transit imposed by a Member shall not be:

- (a) maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a reasonably available less trade-restrictive manner;
 - (b) applied in a manner that would constitute a disguised restriction on traffic in transit.
- Keywords:
 - “vehicle”
 - “car”
 - “truck”
 - “standard”
 - “safety”
 - “transport”
 - “regulation”

8.7 – Costly Road User Charges/Fees

- Definition:
 - Charges or fees levied for the use of roads, bridges, tunnels or other road infrastructure that are unreasonably costly.
- Key Features:
 - This sub-category concerns government-imposed road user charges or fees that are unreasonably costly. (For issues with road user charges or fees levied in a corrupt manner, see sub-category 7.3: “Corruption”)
- TFA Obligations:
 - ARTICLE 11: FREEDOM OF TRANSIT
 - 2 Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.
 - 16 Members shall endeavour to cooperate and coordinate with one another with a view to enhancing freedom of transit. Such cooperation and coordination may include, but is not limited to, an understanding on:
 - (a) charges;
- Keywords:
 - “road”
 - “bridge”
 - “tunnel”

- “charge”
- “fee”
- “cost”
- “expensive”
- “toll”

8.8 – Issues Related to Transit

- Definition:
 - Any issue concerning an administrative process, government policy, or regulation imposed by a country through which goods are transported while bound for a final destination in a third country.
- Key Features:
 - This sub-category relates to issues with the transit of goods through a country rather than transportation in general.
 - This sub-category does not include infrastructure issues. (For infrastructure-related issues, see sub-category 8.5: “Infrastructure (Air, port, rail, road, border posts)”)
- TFA Obligations:
 - ARTICLE 11: FREEDOM OF TRANSIT
 - 1 Any regulations or formalities in connection with traffic in transit imposed by a Member shall not be:
 - (a) maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a reasonably available less trade-restrictive manner;
 - (b) applied in a manner that would constitute a disguised restriction on traffic in transit.
 - 3 Members shall not seek, take, or maintain any voluntary restraints or any other similar measures on traffic in transit. This is without prejudice to existing and future national regulations, bilateral or multilateral arrangements related to regulating transport, consistent with WTO rules.
 - 4 Each Member shall accord to products which will be in transit through the territory of any other Member treatment no less favourable than that which would be accorded to such products if they were being transported from their place of origin to their destination without going through the territory of such other Member.

- 6 Formalities, documentation requirements, and customs controls in connection with traffic in transit shall not be more burdensome than necessary to:
 - (a) identify the goods; and
 - (b) ensure fulfilment of transit requirements.
- 7 Once goods have been put under a transit procedure and have been authorized to proceed from the point of origination in a Member's territory, they will not be subject to any customs charges nor unnecessary delays or restrictions until they conclude their transit at the point of destination within the Member's territory.
- 8 Members shall not apply technical regulations and conformity assessment procedures within the meaning of the Agreement on Technical Barriers to Trade to goods in transit.
- 9 Members shall allow and provide for advance filing and processing of transit documentation and data prior to the arrival of goods.
- 10 Once traffic in transit has reached the customs office where it exits the territory of a Member, that office shall promptly terminate the transit operation if transit requirements have been met.
- 11 Where a Member requires a guarantee in the form of a surety, deposit or other appropriate monetary or non-monetary¹³ instrument for traffic in transit, such guarantee shall be limited to ensuring that requirements arising from such traffic in transit are fulfilled.
- 12 Once the Member has determined that its transit requirements have been satisfied, the guarantee shall be discharged without delay.
- 13 Each Member shall, in a manner consistent with its laws and regulations, allow comprehensive guarantees which include multiple transactions for same operators or renewal of guarantees without discharge for subsequent consignments.
- 14 Each Member shall make publicly available the relevant information it uses to set the guarantee, including single transaction and, where applicable, multiple transaction guarantee.
- 15 Each Member may require the use of customs convoys or customs escorts for traffic in transit only in circumstances presenting high risks or when compliance with customs laws and regulations cannot be ensured through the use of guarantees. General rules applicable to customs convoys or customs escorts shall be published in accordance with Article 1.

- 16 Members shall endeavour to cooperate and coordinate with one another with a view to enhancing freedom of transit. Such cooperation and coordination may include, but is not limited to, an understanding on:
 - (a) charges;
 - (b) formalities and legal requirements; and
 - (c) the practical operation of transit regimes.
- Keywords:
 - “transit”
 - “temporary”
 - “import”
 - “border”
 - “law”
 - “regulation”
 - “policy”

Proposed Changes to NTB Sub-Categories

Category 1

- 1.3 – State Subsidies, Procurement, Trading, State Ownership
 - This sub-category overlaps extensively with other sub-categories in Category 1, including: 1.1, 1.2, 1.4, 1.7.
 - All of the elements in the title are covered by other sub-categories.
 - We recommend the removal of this sub-category.
- 1.4 – Preference Given to Domestic Bidders/Suppliers
 - This sub-category overlaps extensively with other sub-categories in Category 1, including: 1.3 and 1.7.
 - We recommend the removal of this sub-category. All procurement complaints should fall under 1.7.

Category 2

- 2.6 – Additional Taxes & Other Charges
 - This sub-category overlaps extensively with other sub-categories, including: 2.7, 2.9, 2.10, 5.3, 6.2, 6.3, 6.5, 6.6, 6.7.
 - Further, due to its substantial overlap with sub-category 6.7 “Other” in category 6 “Charges on Imports”, we recommend its removal.
 - This sub-category cannot be delineated, and we were unable to draft a MECE description for it.
- 2.8 – Lengthy & Costly Customs Clearance Procedures
 - This sub-category overlaps extensively with other sub-categories in Category 7, including: 7.4, 7.5.
 - We recommend the removal of this sub-category.
- 2.10 – Inadequate or Unreasonable Customs Procedures & Charges
 - This sub-category overlaps extensively with other sub-categories, including: 2.6, 7.4, 7.1, 7.5, 7.7.
 - It also potentially overlaps with sub-categories: 6.2, 6.3, 6.5, 6.6.
 - We recommend the removal of this sub-category.

Category 5

- 5.13 – Other Quantity Control Measures
 - This sub-category overlaps extensively with other sub-categories in Category 5, including: 5.1, 5.4, 5.5, 5.8, 5.9, 5.10, 5.11, 5.12.
 - Given the existence of sub-category 5.15: “Other”, we recommend the removal of this sub-category.

Category 7

- Most of the sub-categories in this category overlap with all other NTB sub-categories because of their general nature. For example, a complaint filed under Category 2 could, depending on the context, concern arbitrariness. For this reason, we recommend reviewing this category.

- 7.9 – Inadequate Trade Related Infrastructure
 - This sub-category overlaps with sub-categories: 2.11, 8.5.
 - For this reason, we recommend the removal of this sub-category.

Category 8

- 8.4 – Transport Related Corruption
 - This sub-category overlaps with 7.3.
 - If this sub-category were eliminated, all corruption-related issues could be filed under sub-category 7.3.

APPENDIX B: COMPLETED WEBSITE INDEXES

The three Regional Economic Communities (COMESA, EAC, and SADC) are comprised of 27 countries. Between last year's and this year's work, eight of these countries have been indexed.

Angola - Website Index

ARTICLE 1.1, 2

Contact Information of the Enquiry Points

Angolan Ministry of Commerce	http://www.minco.gov.ao/
Contains information on Angola's Trade agreements, and legislative provisions	

ARTICLE 1.1(a)

Import, Export and Transit Procedures

Angolan Ministry of Commerce	http://www.minco.gov.ao/TodosFormularios.aspx
Index of Angolan forms available to download	

ARTICLE 1.1(e)

Laws and Regulations

Angolan Ministry of Commerce	http://www.minco.gov.ao/TodasLegislacoes.aspx
Index of current Angolan legislation	

Publications

Angolan Ministry of Commerce	http://www.minco.gov.ao/TodasPublicacoes.aspx
List of Angolan Ministry of Commerce Publications	

ARTICLE 1, 2.1(c)

Contact Information on its Enquiry Point(s)

Angolan
Ministry of <http://www.minco.gov.ao/TodasLegislacoes.aspx>
Commerce
List of service providers (including their hours of operation)

Angolan
Ministry of <http://www.minco.gov.ao/CentroContactos.aspx>
Commerce
Form to register a complaint or request assistance

Citizen's
Portal <http://www.cidadao.gov.ao/TodosServicosCategoria.aspx?id=83>
List of trade-related services (including various ways in which to apply/obtain services)

Angolan
Ministry of <http://www.minco.gov.ao/TodosLinks.aspx>
Commerce
List of links to trade-related organizations

Botswana - Website Index

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Contact Information of the Enquiry Point(s)

Botswana
Unified
Revenue [Botswana Unified Revenue Service](#)
Service
Performs tax assessment and collection functions on behalf of the Government, as well as enforce revenue laws

Botswana
Bureau of <http://www.bobstandards.bw/Pages/bobcontactus.aspx?mnusub=119>
Standards [&pid=0&mp=0&sp=119](http://www.bobstandards.bw/Pages/bobcontactus.aspx?mnusub=119&pid=0&mp=0&sp=119)
Formulates Botswana standards and co-ordinates quality assurance activities

Ministry of Agriculture <http://www.gov.bw/en/ministries--authorities/ministries/ministryofagriculture-moa/>
Regulator of permits, licenses, etc. of livestock and crops in Botswana

Import, Export and Transit Procedures

Botswana
Unified
Revenue Service <http://www.burs.org.bw/index.php/customsexcisemain/customs-clearance/overview>
Customs Clearing procedures for Botswana

Ministry of Agriculture <http://www.gov.bw/en/Ministries--Authorities/Ministries/MinistryofAgriculture-MOA/Tools--Services/Services--Forms/Division-of-Import-and-Export/>
License for Veterinary Import Permit

Ministry of Agriculture <http://www.gov.bw/en/Ministries--Authorities/Ministries/MinistryofAgriculture-MOA/Tools--Services/Services--Forms/Division-of-Import-and-Export/Application-for-Importation-of-Live-Animals/>
Information for the importation of live animals

Ministry of Agriculture <http://www.gov.bw/en/Ministries--Authorities/Ministries/MinistryofAgriculture-MOA/Tools--Services/Licensing-and-Permits/Import-and-Export-Permits-for-Dried-Grains/>
Import and Export Permits for Dried Grains

