

Technical note on the WTO Trade Facilitation Agreement

Article 1.3: Enquiry points

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Enquiry points: Article 1.3

The collection of trade information is a time-consuming and costly exercise for traders, particularly for SMEs with scarce resources.

In a comprehensive effort to enhance transparency of information and simplification of procedures for traders, the TFA requires the establishment of enquiry points to answer queries from governments, traders and other parties on specific trade-related information detailed in Article 1.1.

Members are requested to establish enquiry point(s) for providing answers to trade-related queries and documents within a reasonable time.

The measure

ARTICLE 1	PUBLICATION AND AVAILABILITY OF INFORMATION
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.

Understanding the measure

What is covered?

Scope and objective

Article 1.3 confines the scope of queries to the items listed in Article 1.1. In addition, enquiry points are requested to provide forms and documents required for importation, exportation and transit procedures, if requested by an interested party.

The objective of this measure is to provide easily accessible, precise and complete information in a timely and cost-effective way to answer questions and prevent misunderstandings before the trade transaction takes place.

Core obligation

Each WTO Member is required to establish and maintain at least one enquiry point for specific trade-related enquiries at the national level. As export, import and transit procedures involve several border agencies, the Agreement leaves the decision to set up one centralized enquiry point or several enquiry points in different border agencies to WTO Members.

The enforcement of this obligation is diluted by the wording 'within its available resources.' This means that the extent of the implementation is conditional upon available financial, human, technical or technological resources of the WTO Member.

Beneficiaries

The measure specifies that stakeholders entitled to request information and documentation are either governments, traders or other interested parties.

Fees

The measure encourages WTO Members to provide enquiry points' services free of charge. Nonetheless, if a fee is applied for the service rendered, WTO Members are requested to ensure that the amount charged does not exceed the approximate cost of the services provided, avoiding the imposition of an unjustified high fee.

Timing

The measure states that enquiry points must provide answers and documents within a reasonable time period, depending on the nature and complexity of the request. WTO Members can use their discretion to set the extent of a 'reasonable time' period on a case-by-case basis.

Regional enquiry points

WTO Members who are part of regional trade arrangements or communities have the discretion to decide whether or not to implement regional enquiry points. Joint enquiry points would harmonize information about regional and national procedures, documents and restrictions in place by acting as 'one-stop shops' for information-sharing among governments and traders.

What is not covered?

The measure does not specify the nature and specific features of enquiry points, e.g. whether it is a dedicated government office, a helpline managed by existing trade institutions, an automated system or a non-public entity tasked to answer traders' queries. The measure does not mention whether the requested information and documentation should be provided in hard or soft copy and both may be used when replying to enquiries.

Language

The measure does not specify the language in which the enquiry points must reply or if they must provide a translation in one of the three WTO official languages, in addition or substitution of the local language in use.

Responsibility of specific shipments

This measure does not mention any responsibility of the WTO Member to respond to traders' enquiries pertaining to specific shipments. The enquiry points are only required to provide information on matters covered by Article 1.1.

Benefits and opportunities for stakeholders

Establishing efficient and responsive enquiry points will accelerate compliance with export and import procedures and assist traders to plan future operations. The staff of border agencies will also benefit from reduced demand for information from traders.

Offering efficient enquiry points at a minimum cost for the private sector will also build confidence and trust between border agencies and the private sector.

Implementation

Implementation checklist

The following checklist may be used to estimate the level of compliance with the measure:

- There is a national implementation framework (i.e. a legislative or administrative provision) in place for establishing or maintaining an enquiry point.

- The enquiry point swiftly answers enquiries and provides forms and documents within a reasonable time period.
- The enquiry point provides exhaustive answers to queries covering all issues specified in Article 1.1 and provides forms on issues related to export, import and transit procedures, among others.
- Fees and charges, if any, are limited to the approximate cost of services delivered by the enquiry point.
- The contact information of the enquiry point is available and updated through the internet.
- The contact information of enquiry points is notified to the WTO Committee on Trade Facilitation as required by Article 1.4.c of the TFA.

Preparing a national implementation plan

The following template may be used as the basis for a national implementation plan:

Implementation sequence	Actions suggested
	Preparatory phase
	Determine the number and nature of enquiry points to be created/maintained.
	Depending on the type of enquiry point, designate a focal point responsible for coordinating with relevant agencies/officials to: <ul style="list-style-type: none"> • Ensure responses to queries regarding all matters specified in Article 1.1; • Ensure that responses are provided in a reasonable time; • Ensure appropriate record-keeping.
	Set guidelines to determine the reasonable time period according to the nature and complexity of the request submitted.
	Allot sufficient budget to enable the daily operation of the enquiry point(s).
	Calculate the basis for fees and charges, if any, and ensure that they correspond to the cost of services rendered.
	Set-up phase
	Draft and approve legal or administrative frameworks to establish or maintain one or more enquiry points and make it operational.
	Put in place a coordination protocol between all relevant agencies, so that updated information is provided to submitted queries.
	Assign and train sufficient staff.
	Publish URLs of enquiry point(s) website(s), containing phone numbers and e-mails of the responsible person(s).
	Management and follow-up phase
Establish a mechanism for periodic monitoring and evaluation of the system, in particular, the average response time, accuracy of the information provided by enquiry point(s) and fees charged.	
Average time for implementation	Two years.
Leading implementation agency	The ministry in charge of trade is most commonly chosen as the leading implementation agency.

Key challenges

The lack of staff with relevant trade knowledge will compromise the ability of enquiry points to handle queries from traders. Moreover, lack of cross-sectoral knowledge and coordination between enquiry points – for

instance technical barriers to trade and sanitary and phytosanitary enquiry points – may result in the delivery of fragmented information and hinder trade. Collecting the necessary information from each agency and ensuring that queries are answered within a reasonable timeframe can be a challenge for government institutions.

Key factors for success

Coordination between organizations designated to act as enquiry points and other border agencies is vital to ensure that the measure is implemented successfully. The availability of infrastructure and financial resources is also another crucial factor. WTO Members should ensure that, once set up, enquiry points continue to have the necessary hardware and financial tools to perform their tasks.

A credible national monitoring mechanism should ensure that all enquiries are readily answered in a reasonable time period, and that updated information is shared among the relevant agencies. For example, enquiry points for sanitary and phytosanitary measures and technical barriers to trade should work together to ensure coherent information is shared.