

COMMUNICATION FROM INDIA

The following communication, dated 9 May 2006, is being circulated at the request of the Delegation of India.

COOPERATION MECHANISM FOR CUSTOMS COMPLIANCE

1. India submits the following specific elements for commitment for a multilateral cooperation mechanism for exchange of information between customs administrations of Members pursuant to the proposal submitted under document TN/TF/W/68.

I. ELEMENTS FOR COMMITMENT

- Exchanging specific information upon request.
- Exchange of specific information shall relate to matters such as HS classification, quantity, full and accurate description, country of origin and valuation of goods.
- Such exchange shall be in identified cases where there is reason to doubt the truth or accuracy of the declaration filed by the importer or exporter.
- The request for information shall be limited to the data elements already contained in the import or export declaration.
- In appropriate cases, exchange shall also be of document(s) filed in support of goods declaration such as commercial invoice, packing list, certificate of origin and Bill of Lading.
- The exchange of information shall include confirming authenticity of supporting document(s).

II. METHODOLOGY OF EXCHANGE

- The requesting Member before making a request shall carry out necessary internal verification to satisfy itself that there are reasons to doubt the truth or accuracy of any element in the declaration.
- Exchange of information shall be through a centralized agency designated by each Member's Customs administration and notified to the WTO.

- Documents exchanged may be original, certified or authenticated copy. Original documents shall be exchanged in cases where the courts of law require them.
- While making the request, the designated centralized agency shall confirm that all necessary internal checks have been carried out within the country of import or export.
- The request for information shall be in one of the three official languages of the WTO and can be in writing or by electronic means to be later confirmed in writing.
- The request for information shall include brief details of the case, reasons for doubting the truth or accuracy of the declaration, results of internal verification carried out, and the details of information required from the requested Member.
- Such requests shall be made not later than two years after the importation or exportation of the goods in question.
- Requested Member shall provide the requested information, preferably within a period of 90 days.
- Information so exchanged shall be subject to a confidentiality clause, namely, that the information supplied shall not be disclosed by the requesting Member to any third party except to the extent required in judicial proceedings.
- Information obtained under this mechanism shall be afforded the same degree of confidentiality by the requesting Member that it applies to similar information in its custody.
- Exchange of information shall not be denied merely on the ground of confidentiality as the elements of information identified for exchange are required to be declared to the requested and the requesting Member in the ordinary course of importation or exportation of goods.

III. TECHNICAL ASSISTANCE AND CAPACITY BUILDING

2. Retrieval of requested information will be generally from the data and documents already available with the Customs. Technical assistance needs in this area are not likely to be significant as such cooperation can be effected through the existing administrative set up of the customs administrations. However this issue can be further considered if such need is projected by any Member.