Ministry of
Agriculture

[http://www.gov.bw/en/Ministries--
Authorities/Ministries/MinistryofAgriculture-MOA/Tools--
Services/Licensing-and-Permits/Import-Permits-for-Horticultural-
Produce/](http://www.gov.bw/en/Ministries--Authorities/Ministries/MinistryofAgriculture-MOA/Tools--Services/Licensing-and-Permits/Import-Permits-for-Horticultural-Produce/)

Import Permits for Horticultural Produce

Ministry of
Agriculture

[http://www.gov.bw/en/Ministries--
Authorities/Ministries/MinistryofAgriculture-MOA/Tools--
Services/Licensing-and-Permits/Animal-Exportation-Permits-and-
forms/](http://www.gov.bw/en/Ministries--Authorities/Ministries/MinistryofAgriculture-MOA/Tools--Services/Licensing-and-Permits/Animal-Exportation-Permits-and-forms/)

Animal **exportation** Permit and forms

Ministry of
Agriculture

[http://www.gov.bw/en/Ministries--
Authorities/Ministries/MinistryofAgriculture-MOA/Tools--
Services/Licensing-and-Permits/Animal-Importation-forms-and-
licenses/](http://www.gov.bw/en/Ministries--Authorities/Ministries/MinistryofAgriculture-MOA/Tools--Services/Licensing-and-Permits/Animal-Importation-forms-and-licenses/)

animal **importation** permit and forms

Ministry of
Agriculture

[http://www.gov.bw/en/Ministries--
Authorities/Ministries/MinistryofAgriculture-MOA/Tools--
Services/Licensing-and-Permits/Application-for-importation-plant-
plant-products-or-regulated-article/](http://www.gov.bw/en/Ministries--Authorities/Ministries/MinistryofAgriculture-MOA/Tools--Services/Licensing-and-Permits/Application-for-importation-plant-plant-products-or-regulated-article/)

Application for importation of plant, plant products, or regulated articles

Ministry of
Agriculture

[http://www.gov.bw/en/Ministries--
Authorities/Ministries/MinistryofAgriculture-MOA/Tools--
Services/Licensing-and-
Permits/?FromPageID=3002&FromPageType=1&pid=1&ClearSearch=tr
ue](http://www.gov.bw/en/Ministries--Authorities/Ministries/MinistryofAgriculture-MOA/Tools--Services/Licensing-and-Permits/?FromPageID=3002&FromPageType=1&pid=1&ClearSearch=true)

List of general licenses and permits

Applied Rates of Duties and Taxes

Botswana
Unified Revenue Service
Customs Duty Rates
<http://www.burs.org.bw/index.php/customs-duty-rates>

SADC Value Added Taxes for SADC countries
<http://www.sadc.int/documents-publications/show/4662>

Agreements with Other Countries

Botswana Unified Revenue Service
Botswana-Zimbabwe Trade Agreement
<http://www.burs.org.bw/index.php/customsexcisemain/international-trade-agreements/Botswana-Zimbabwe-trade-agreement>

Southern African Customs Union
Southern African Customs Union - official website
<http://www.sacu.int/>

Botswana Unified Revenue Service
Southern African Customs Union- EU FTA
<http://www.burs.org.bw/index.php/customsexcisemain/international-trade-agreements/sacu-eu-free-trade-area>

Southern African Development Community
Official website of SADC with details on member countries, policies and regulations
<http://www.sadc.int/>

Botswana
Unified Revenue Service
<http://www.burs.org.bw/index.php/customsexcisemain/international-trade-agreements/sadc-economic-partner-agreement>
SADC Economic Partner Agreement (EPA)

African Growth Opportunity Act (AGOA)
<https://agoa.info/about-agoa.html>
Initiative by the US to promote growth of a select number of countries

Tariffs and Quotas

Botswana
Unified Revenue Service
<http://www.burs.org.bw/index.php/customsexcisemain/customs-and-exercise-downloads>
Customs tariffs and excise taxes rates and application

Rules of Origin

SADC
<https://www.sadc.int/files/9613/5413/6410/3. Rules of Origin Exporters Guide Manual.pdf>
Exporter's Guide to Rules of Origin

Restrictions or Prohibitions

Botswana
Unified Revenue Service
http://www.burs.org.bw/?option=com_content&view=article&id=75&Itemid=221
List of prohibited goods from entering Botswana

Botswana
Unified Revenue Service
http://www.burs.org.bw/?option=com_content&view=article&id=76&Itemid=222
Restricted Goods - details on restrictions for individual

persons,
with links to
general
restrictions
for licensed
exporters

Penalties

Botswana
Unified Revenue Service
<http://www.burs.org.bw/index.php/customsexcisemain/payments-of-customs-duty-and-import-vat/refunds-customs-duty-import-tax>
Details of payments for customs penalties

Fees and Charges

Botswana
Unified Revenue Service
<http://www.burs.org.bw/index.php/customsexcisemain/payments-of-customs-duty-and-import-vat/assessment-and-payment>
Information on assessment and payment of goods imported from outside the SACU

ARTICLE 10.4.3

Single Window

Botswana
Single Window
<https://ecustoms.burs.org.bw/TFBSEW/cusLogin/login.c>
A single point to submit standardized information and documents to meet legal import, export and customs-transit requirements.

Botswana
Unified Revenue Service
<http://www.burs.org.bw/index.php/customsexcisemain/computerization-of-customs-procedures/dti-registration>
Direct Trader Input (DTI) registration

ARTICLE 10.6.2

Use of Customs Brokers

Botswana
Unified Revenue Service
<http://www.burs.org.bw/index.php/customsexcisemain/customs-clearance/overview>
Overview procedures for customs clearing agents

Botswana
Unified Revenue Service
<http://www.burs.org.bw/index.php/customsexcisemain/customs-clearance/licencing-of-customs-clearance-agents>
Licensing, accreditation and procedures of Customs Clearing Agents

ARTICLE 12.2

Contact Points for Exchange of Information

Botswana
Unified Revenue Service
<http://www.burs.org.bw/index.php/customsexcisemain/customs-duty-ammendments>
Customs Duties Amendments

Burundi - Website Index

ARTICLE 1.1, 2

Contact Information of the Enquiry Point(s)

Burundi
Ministry of Trade, Industry, and Tourism
[http://mincommerce.gov.bi/les-missions-principales-du-commerce-de-lindustrie-des-postes-et-du-tourisme/?fbclid=IwAR3HxJiix0vQ8oyITPToC-Hk6EnYdletgPYpZdbqHEFwYPbQ3B0Ooi0M0gc](http://mincommerce.gov.bi/les-missions-principales-du-ministere-du-commerce-de-lindustrie-des-postes-et-du-tourisme/?fbclid=IwAR3HxJiix0vQ8oyITPToC-Hk6EnYdletgPYpZdbqHEFwYPbQ3B0Ooi0M0gc)
About the Ministry, and a contact page

Burundi
Ministry of Trade, Industry, and Tourism
<http://mincommerce.gov.bi/wp-content/uploads/2017/05/organigrammeMinicit.doc>
Information om the Department structure

Burundi
Ministry of
Trade, <http://mincommerce.gov.bi/statistiques/>
Industry, and
Tourism
Published Statistics

Burundi
Ministry of
Trade, <http://mincommerce.gov.bi/bbn-bureau-burundais-de-normalisation/>
Industry, and
Tourism
Office for Standardization

Burundi
Ministry of
Trade, <http://mincommerce.gov.bi/dgc-direction-generale-du-commerce/>
Industry, and
Tourism
The General Directorate of Commerce

ARTICLE 2.1(c), 3

Contact Information of the Enquiry Point(s)

Burundi
Ministry of
Trade, <http://mincommerce.gov.bi/contact/>
Industry, and
Tourism
Enquiry Point for traders, general

Kenya - Website Index

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Contact Information of the Enquiry Point(s)

Kenya Trade
Portal <http://kenyatradeportal.go.ke/>

General trade information relating to counties, trade in goods and services

Kenya
Investment
and <http://kenya.eregulations.org/?l=en>
Regulations
Details on investment and relevant regulation for traders

Kenya Trade
Network <https://www.kentrade.go.ke/>
Agency
Provides information relating to the single window system, procurement, and trade resource centre

Kenya
Revenue <http://www.revenue.go.ke/>
Authority
Main revenue authority for Kenya, with information on tariffs, taxes and clearance procedures

Kenya
Bureau of <http://www.kebs.org/index.php>
Standards
Details of general standards for the sale of products in Kenya

Kenya Dairy
Board <http://www.kdb.co.ke/>
Organizing body that provides market information, licensing information and innovative technology for dairy industry

Kenya Plant
Inspectorate <http://www.kephis.org/>
Service
Government agency responsible for assuring the quality of agricultural inputs and produce to prevent adverse impact on the economy, the environment and human health

Import, Export and Transit Procedures

Kenya Trade Portal <http://kenyatradeportal.go.ke/trade-in-goods-default>
Database where you can select product code, or search code and obtain info on rules of origin, tariffs, standards

Kenya Trade Portal <http://kenyatradeportal.go.ke/counties>
import and export procedures for specific counties

Kenya Regulations <http://kenya.eregulations.org/menu/272?l=en>
Definitions and details of Export Processing Zones

Kenya Revenue Agency <http://www.revenue.go.ke/notices/pdf2017/Customs%20and%20border%20control%20department%20brochure%20v3.pdf>
Brochure on Customs and Border Control

Kenya Revenue Agency <http://www.revenue.go.ke/notices/pdf2017/EAC%20single%20customs%20territory%20brochure%20v3.pdf>
EAC single customs territory brochure

East African Community - Customs information http://customs.eac.int/index.php?option=com_content&view=article&id=36&Itemid=98
EAC Procedures for Transit goods throughout EAC Countries

EAC - Customs information http://customs.eac.int/index.php?option=com_content&view=article&id=5&Itemid=94
Procedures for Export Processing Zones in the EAC

Kenya Bureau of Standards <http://www.kebs.org/index.php?opt=qai&view=pvoc>
Require standards for imports and relevant inspection procedures

Kenya Health
and Plant
Inspectorate <http://www.kephis.org/index.php/import-requirements>
Service
import requirements for Seed sellers

Kenya Health
and Plant
Inspectorate <http://www.kephis.org/images/Procedures/procedure.pdf>
Service
Procedure to register as exporter of agricultural produce

Kenya Health
and Plant [http://www.kephis.org/index.php/downloads-](http://www.kephis.org/index.php/downloads-documents/cat_view/19-eu-requirements)
Inspectorate [documents/cat view/19-eu-requirements](http://www.kephis.org/index.php/downloads-documents/cat_view/19-eu-requirements)
Service
EU requirements for importing plant and related goods

Kenya Health
and Plant [http://www.kephis.org/index.php/the-tip-the-international-](http://www.kephis.org/index.php/the-tip-the-international-phytosanitary-conference)
Inspectorate [phytosanitary-conference](http://www.kephis.org/index.php/the-tip-the-international-phytosanitary-conference)
Service
International Phytosanitary Conference - includes reports on pest surveillance, import control, export controls, and other related topics

Applied Rates of Duties and Taxes

Kenya Trade
Portal <http://kenyatradeportal.go.ke/resources>
Documents for value added tax, excise tax, among other fees

EAC -
Customs http://customs.eac.int/index.php?option=com_docman&task=cat_view&gid=40&Itemid=106
Procedures
Value Added Tax Act for all EAC Countries

Agreements with Other Countries

Kenya Trade
Portal <http://kenyatradeportal.go.ke/resources>

Links to various EAC documents including establishing protocols and information on rules of origin

Kenya Revenue Authority <http://www.revenue.go.ke/index.php/customs-services/about-customs/preferential-tariff-treatment>
Details on preferential tariff treatment

AGORA - African Growth and Opportunity Act <https://agoa.info/profiles/kenya.html>
Initiative by the US to promote growth of a select number of countries

COMESA <http://www.comesa.int/what-we-do/#trade-customs-monetary-affairs>
General information about COMESA, its member countries and its different legal components

Tariff Quotas

Kenya Revenue Authority <http://www.revenue.go.ke/index.php/customs-services/about-customs/tax-remission-for-export-office>
Information on tax remission for export office

EAC Common External Tariff https://customs.eac.int/index.php?option=com_content&view=article&id=137&Itemid=169
Kenya is part of the EAC and therefore adopts the EAC Common External Tariff.
Overview of how EAC tariff system works.

Kenya Revenue Authority <http://www.revenue.go.ke/notices/pdf2017/EAC-CET-2017.pdf>
EAC Common External Tariff document

Kenya Revenue Agency <http://www.revenue.go.ke/index.php/customs-services/about-customs/preferential-tariff-treatment>

List and description of Preferential tariff agreements with Kenya

Rules of Origin

Kenya Trade Portal <http://kenyatradeportal.go.ke/resources>
Documents on rules of origin for Kenya, COMESA, and EAC

EAC Customs Procedures http://customs.eac.int/index.php?option=com_docman&task=cat_view&gid=68&Itemid=106
EAC Rules of Origin

Kenya Trade Portal <http://kenyatradeportal.go.ke/trade-in-goods-default>
Search engine providing export/import requirements of products by product code

Restrictions or Prohibitions

EAC Customs Procedures https://customs.eac.int/index.php?option=com_content&view=article&id=46&Itemid=97
List of prohibited goods for all EAC members

Kenya Revenue Authority <http://www.revenue.go.ke/index.php/customs-services/about-customs/prohibited-and-restricted-goods>
Details of prohibited and restricted goods in Kenya

Penalties

Kenya Revenue Authority <http://www.revenue.go.ke/index.php/domestic-taxes/vat/offenses-and-penalties>
Offences and penalties for failing to comply with VAT regulations

EAC Customs Procedures http://customs.eac.int/index.php?option=com_content&view=article&id=47&Itemid=96

Description of customs offences and relevant sections of the regulations

Fees and Charges

Kenya Trade Portal <http://kenyatradeportal.go.ke/counties/cess-fees>

CESS required fees and taxes on the movement of agricultural produce raised by Local Authorities in Kenya

Kenya Bureau of Standards <http://www.kebs.org/index.php?opt=qai&view=pvcoverview>

details on certification standards under the Kenya Bureau of Standards with additional links/details on guides to certification

Kenya Revenue Authority <http://www.revenue.go.ke/index.php/customs-services/policy-unit-technical/taxation-of-per-diem>

Guidelines on taxation of PER DIEM

Kenya Trade Network Agency <https://kenyatradenet.go.ke/kesws/jsf/login/KESWSLoginPage.jsf>

info on duties and taxes, permits and licenses, payments, electronic declaration submission, submission of documents for customs

Kenya Regulations <http://kenya.eregulations.org/procedure/273/173?l=en>

Manufacturing Enterprise License for enterprises engaged in export

Kenya Regulations <http://kenya.eregulations.org/procedure/274/174?l=en>

Export Processing Zones (EPZ) for commercial enterprise license for companies engaged in exports

Kenya Trade Portal http://kenyatradeportal.go.ke/counties/licenses/p/field_county_value/All
Description of trade licenses for different counties

Classification or Valuation of Products

Kenya Revenue Authority <http://www.revenue.go.ke/index.php/customs-services/downloads/customs-downloads>

Valuation template with links to excel document, information on tariff rulings, customs passenger handbook, import declaration fees, and EAC customs forms

Kenya Revenue Authority <http://www.revenue.go.ke/index.php/domestic-taxes/vat/right-of-registered-trader>

Details on rights of a registered trader with Value added taxes

ARTICLE 10.4.3

Single Window

Kenya Plant Health Inspectorate Service <http://ecs.kephis.org/>
Electronic Certification System that helps prepare export documentation for exportation of produce

Kenya Plant Health Inspectorate Service <http://ics.kephis.org/Account/Login.aspx?ReturnUrl=%2f>
Plant Import & Quarantine Regulatory System (PIQRS) to enhance efficiency in plant import regulation

Pest Information <http://pims.eapic.org/auth/default/login>

Management System
Information portal for pest Information and related procedures

Kenya Trade Network Agency
<https://www.kentrade.go.ke/index.php/single-window-system-objectives>
Kenya TradeNet System - single window system

ARTICLE 10.6.2

Use of Customs Brokers

EAC Customs Procedures
http://customs.eac.int/index.php?option=com_content&view=article&id=49&Itemid=93
Rules for Customs agents for EAC members

Kenya Revenue Authority
<http://www.revenue.go.ke/index.php/customs-services/clerins-agents/licensing-procedures>
Description of licensing procedures and accreditation for clearing agents

ARTICLE 12.2

Contact Points for Exchange of Information

Kenya Trade Portal
<http://kenyatradeportal.go.ke/buy-from-kenya/suppliers>
List of suppliers by county and products

Fair Trade Organization of Kenya
<http://www.ftok.org/>
Organization promoting fair compensation and fair competition for farmers

Embassy of the Republic of Kenya
<http://www.kenemb-cairo.com/useful-links>
List of useful links as provided by the embassy

Kenya.eRegulations.org <http://kenya.eregulations.org/>
Website with information for investment opportunities in Kenya (forms, immigration, purchasing land, etc...)

Kenya Trade Portal http://kenyatradeportal.go.ke/buy-from-kenya/support_service_providers
Contact for trade support institutions such as banks, insurance, transporters, air cargo and logistics

Ministry of industry, Trade and Cooperatives <http://www.industrialization.go.ke/>
Provides trade information - mainly information for domestic suppliers

Kenya Revenue Authority <http://www.revenue.go.ke/index.php/customs-services/faqs>
Frequently Asked Questions - separated into 4 categories (customs and border control, Authorized economic operators, single customs territory, and passenger terminal FAQs)

Lesotho - Website Index

ARTICLE 1.4

Contact Information of the Enquiry Points

Lesotho Trade Portal <https://www.lesothotradeportal.org.ls/>
This website will help importers and exporters find all the information they require to import goods into Lesotho and export goods from Lesotho.

One-Stop Business Facilitation Centre <http://www.obfc.org.ls/business/default.php>

Information about starting a business in Lesotho , obtaining import permits and export information

Lesotho

Revenue <http://www.lra.org.ls/>

Authority

Main body responsible for the assessment and collection of specified revenue; for the administration and enforcement of laws relating to such revenue and for related matters.

Central Bank
of Lesotho

<https://www.centralbank.org.ls/>

Institution whose principal objective is to achieve and maintain price stability

Southern
African
Customs
Union

<http://www.sacu.int/>

Customs Union to help the movement of goods across borders between member states, with special agreements between member states

Lesotho
Government

http://www.gov.ls/gov_webportal/home/index.html

Information about Lesotho including ministries, tourism, economy among other country information

Government
of Lesotho

http://www.gov.ls/gov_webportal/ministries/trade%20&%20industry/trade.html

Contact information for the Ministry of Trade and Agriculture

Import, Export and Transit Procedures

Lesotho

<https://www.lesothotradeportal.org.ls/index.php?r=site/display&id=7>

Trade Portal [7](#)

General Information to **Import** into Lesotho

One-Stop
Business
Facilitation Centre
<http://www.obfc.org.ls/business/default.php#Exporting>
General information for businesses wanting to export

Lesotho Trade Portal
<https://www.lesothotradeportal.org.ls/index.php?r=site/display&id=78>
General Information to **Export from** Lesotho, including info on Rules of Origin certificates

Lesotho Trade Portal
<https://www.lesothotradeportal.org.ls/index.php?r=SearchForms/index>
<https://www.lesothotradeportal.org.ls/index.php?r=SearchProcedure/index>
Database of variety of licensing forms, applications and permits. Organized by Ministries and Agencies (i.e. Agricultural, Food Security, Employment, Trade & Industry, etc.)

Lesotho Trade Portal
<https://www.lesothotradeportal.org.ls/index.php?r=searchProcedure/view1&id=3>
Overview of border clearance procedures for Lesotho vendors

Lesotho Trade Portal
<https://www.lesothotradeportal.org.ls/index.php?r=searchProcedure/view1&id=4>
Customs Guidelines and Procedures for Clearance of Goods

Lesotho Revenue Authority
<http://www.lra.org.ls/sites/default/files/2017-10/Customs%20Procedures%20for%20Traders%20and%20Clearing%20Agents.pdf>
Poster summarizing steps for commercial traders and clearing agents

Lesotho
Revenue
Authority

<http://www.lra.org.ls/sites/default/files/2017-08/Temporary%20import%20guidelines%202017.pdf>

Customs Guidelines on **Temporary Importation** of goods into Lesotho

Lesotho
Revenue
Authority

<http://www.lra.org.ls/forms>

List of Customs and Excise forms as well as domestic tax forms

Applied Rates of Duties and Taxes

Lesotho
Trade Portal

<https://www.lesothotradeportal.org.ls/index.php?r=searchMeasures/index>

Database of current anti-dumping duties, additional levies and rebates in place - filter through Measure/Standard Type field

Lesotho
Revenue
Authority

<http://www.lra.org.ls/tariffs>

List of country codes and applicable levies, duties, and rebates applied; organized by schedules as set out in the Customs and Excise Act 1982 (Tariff Book)

Agreements with Other Countries

Southern
African
Customs
Union

<http://www.sacu.int/>

Southern African Customs Union - official website

Lesotho
Trade Portal

<https://www.lesothotradeportal.org.ls/index.php?r=site/display&id=4>

Description of the TBT and SPS Trade Agreements, and contact information for enquiry points relating to the agreements and Lesotho's obligations under the agreements

Southern African Development Community <http://www.sadc.int/>
Official website of SADC with details on member countries, policies and regulations

African Growth Opportunity Act (AGOA) <https://agoa.info/about-agoa.html>
Initiative by the US to promote growth of a select number of countries

European Commission https://ec.europa.eu/europeaid/regions/african-caribbean-and-pacific-acp-region/cotonou-agreement_en
Cotonou Agreement part of the African Caribbean Pacific (ACP) – European Union (EU) Partnership Agreement, which grants non-reciprocal preferential access to the EU market for some ACP products.

Lesotho Revenue Authority <http://www.lra.org.ls/trade-agreements>
List of trade agreements and links their relevant annexes

Tariff Quotas

Lesotho Trade Portal <https://www.lesothotradeportal.org.ls/index.php?r=site/display&id=69>
SADU Tariffs - Links to country codes, index to the Tariff Book, and general notes

Lesotho Revenue Authority <http://www.lra.org.ls/tariffs>
List of country codes and applicable tariffs organized by schedules as set out in the Customs and Excise Act 1982 (Tariff Book)

Rules of Origin

Lesotho
Trade Portal <https://www.lesothotradingportal.org.ls/index.php?r=searchProcedure/view1&id=24>

Procedural overview and rules of rules of origin, with links to relevant documents

Restrictions or Prohibitions

Lesotho <https://www.lesothotradingportal.org.ls/index.php?r=searchMeasures/index>
Trade Portal [index](#)

Database of current prohibitions and restrictions - filter through Measure/Standard Type field

Penalties

Lesotho <https://www.lesothotradingportal.org.ls/index.php?r=site/display&id=8>
Trade Portal [4](#)

Penal provisions for non-compliance customs regulations

Appeal or Review

Procedures

Lesotho <https://www.lesothotradingportal.org.ls/index.php?r=site/display&id=8>
Trade Portal [8](#)

Information on application for the Rebate of duties, and eligibility

Fees and Charges

Lesotho <https://www.lesothotradingportal.org.ls/index.php?r=site/display&id=8>
Trade Portal [2](#)

Information on Customs Duties and Value Added Tax

Lesotho <https://www.lesothotradingportal.org.ls/index.php?r=searchMeasures/index>
Trade Portal [index](#)

Database of current licensing fees, and other applied charges - filter through Measure/Standard Type field

Classification or Valuation of Products

Lesotho <https://www.lesothotradingportal.org.ls/index.php?r=site/display&id=8>
Trade Portal [1](#)

Explanation of the Harmonized classification system, with links to help determine your product's classification

ARTICLE 10.4.3

Single window

Asycuda
World
System

<http://ecustoms.lra.org.ls:81/>

Single window portal powered by the Lesotho Revenue Authority to control the entry and exit of goods in Lesotho and the collection of duties

ARTICLE 10.6.2

Use of Customs Brokers

Lesotho
Trade Portal

<https://www.lesothotradeportal.org.ls/index.php?r=site/display&id=8>

[3](#)

Information of responsibilities of clearing customs agents, and list of registered clearing agents

Lesotho
Revenue
Authority

<http://www.lra.org.ls/clearing-agents>

Database with contact information for registered clearing agents

ARTICLE 12.2

Contact Points for Exchange of Information

Lesotho
Trade Portal

<https://www.lesothotradeportal.org.ls/index.php?r=site/contact>

Contact Information and point to submit enquiries

Lesotho
Trade Portal

<https://www.lesothotradeportal.org.ls/index.php?r=site/display&id=1>

[97](#)

Comprised of 5 Maps: Trade Map, Market Access Map, Investment Map and Standards Map to help users in their market analysis and increase global trade transparency created by the ITC

Lesotho
Revenue
Authority
Contact
information

<http://www.lra.org.ls/lra-contact-centers>

Rwanda - Website Index

ARTICLE 1.4

Contact Information of the Enquiry Points

Rwanda
Revenue Agency
<http://www.rra.gov.rw/index.php?id=8>
Contact information for Rwanda Revenue Agency

Rwanda
Revenue Agency
<http://www.rra.gov.rw/index.php?id=222>
Locations and directions to customs offices and broder posts

National
Agricultural
Export Development
Board
<http://www.naeb.gov.rw/index.php?id=1>
The Board provides services from OCIR CAFE, OCIR THE and RHODA, with information on Agriculture to help improve Agricultural Exports

Rwanda
Trade Portal
<https://rwanda.tradeportal.org/>
Information on major commodity import, export, transit. The category menu on the top of the page is particularly helpful

Ministry of
Agriculture
and Animal
Resources
<http://www.minagri.gov.rw/index.php?id=678>
Policies , documents, programmes and statistics on promotion of agriculture and livestock to ensure food security

Import, Export and Transit Procedures

Rwanda
Revenue Agency
<http://www.rra.gov.rw/index.php?id=49>

Various forms for general licenses, AEO, Valuation Handbook, and Importer Questionnaires

EAC
Procedures for Transit goods http://customs.eac.int/index.php?option=com_content&view=article&id=36&Itemid=98
Information page with links to relevant documents, forms and procedures for transit goods through EAC countries

Procedures for Export Processing Zones http://customs.eac.int/index.php?option=com_content&view=article&id=5&Itemid=94
Information page with links to relevant documents, forms and procedures for Export Processing Zones in EAC countries

National Agricultural Development Board
Export requirements for exporting Coffee <http://www.naeb.gov.rw/index.php?id=124>

National Agricultural Development Board
Export requirements for exporting Tea <http://www.naeb.gov.rw/index.php?id=90>

National Agricultural Development Board
Export & market operations for horticulture products, including an Exporter's Guide and list of required documents <http://www.naeb.gov.rw/index.php?id=84>

Rwanda Trade Portal <https://rwanda.tradeportal.org/menu/94?l=en>

Transit procedures for coffee, tea, processed products, minerals through various border posts

Rwanda
Trade Portal <https://rwanda.tradeportal.org/menu/66?l=en>
Import procedures for commodities, animal products, processed products and clearance procedures

Rwanda
Trade Portal <https://rwanda.tradeportal.org/menu/1?l=en>
Export procedures for commodities, tea, coffee, minerals, permits, animal products, processed products and clearance procedures

Rwanda
Revenue Agency <http://www.rra.gov.rw/index.php?id=55>
Details of transit and transit procedures for goods through Rwanda

Rwanda
Revenue Agency <http://www.rra.gov.rw/index.php?id=51&L=0%27A%3D0>
General Import procedures with links to other services (rules of origin, pre and post clearance, pre-payment, Blue Channel facility, etc.)

Rwanda
Revenue Agency <http://www.rra.gov.rw/index.php?id=50>
General export information with links to relevant regulations

Applied Rates of Duties and Taxes

Pre-payment System <http://www.rra.gov.rw/index.php?id=230>
Details on how the pre-payment computerized system functions

EAC Customs http://customs.eac.int/index.php?option=com_docman&task=cat_view&gid=40&Itemid=106

Value Added Tax Act for all EAC Countries

Agreements with Other Countries

EAC Customs Union <http://www.rra.gov.rw/index.php?id=52>
General information on the customs union, including list of benefits, the treaty, tariff and rules of prigin information

COMESA <http://www.comesa.int/what-we-do/#trade-customs-monetary-affairs>
General information about COMESA, its member countries and its different legal components

EAC <https://www.eac.int/>
East African Community and its components

Tariff Quotas

EAC Common External Tariff https://customs.eac.int/index.php?option=com_content&view=article&id=137&Itemid=169
Rwanda is part of the EAC and therefore adopts the EAC Common External Tariff. Overview of how EAC tariff system works.

EAC Common External Tariff <https://www.eac.int/documents/category/key-documents>
This link to the document detailing the tariff and how it works

Rules of Origin

Rwanda Revenue Agency <http://www.rra.gov.rw/index.php?id=228>
Rules of origin for Rwanda

Rwanda Trade Portal <https://rwanda.tradeportal.org/menu/1?l=en>
Certificate of origin - (scroll down to bottom of page)

EAC Rules of Origin http://customs.eac.int/index.php?option=com_docman&task=cat_view&gid=68&Itemid=106

Rwanda is part of the EAC and therefore adopts the EAC 's Rules of Origin

Restrictions or Prohibitions

Prohibited goods <http://www.rra.gov.rw/index.php?id=232>
List of prohibited and restricted goods

travelers prohibited goods <http://www.rra.gov.rw/index.php?id=53>
List of prohibited goods in transit, tips for travelers, and allowances

Rwanda Trade Portal <https://rwanda.tradeportal.org/menu/1?l=en>
Clearance Procedures (scroll down to bottom of page)

EAC Members prohibited goods https://customs.eac.int/index.php?option=com_content&view=article&id=46&Itemid=97
List of prohibited goods for all EAC members

Penalties

Rwanda Revenue Agency <http://www.rra.gov.rw/index.php?id=229>
Penalties for pre-clearance procedures

Appeal or Review Procedures

EAC Customs Procedures http://customs.eac.int/index.php?option=com_content&view=article&id=47&Itemid=96
Definition of an offence, and EAC procedures, and penalties for offences

Fees and Charges

Rwanda
Revenue Agency <http://www.rra.gov.rw/index.php?id=57>
information on licensing, clearing agencies, processes and penalties for violations

Rwanda
Revenue Service <http://www.rra.gov.rw/index.php?id=66>
Trade License Tax forms and details

Market fees for various activities <http://www.rra.gov.rw/index.php?id=67>
Market fees for a variety of activities

Classification or Valuation of Products

Rwanda
Revenue Agency <http://www.rra.gov.rw/index.php?id=47>
Links to valuation gateway and valuation guideline

ARTICLE 10.4.3

Single Window

Rwanda
Revenue Agency <http://www.rra.gov.rw/index.php?id=46>
Process and Procedures for the electronic single window of Rwanda

ARTICLE 10.6.2

Use of Customs Brokers

Rules for Customs agents for EAC members http://customs.eac.int/index.php?option=com_content&view=article&id=49&Itemid=93
Information Page about Customs Agents, relevant forms and frequently asked questions

ARTICLE 12.2

Contact Points for Exchange of Information

Rwanda
Revenue Agency <http://www.rra.gov.rw/index.php?id=60>
Frequently asked questions

Rwanda
Standards.org <http://www.rwanda-standards.org/>
g
information about standards for various industries

Business
Procedures Rwanda <http://businessprocedures.rdb.rw/>
Information on investing in Rwanda and other relevant business information

Rwanda
Development Board <http://www.rdb.rw/rdb/agriculture.html>
Information Agriculture Opportunities for trade

Ministry of
Trade,
Industry, and
East African
Community
Affairs <http://www.mineacom.gov.rw/>
Ministry of Trade website with descriptions of trade policies, achievements, and international trade agreements

national
bank of
Rwanda <https://www.bnr.rw/>
Main financial institution to aid traders

Reforms

Rwanda
Revenue Agency <http://www.rra.gov.rw/index.php?id=58>
Description of recent customs reforms

South Africa - Website Index

ARTICLE 1.4

Contact Information of the Enquiry Points

South African Revenue Service
<http://www.sars.gov.za/Pages/default.aspx>
Nation's tax collecting authority, and is responsible for administering the South African tax system and customs service

South African Revenue Service
<http://www.sars.gov.za/ClientSegments/Customs-Excise/Processing/Pre-assessment/Accreditation/Pages/default.aspx>
Accreditation information for Preferred traders

Import, Export and Transit Procedures

South African Revenue Service
<http://www.sars.gov.za/ClientSegments/Customs-Excise/AboutCustoms/Pages/default.aspx>
General information about customs in South Africa

South African Revenue Service
<http://www.sars.gov.za/ClientSegments/Customs-Excise/AboutCustoms/Imports/Pages/Imports.aspx>
General descriptions on Importing into South Africa, with links to relevant publications and forms

South African Revenue Service
<http://www.sars.gov.za/ClientSegments/Customs-Excise/AboutCustoms/Pages/Exports.aspx>
General descriptions on Exporting out of South Africa, with links to relevant publications and forms

Applied Rates of Duties and Taxes

South
African
Revenue
Service
Diamond
Export Levy

<http://www.sars.gov.za/TaxTypes/DEL/Pages/default.aspx>

South
African
Revenue
Service

<http://www.sars.gov.za/ClientSegments/Customs-Excise/Excise/Pages/default.aspx>

Description of Excise duties and levies

South
African
Revenue
Service

<http://www.sars.gov.za/TaxTypes/Pages/International-Oil-Pollution-Levy.aspx>

International Oil Pollution Compensation Fund (IOPCF) Levy

Tariff Quotas

South
African
Revenue
Service

<http://www.sars.gov.za/ClientSegments/Customs-Excise/Pages/Tariff.aspx>

Description of tariffs including publications of tariff classification

Rules of Origin

South
African
Revenue
Service

<http://www.sars.gov.za/ClientSegments/Customs-Excise/Processing/Assessment/Pages/Rules-of-Origin.aspx>

Description of Rules of Origin

Restrictions or Prohibitions

South
African
Revenue
Service

<http://www.sars.gov.za/ClientSegments/Customs-Excise/Travellers/Pages/Prohibited-and-Restricted-goods.aspx>

Prohibited, Restricted and Counterfeit Goods

Fees and Charges

South
African
Revenue
Service

<http://www.sars.gov.za/TaxTypes/APT/Pages/default.aspx>

Air Passenger Tax - tax charged on passengers on a chargeable aircraft departing from an airport in the Republic to a destination outside the Republic.

South
African
Revenue
Service
Sugar
Beverages
Levy

<http://www.sars.gov.za/ClientSegments/Customs-Excise/Excise/Pages/Sugary-Beverages-Levy.aspx>

Classification or Valuation of Products

South
African
Revenue
Service

<http://www.sars.gov.za/ClientSegments/Customs-Excise/Processing/Assessment/Pages/Valuation.aspx>

Descriptions of valuations, valuation codes and relevant forms for valuation

ARTICLE 12.2

Contact Points for Exchange of Information

South
African
Revenue
Service

<http://www.sars.gov.za/ClientSegments/Customs-Excise/AboutCustoms/Pages/Border-Posts.aspx>

Contact information and brief list of Border Posts

SARS
Rates of
Exchange

<http://tools.sars.gov.za/rex/Rates/Main.aspx>

South African Revenue Service
<http://www.sars.gov.za/ClientSegments/Customs-Excise/AboutCustoms/Pages/New-Customs-Legislation-update.aspx>
Forum providing New customs legislation update

South African Revenue Service
<http://www.sars.gov.za/ClientSegments/Customs-Excise/AboutCustoms/Pages/Q-and-A-for-the-new-Customs-Legislation.aspx>
New Legislation update FAQs

Uganda - Website Index

ARTICLE 1.4

Contact Information of the Enquiry Points

Uganda Export Promotion Board
<http://www.ugandaexports.go.ug/en/>
National focal point for export promotion and development - information on export directories and opportunities, and export readiness checker

Uganda Trade Portal
<https://uganda.tradeportal.org/>
Requires an account to login

Uganda Single window contact
<http://singlewindow.go.ug:8050/uesw/index.php/contact/>
Link for single window of trade in Uganda

Uganda National Bureau of Standards
<https://www.unbs.go.ug/>

Provide standards, measurements and conformity assessment services for goods sold in Uganda

Import, Export and Transit Procedures

Uganda Revenue Authority
<https://www.ura.go.ug/Resources/webuploads/INLB/Asycuda%20trade%20manual.compressed.pdf>
Customs and Excise Manual under EAC Customs Union

EAC Customs Procedures
<https://www.eac.int/documents/category/forms>
Variety of forms for EAC countries engaged in trade

Uganda National Bureau of Standards
[https://www.unbs.go.ug/content.php?src=pre-export-verification-of-conformity-\(pvoc\)&pg=content](https://www.unbs.go.ug/content.php?src=pre-export-verification-of-conformity-(pvoc)&pg=content)
Pre-Export Verification Of Conformity Information

Uganda National Bureau of Standards
<https://www.unbs.go.ug/content.php?src=imports-inspection-and-clearance-scheme&pg=content>
Inspection and Clearance scheme for imports

EAC Customs Procedures
http://customs.eac.int/index.php?option=com_content&view=article&id=5&Itemid=94
Procedures of EAC countries for Export Processing Zones

EAC Customs Procedures
http://customs.eac.int/index.php?option=com_content&view=article&id=36&Itemid=98
EAC Procedures for Transit goods through EAC member countries

Applied Rates of Duties and Taxes

EAC Customs Procedures
http://customs.eac.int/index.php?option=com_docman&task=cat_view&gid=40&Itemid=106
Value Added Tax Act for all EAC Countries

Agreements with Other Countries

EAC Customs Procedures <https://www.eac.int/customs>
East African Community and its components

COMESA <http://www.comesa.int/what-we-do/#trade-customs-monetary-affairs>
General information about COMESA, its member countries and its different legal components

Tariff Quotas

EAC Customs Procedures https://customs.eac.int/index.php?option=com_content&view=article&id=137&Itemid=169
EAC Common External Tariff

Rules of Origin

Uganda Export Promotion Board
<http://www.ugandaexports.go.ug/en/category/trade-facilitation/>
Information on new Rules of Origin Procedures passed in 2016

EAC Customs Procedures http://customs.eac.int/index.php?option=com_docman&task=cat_view&gid=68&Itemid=106
EAC Rules of Origin

Restrictions or Prohibitions

CMA - CGM <https://www.cma-cgm.com/static/eCommerce/Attachments/Uganda%20111115.pdf>

EAC Customs Procedures https://customs.eac.int/index.php?option=com_content&view=article&id=46&Itemid=97
List of prohibited goods within the EAC membership

Appeal or Review Procedures

EAC Customs Procedures http://customs.eac.int/index.php?option=com_content&view=article&id=47&Itemid=96

Definition of an offence, and EAC procedures, and penalties for offences

Classification or Valuation of Products

EAC Customs Procedures http://customs.eac.int/index.php?option=com_docman&Itemid=170

Product Identification Bulletin (information various goods such as furniture, motor vehicle spare parts, liquors, and EAC Customs valuation expert guide)

ARTICLE 10.4.3

Single Window

Uganda
Single Window <http://singlewindow.go.ug:8050/uesw/>

Focus of all documents, procedures and requirements for trade with Uganda

ARTICLE 10.6.2

Use of Customs Brokers

EAC Customs Procedures http://customs.eac.int/index.php?option=com_content&view=article&id=49&Itemid=93

Rules for Customs agents for EAC members

ARTICLE 12.2

Contact Points for Exchange of Information

Uganda
Export Promotion Board
<http://www.ugandaexports.go.ug/en/uganda-exporters-directory/>
Uganda exporters directory

Zimbabwe - Website Index

ARTICLE 1, 1.1

Procedures, Fees

Zimbabwe Revenue Authority	https://www.zimra.co.zw
Contains information on customs fees, tariffs, etc.	

ZimTrade	http://www.tradezimbabwe.com/how-we-can-help-3/
A national trade development and promotion website	

ARTICLE 1, 1.1(a)

Import and Export Information

ZimTrade	http://www.tradezimbabwe.com/wp-content/uploads/2018/05/Guide to Importing in Zimbabwe 2018.pdf
Importing information, including regarding import licences	

ZimTrade	http://www.tradezimbabwe.com/wp-content/uploads/2018/05/New Exporters Guide 2018.pdf
Exporting information, including regarding export licences	

Zimbabwe Revenue Authority	https://www.zimra.co.zw/index.php?option=com_content&view=article&id=59&Itemid=54
Customs clearance procedures	

Zimbabwe Revenue Authority	https://www.zimra.co.zw/index.php?option=com_phocadownload&view=section&id=1:forms&Itemid=112
Forms related to customs & excise	

ARTICLE 1, 1.1(f)

Import and Export Bans

ZimTrade	http://www.tradezimbabwe.com/buying-from-zimbabwe-2/about-zimbabwe/buying-zimbabwe-trade-regulations/
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Trade regulations

ARTICLE 1, 1.1(h)

Procedures

ZimTrade <http://www.tradezimbabwe.com/how-we-can-help/zimtrade-help-desk/report-a-problem-trade-obstacle/>

Form for reporting encountered trade obstacles

Agreements

ZimTrade <http://www.tradezimbabwe.com/wp-content/uploads/2018/05/Guide to Zimbabwes Trade Agreements 2018.pdf>

Trade agreements, Rules of Origin, instructions on how to register to qualify under a trade agreement

ARTICLE 1, 1.1(c)
and (j)

Tariff

ZimTrade https://www.zimra.co.zw/index.php?option=com_content&view=article&id=2760&Itemid=222

Tariff handbook

ARTICLE 2.1(c), 3

Enquiry Points

ZimTrade <http://www.tradezimbabwe.com/how-we-can-help/zimtrade-help-desk/enquiry-form/>

Enquiry Form

Zimbabwe Revenue Authority https://www.zimra.co.zw/index.php?option=com_contact&view=category&catid=13&Itemid=38

Enquiry points for the Revenue Authority, by region

Zimbabwe Revenue Authority https://www.zimra.co.zw/index.php?option=com_contact&view=contact&id=36&Itemid=77
Enquiry point for Revenue Authority, general

ARTICLE 2.1(c)

Enquiry Points

ZimTrade <http://www.tradezimbabwe.com/how-we-can-help/useful-contacts/>
List of contacts useful to those doing business in Zimbabwe

Zimbabwe Investment Authority <https://www.investzim.com/education-2>
Portal for investment information

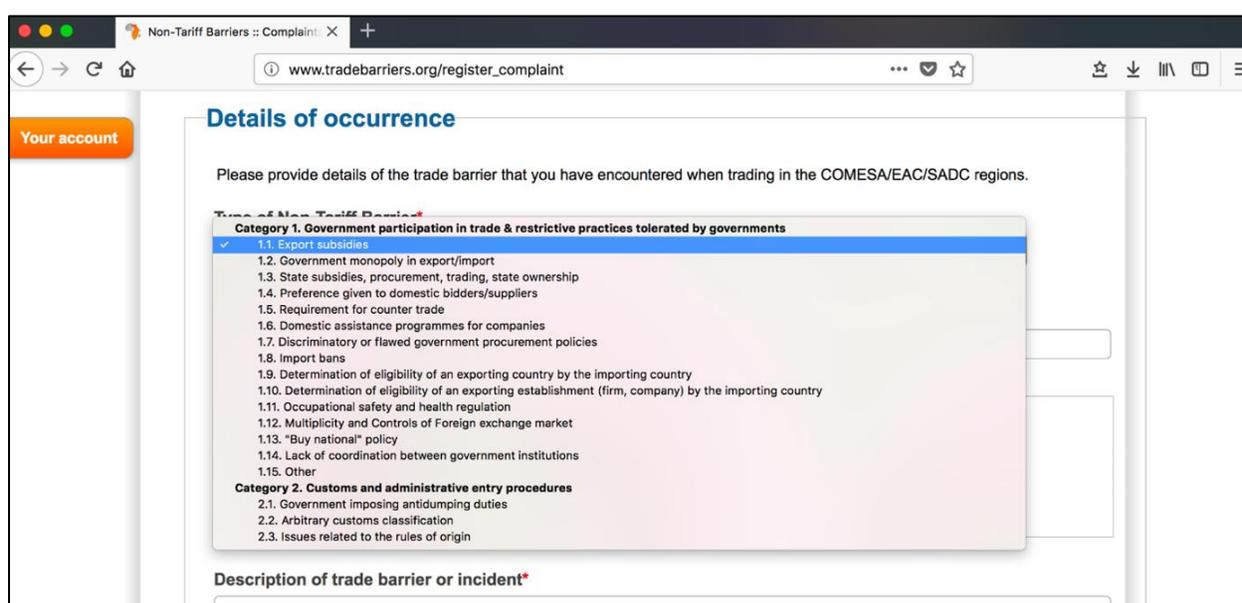
Government of Zimbabwe <http://www.zim.gov.zw/parastatals>
List of parastatals, e.g. agricultural, mining, industry & trade

Government of Zimbabwe <http://www.zim.gov.zw/government-ministries>
List of government ministries

APPENDIX C: 2018 Report, NTB Classification Framework

The NTB Classification Framework is the heart of the CMS and facilitates the accurate and consistent categorization of complaints. This component of the CMS is the linchpin to grounding the resolution of complaints in states' legal obligations under the TFA. As noted above, users presently classify their complaints by selecting from a list of 81 NTB subcategories the one that they believe best describes their complaint.³⁰ Figure 4 presents a screenshot of this process.

FIGURE 1 - VISUAL REPRESENTATION OF THE DROP-DOWN LIST OF NTB SUBCATEGORIES ON THE "REGISTER A COMPLAINT" PAGE OF THE WEBSITE



While this method of complaint classification has its merits, the extensive list of subcategories is daunting to Website users. The Team thought it would be useful to look for more effective and efficient alternatives. Accordingly, the Team developed two possible methods for the NCF: (i) the "Drive-Down" method; and (ii) the "Add-Up" method. Either NCF model would be located on the "Register a Complaint" page of the Website and would replace the drop-down list depicted above in Figure 4.

³⁰ Incorrect classifications can be corrected by system administrators. However, this has not eliminated the incidence of misclassified complaints.

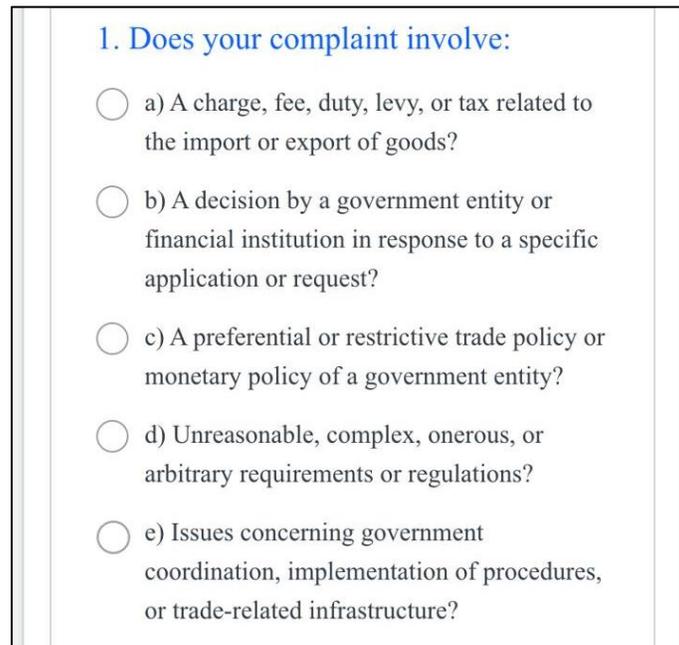
The following section of the report will describe each model, then compare them to highlight the pros and cons of each, including general comments with respect to complexity and cost to implement. Subsequently, other more technical alternatives will be briefly discussed. In making these recommendations, the Team does not profess to have expertise in data science or website design. The Team’s faith in the feasibility of these options reflects consultations with Professor Wolfgang Alschner, an expert in this area.³¹ The Team’s suggestions merely conceptualize the proposed NCF models and provide some of the substantive content for the framework. Actual implementation of the NCF, however, will require assistance from data scientists and website developers.

“Drive-Down” Method

The first model the team developed is called the “Drive-Down” method. This approach guides users through a series of questions that narrows down the list of NTB subcategories to a shortlist of two or three options from which the user selects the one that best describes their complaint. The process begins with a general question asking users what their complaint involves, and presents five possible responses, as shown in Figure 5 on the next page.

³¹ Professor Wolfgang Alschner is an Assistant Professor at the University of Ottawa’s Faculty of Law with a cross-appointment to the Faculty of Engineering, School of Electrical Engineering and Computer Science. He is also a faculty member of the Centre for Law, Technology and Society at the University of Ottawa. His research focuses on using social and computer science methods to empirically investigate international law. (see <https://commonlaw.uottawa.ca/en/people/alschner-wolfgang>) He is also the co-founder of the investment treaty analytics portal www.mappinginvestmenttreaties.com and is an academic supervisor with the University of Ottawa and Queen’s University Joint International Economic Law TradeLab Clinic.

FIGURE 2 - VISUAL REPRESENTATION OF INITIAL GUIDING QUESTION UNDER THE "DRIVE-DOWN" METHOD



1. Does your complaint involve:

- a) A charge, fee, duty, levy, or tax related to the import or export of goods?
- b) A decision by a government entity or financial institution in response to a specific application or request?
- c) A preferential or restrictive trade policy or monetary policy of a government entity?
- d) Unreasonable, complex, onerous, or arbitrary requirements or regulations?
- e) Issues concerning government coordination, implementation of procedures, or trade-related infrastructure?

Each response is linked to a fixed number of NTB subcategories grouped together based on five general characteristics, namely: (i) charges/fees/duties imposed; (ii) decisions in response to a request; (iii) trade policies; (iv) requirements or regulations; and (v) government procedures or infrastructure. Collectively, all 81 NTB subcategories are covered. Where a subcategory shares characteristics with more than one grouping (henceforth referred to as a class), it is filed under each one to ensure that complaints are properly classified.³² By selecting a response, the subcategories not associated with it are disqualified, and the process continues. After the initial question has been answered, the response field reloads to display a second question. The substance of this follow-up question depends upon the response to the first question. Figures 6 below contrasts the responses to the follow-up questions that result from selecting (a) and (e) in the first question.

³² For example, the NTB subcategory *2.10 Unreasonable Customs Procedures and Charges* is associated with both the fees and charges class (response (a)) and the government coordination and procedures class (response (e)). This overlap is one reason why the Team has recommended that this NTB subcategory be modified (see *2.10 Unreasonable Customs Procedures and Charges* in Appendix I).

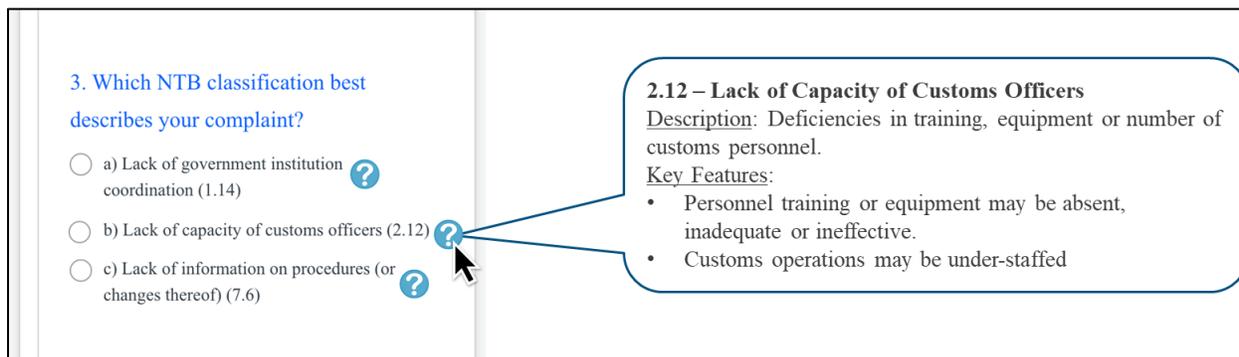
FIGURE 3 - COMPARISON OF FOLLOW-UP QUESTIONS AND RESPONSES THAT RESULT DEPENDENT UPON A USER'S ANSWER TO QUESTION 1. (LEFT: RESPONSE (A) TO Q1; RIGHT: RESPONSE (E) TO Q1)

<p>2. Please indicate which state imposed the trade-related cost, or whether the cost resulted from corruption, regardless of the state involved:</p> <ul style="list-style-type: none"><input type="radio"/> a) Exporting Country<input type="radio"/> b) Transit Country<input type="radio"/> c) Import Country<input type="radio"/> d) Corruption	<p>2. Does your complaint involve:</p> <ul style="list-style-type: none"><input type="radio"/> a) The cost, length, or reasonableness of procedures?<input type="radio"/> b) The adequacy of trade-related infrastructure?<input type="radio"/> c) Issues with information sharing and/or personnel training?<input type="radio"/> d) A transit country or immigration issue?<input type="radio"/> e) Discriminatory, arbitrary or corrupt practices?
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After selecting a response to the second question, the user will once again be presented with another set of responses from which to choose. Each of these responses is associated with a fixed number of NTB subcategories from the list of subcategories that were not disqualified at the previous stage. In other words, after every response, NTB subcategories that are not relevant to the complaint are filtered out and the Website's 81 NTB subcategories are progressively narrowed down to a manageable shortlist of one to three subcategories. If the process narrows down the possible NTB subcategories for a complaint to two or three NTB subcategories, the user is asked to select the one that best describes their complaint. To facilitate the user's selection of the most accurate subcategory, each is accompanied by a brief description and key features. This information is accessed by hovering the user's cursor over the selection's corresponding question mark icon, as shown in Figure 7.³³ In contrast, if a single subcategory is identified, the complainant need only select that subcategory, and then proceed to the next steps of the submission (e.g. personal information).

³³ These are the NTB subcategory descriptions discussed above in Section 3.1 and listed in Appendix I.

FIGURE 4 - VISUAL REPRESENTATION OF THE NTB SUBCATEGORY DESCRIPTION AND KEY FEATURES POP-UP BOX



Overall, the Team has designed this question and response function to be as simple, efficient, and user-friendly as possible. With regards to accuracy of classification, provided users' responses accurately reflect the substance of their complaints, the shortlisted NTB subcategories should properly correspond to the complaint. However, if a user believes the NTB subcategories identified do not accurately reflect their complaint, they may repeat the process and change any responses they were unsure of, or that were given incorrectly. The full mapping of NTB subcategories to responses is found in Appendix II.³⁴ The Drive-Down model questions and responses are found in Appendix III, attached as a separate Excel file.³⁵

“Add-Up” Method

The second method the Team developed for classifying NTB complaints is called the “Add-Up” method. Unlike the previous approach, which guides users through a series of sequential questions, this method directs complainants to respond to a comprehensive set of questions, presented simultaneously. Once the complaint is submitted, these responses are compiled to create a unique string of attributes (Attribute String). This string is cross-referenced with the NTB subcategories, each of which has one or more similar Attribute Strings attached to

³⁴ File: *Appendix II – NTB Classes & Mapping*; The information is presented using a software called XMind ZEN, which uses a proprietary “.xmind” filetype. Accessing the full mapping will thus require downloading XMind ZEN, available at <http://www.xmind.net/>. XMind offers a free trial. For the purpose of accessing this information without the program, the Team has also provided a PDF of this file. However, the PDF file is less user-friendly in working with the information.

³⁵ File: *Appendix III – NCF – Drive-Down Method*.

it. Ultimately, the subcategory under which the complaint should be classified is the one whose associated Attribute String matches the Attribute String determined by the complainant’s responses.³⁶ Significantly, this method removes user self-selection of NTB subcategories altogether. Whereas the “Drive-Down” method narrows down the list of NTB subcategories and directs complainants to select from that shortlist, the “Add-Up” approach automatically identifies the appropriate NTB subcategory upon responding to all questions. In other words, the system, rather than the user, controls the classification of a complaint. The process begins with the same initial guiding question used in the “Drive-Down” method, as illustrated by Figure 8. In this case, however, it is presented in a different way. Selecting a response expands a field to reveal a set of comprehensive questions unique to that response. Figure 9 illustrates the question set for answer (b).³⁷

Does your complaint involve:	
a) A charge, fee, duty, levy, or tax related to the import or export of goods?	<input type="checkbox"/>
b) A decision by a government entity or financial institution in response to a specific application or request?	<input type="checkbox"/>
c) A preferential or restrictive trade or monetary policy of a government entity?	<input type="checkbox"/>
d) Unreasonable, complex, onerous, or arbitrary requirements or regulations?	<input type="checkbox"/>
e) Issues concerning government coordination, implementation of procedures, or trade-related infrastructures?	<input type="checkbox"/>

³⁶ To ensure the proper functioning of this approach, no two NTB subcategories may be associated with the same sequence of possible answers. If this were permitted, it would be necessary to have a system for dealing with competing subcategories. Thus, questions and answers must be strategically designed to avoid duplicating sequences of answers.

³⁷ Please note that the Team has only created the question set for answer (b). Those for answers (a) and (c) through (e) have not been created at this time. If the Beneficiary wishes to use this NCF model specifically, future research teams could resume work on this aspect of the project.

FIGURE 6 - VISUAL REPRESENTATION OF THE QUESTION SET ASSOCIATED WITH ANSWER (B) OF QUESTION 1

b) A decision by a government entity or financial institution in response to a specific application or request?

1. Does the ruling relate to:
(a) A company (b) A good (c) An individual (d) None of the above
2. If the ruling relates to a good, does it concern (if not a good, click “not applicable”):
(a) Rules of Origin (b) Tariff classification (c) Amount of domestic value added (d) Not applicable
3. Does the ruling involve unfair, arbitrary or discriminatory practices?
(a) Yes (b) No
4. Does the ruling relate to:
(a) Customs (b) Immigration (c) Financing (d) Import Licensing
5. Was the ruling an abuse of power or reflect corrupt practices?
(a) Yes (b) No

Subsequently, the user selects one answer for each of the five questions. The user is then free to proceed to the next stages of the form (e.g. personal information) and submit the complaint. Once submitted, the system compiles the responses and cross-references this sequence of answers with all the NTB subcategories falling within the “Decision of a Government Entity or Financial Institution” class (GR Class), as highlighted in Appendix IV.³⁸ The following example illustrates how the Add-Up method functions in practice, using an actual complaint found on the Website. The complaint states that the Tanzania Revenue Authority is rejecting the certificate of origin of the user’s product.

NTB-000-522: “Non recognition of EAC certificate of origin by Tanzania Revenue Authority for furniture products manufactured in Kenya”

Using this information to respond to the question set for answer (b), the user would respond to question 1 by choosing “(b) a good” and to question 2 by choosing “(a) Rules of Origin”. Without further details provided in the complaint registered on the Website, it is unclear whether the ruling involves unfair, arbitrary or discriminatory practices. For the purposes of this example, it will be assumed that the decision was unfair (such that for question three, the user will choose “(a) Yes”. As rules of origin are a customs matter, the user would

³⁸ File: *Appendix IV – NCF – Add Up Method*.

choose “(a) Customs” in responding to question 4. Finally, as there is no evidence of corruption from the complaint description, we assume the user would choose “(b) No” in answering question 5. Accordingly, these responses would automatically generate the following string of attributes:

NTB-000-522 = Good + Origin + Yes + Customs + No

In comparing the complaint’s Attribute String with those from Figure 10, it is evident that the complaint should be classified under subcategory *2.3 Issues of Rules of Origin*.³⁹

FIGURE 7 - ATTRIBUTE STRINGS OF THREE NTB SUBCATEGORIES WITHIN THE GR CLASS

Subcategory (Government Rulings)	Q1	Q2	Q3	Q4	Q5
2.3 – Issues of Rule of Origin	Good	Origin	Yes No	Customs	No
6.4 – Import Credit Discrimination	Company	Not Applicable	Yes	Financing	No
7.3 - Corruption	Company Good Individual N/A	Origin Tariff Classification Domestic Value Not Applicable	Yes No	Customs Immigration Financing Import Licensing	Yes

Comparing the Methods / Pros & Cons

One advantage of the “Drive-Down” method is that less information is displayed on the screen at any single time. This is due to the fact that this method presents a single question at a time. This may be less intimidating to users, thereby increasing user-friendliness. It may also be

³⁹ As mentioned above, whether the user had responded “Yes” or “No” to question three does not affect the outcome. This is an example of a subcategory that has multiple combinations of Attribute Strings, in recognition of the fact that circumstances may differ between complaints with similar subject-matter. Another example of a category with multiple corresponding Attribute Strings is subcategory *7.3 Corruption*. For the working file on NTB subcategory answer-sequences, refer to Appendix II, attached as a separate excel file in the Master Folder.

easier to implement this method in a smartphone-based application. A second advantage to the “Drive-Down” method is that it may be easier and less expensive to design and implement than the “Add-Up” method. This is because the concept underlying the “Drive-Down” method is a simple process of elimination. The cross-referencing of unique answer-sequences required by the “Add-Up” method adds a layer of complexity that could translate into greater costs and difficulty in design.

The main advantage of the “Add-Up” method is that it always produces a single NTB subcategory for the user’s complaint and thus takes final categorization completely out of the user’s hands, thereby reducing the chance of user error. Conversely, the “Drive-Down” method often presents users with two or three possible NTB subcategories, leaving a greater margin of error. A second advantage of the “Add-Up” method is that it allows users to correct or reconsider responses to questions as they continue reading through questions. Occasionally, as one proceeds through a survey, ambiguities from prior questions are clarified, requiring corrections to previous responses. The “Add-Up” method facilitates such self-correction by placing all questions before the user on a single screen.

“Back-End” Intensive Alternatives

The “Drive-Down” and “Add-Up” methods described above may be viewed as front-end intensive systems. The front-end of a system is its interface – what the user sees, touches and experiences.⁴⁰ Thus, these two methods are front-end intensive systems in the sense that they require complainants to do a considerable amount of work to submit complaints (e.g. respond to questions, describe their complaints, etc.).

The Team was directed to two alternative back-end intensive systems by Prof. Wolfgang Alschner, mentioned above.⁴¹ Before reviewing these two options, it must be reiterated that the Team does not have technical or data science expertise, and the following suggestions are merely intended to highlight other possible alternatives. If the Beneficiary has further interest in these options, the Team would be pleased to connect the Beneficiary with Professor

⁴⁰ <https://www.upwork.com/hiring/for-clients/frontend-vs-backend-web-development/>.

⁴¹ Prof. Alschner’s research focuses “on using social and computer science methods in order to empirically investigate international law.” For further description of Prof. Alschner, see note 4.

Alschner, unless the Beneficiary wishes to consult with other data scientists and technical experts in this field.

The alternative to a front-end intensive system is a back-end intensive system. The back-end of a system is what drives and enables the front-end, and is “responsible for calculations, business logic, database interactions, and performance.”⁴² Consequently, a back-end intensive system would reduce the burden on users submitting complaints. Specifically, the system would read and interpret the text of complaint descriptions and classify the complaint according to the system’s programming or training, depending on the type of system used (discussed below). Unlike the “Add-Up” and “Drive-Down” methods, such a system would eliminate the need to question users about their complaints, limiting a complaint submission to a written description of the NTB.

There are two possible approaches to such back-end systems, a Rules-Based system or a Machine Learning system.⁴³ The former is the traditional approach to data collection. It would require programmers to predict and/or define keywords and word syntaxes for each NTB subcategory. For those subcategories that already have complaints filed under them, such as *2.3 Issues of Rules of Origin*, this task would be simple as existing complaints could provide many relevant keywords (being cautious not to include keywords from miscategorized complaints). However, for those subcategories that have never been used, such as *6.4 Import Credit Discrimination*, a comprehensive list of keywords would need to be compiled based on words complainants are *likely* to use in describing their complaints. The disadvantage of this approach is that it depends on the accurate prediction of all potential scenarios that give rise to NTBs. This is an extremely challenging task and makes proper classification of complaints nearly impossible unless the rules are constantly updated. Consequently, Rules-Based systems are less practical.

The second option for a back-end system, a Machine Learning system, solves the prediction problems encountered with Rules-Based systems. As the name suggests, a Machine

⁴² *Supra* note 10.

⁴³ <https://www.forbes.com/sites/teradata/2015/12/15/data-science-machine-learning-vs-rules-based-systems/#24108dbd2119>.

Learning system learns from itself and builds new rules over time, without the need to manually add more. There are two approaches to such systems: supervised or unsupervised, described below.

Supervised

Under the supervised method, the system is taught the classifications it should make based on the text of existing complaints. Once trained, the system classifies new complaints by comparing them to existing ones and determining, on a probabilistic basis, the NTB subcategory with the greatest amount of similar complaints. This approach requires that (1) all possible conclusions are already known, and (2) that the data used to train the system are correctly labeled. Since a closed list of NTB subcategories already exists, the first requirement is satisfied. (Of course, the system would need to be trained on any amendments to the NTB subcategory list, such as those recommended by the Team in Appendix I.) With regards to the second requirement, however, data scientists would need to navigate previously submitted complaints and correct those that are misclassified. Failure to do so would result in the compounding of the misclassification problem. If these corrections are made, the supervised method provides a good option for complaint categorization that reduces the amount of work needed to submit a complaint.

Unsupervised

The second approach to Machine Learning systems is the unsupervised system, which more closely aligns with what some call true artificial intelligence: “the idea that a computer can learn to identify complex processes and patterns without a human to provide guidance.”⁴⁴ Unlike a supervised system, an unsupervised system does not need to be taught, and simply looks for similarities between new and existing complaints and groups them accordingly, creating its own subcategories based on its assessment. On the one hand, this system could be an invaluable tool for reclassifying existing complaints into similar groups and assigning the

⁴⁴ <https://www.datascience.com/blog/supervised-and-unsupervised-machine-learning-algorithms>.

most appropriate heading to the new category. However, since the NTB subcategories were negotiated by the TFTA as a closed list, this system may overstep its authority.

In sum, the purpose of this section was to highlight other available alternatives for addressing the problems identified in Section 1. These back-end intensive systems reduce the amount of work that complainants must do to submit complaints, while simultaneously ensuring that complaints are properly classified. It is reasonable to assume that complaints are less likely to be misclassified if there are fewer options for complainants to choose from – too many questions may be overly burdensome or complicated, leading to errors. With back-end intensive systems, there are no questions for users to answer beyond providing a description of their complaint. If such alternatives are of interest to the Beneficiary, the Team recommends it consult with data scientists to review the feasibility of each method along with their respective advantages and disadvantages.

APPENDIX D: LIST OF RESOURCES

This section contains a list of resources that may be helpful to the Beneficiary for its own work or perhaps for sharing on tradebarriers.org. The list will be expanded as the project continues.

1. “African Continental Free Trade Area (AfCFTA) Legal Texts and Policy Documents,” online:
<<https://www.tralac.org/resources/by-region/cfta.html>>.
2. “Agreement Establishing the African Continental Free Trade Area”, online:
<<https://www.tralac.org/documents/resources/african-union/2162-afcfta-agreement-legally-scrubbed-version-signed-16-may-2018/file.html>> [“AfCFTA”].
3. “Agreement on Import Licensing Procedures” 1869 U.N.T.S. 436, online
<https://www.wto.org/english/docs_e/legal_e/23-lic_e.htm#article3>.
4. “Agreement on Technical Barriers to Trade” 1868 U.N.T.S. 120, online
<<https://wto.org/tbt>>.
5. [“Agreement on Trade Facilitation” 27 November 2014, WT/L/940, 22 February 2017.](#)
6. Blake Van Santen, Isabella Mira and Tristan McLeod “East African Community: Non-Tariff Barriers & Trade Facilitation, Final Report” 26 April 2018 [“Final 2018 Report”].
7. Craig Atkinson, “Disruptive trade technologies will usher in the ‘internet of rules’” (27 April 2018), London School of Economics Business Review Blog, online:
<<https://blogs.lse.ac.uk/businessreview/2018/04/26/disruptive-trade-technologies-will-usher-in-the-internet-of-rules/>>.
8. Craig Atkinson, “From Facilitation 2.0 to trade policy 3.0: Opportunities to expand and extend the rules of global trade” (11 June 2018), International Centre for Trade and

Sustainable Development, online: <<https://www.ictsd.org/opinion/from-facilitation-20-to-trade-policy-30-opportunities-to-expand-and-extend-the>>.

9. tralac “SADC-EAC-COMESA Tripartite Free Trade Area Legal Texts and Policy Documents”, online: <<https://www.tralac.org/resources/by-region/comesa-eac-sadc-tripartite-fta.html>>.
10. UNCTAD’s document on classification on Non-Tariff Measures can be accessed online at: <<https://unctad.org/en/Pages/DITC/Trade-Analysis/Non-Tariff-Measures/NTMs-Classification.aspx>>
11. United Nations Economic Commission for Europe, “the Single Window Concept” (24 July 2012), online: <<http://unpan1.un.org/intradoc/groups/public/documents/UNECE/UNPAN019892.pdf>>.
12. The United Nations Conference on Trade and Development has published a document on the classification and description of non-tariff measures. The text is available in seven languages, including English, French and Arabic. It is available online: <https://unctad.org/en/Pages/DITC/Trade-Analysis/Non-Tariff-Measures/NTMs-Classification.aspx>
13. Wolfgang Alschner, Joost Pauwelyn, Sergio Puig, “The Data-Driven Future of International Economic Law” (June 2017), *Journal of International Economic Law*, 20:2, Pages 217-231, online: <<https://academic.oup.com/jiel/article/20/2/217/3852652>>.
14. WTO “Trade Facilitation: Members Discuss Progress and Assistance on Trade Facilitation Agreement’s 2nd Year,” 12 February 2019, online: <https://www.wto.org/english/news_e/news19_e/fac_14feb19_e.htm>.
15. WTO “Trade Facilitation”, online: <https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm>.

16. WTO “Understanding the WTO Agreement on Sanitary and Phytosanitary Measures” May 1998, online <https://www.wto.org/english/tratop_e/sps_e/spsund_e.htm>.