TRADE FACILITATION TRANSPARENCY IN PERU: COMPARATIVE BEST PRACTICES AND RECOMMENDATIONS

April 2021

CONTENTS

ACRONYMS

ABF	Australian Border Force
APEC	Asia-Pacific Economic Cooperation
CBSA	Canada Border Service Agency
CFR	US Code of Federal Regulations
CFS	Certificate of Free Sale
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
DIGESA	General Directorate of Environmental Health and Food Safety
FDA	The United States Food and Drug Administration
GoP	Government of Peru
ICT	Information and Communications Technology
IFCOM	Instituto de Facilitación del Comercio
INACAL	National Quality Institute
ITC	International Trade Centre
JAMPRO	Jamaica Promotions Corporation
LPI	Logistics Performance Index
MICAF	Jamaica's Ministry of Industry, Trade, Agriculture, and Fisheries
MIDAGRI	Peru's Ministry of Agrarian Development and Irrigation
MINCETUR	Ministry of Foreign Trade and Tourism of Peru
NTFC	National Trade Facilitation Committee
OECD	Organization for Economic Co-operation and Development
TBT	Technical Barriers to Trade
TFA	Trade Facilitation Agreement
PRODUCE	Peru's Ministry of Industry
SANIPES	Peru's National Fisheries Health Agency
SENASA	Peru's National Agricultural Health Service
SME	Small and Medium-Sized Enterprise
SPIJ	Peruvian Legal Information System
SPS	Sanitary and Phytosanitary Standards
TFA	Trade Facilitation Agreement

UIT	Taxation Unit
TUPA	Unitary Text of Administrative Procedures
UNCTAD	United Nations Conference on Trade and Development
USAID	United States Agency for International Development
US-ATAARI	US-APEC Technical Assistance to Advance Regional Integration
US CBP	US Customs and Border Protection Service
US-SEGA	US Support for Economic Growth in Asia
VUCE	Peru's Foreign Trade Single Window
WEF	World Economic Forum
WTO	World Trade Organization

EXECUTIVE SUMMARY

This report, undertaken by the US Support for Economic Growth (US-SEGA) project, analyzes the accessibility of information on import, export and transit practices and procedures applied by Peru's key border management agencies. It also looks at the publication and transparency of trade procedures by other economies to recommend ways to improve Peru's compliance with the World Trade Organization (WTO) Trade Facilitation Agreement (TFA) Article 1. The recommendations, based on these best practices and a tailored analysis of Peru's trade information systems, are for consideration by the Government of Peru (GoP) as it undertakes a legislatively mandated initiative to improve the efficiency of its foreign trade processes at a level greater than that provided for in the TFA. ***The analysis and recommendations reflect findings discovered between December 2019 and April 2020.***

Under a similar support structure, a general Phase I diagnosis of Peru's transparency and publication practices under Article 1 was conducted in 2018. This Phase II study looks specifically at the GoP's compliance with TFA Article 1 transparency objectives by three key border management agencies that, together with customs, control international food trade (fresh or processed). The three agencies are the National Agricultural Health Service (Servicio Nacional de Sanidad Agraria or SENASA), the Office of the Director General of Environmental Health and Food Safety (Dirección General de Salud Ambiental e Inocuidad Alimentaria or DIGESA), and the National Fisheries Health Agency (Organismo Nacional de Sanidad Pesquera or SANIPES).

The report also analyzes the level of transparency of Peru's Foreign Trade Single Window ("VUCE"), which is managed by the Ministry of Foreign Trade and Tourism of Peru (MINCETUR). The analysis reveals a gap between the transparency and practices of food control agencies and the customs authority, and offers recommendations to achieve greater predictability of trade, consistent with the GoP's transparency objectives, known as VUCE 2.0.

In order to develop these recommendations, and at the request of MINCETUR, seven economies were chosen from among a group of those that have achieved outstanding levels of performance or best practices in disseminating trade information, including the United States, Canada, Australia, and Singapore, as well as developing economies that have proposed centralized information models. To select these economies the report writers reviewed the WTO's TFA database, which contains a repository of notifications and references to the sources of information that comply with TFA Article 1. The analysis also reviewed available literature describing the efficiency of those models. The approach consisted of (i) compliance with TFA Article 1 declared by each economy, and (ii) analyzing those measures that constitute best practices, which were grouped into different categories, such as the scope and quality of information and instruments or mechanisms of transparency and publication.

The analysis finds that economies such as Canada, the United States and Singapore have made efforts to comply with each of the obligations and recommendations within the TFA in an informative way that considers the needs of small and mid-size companies. The measures in Viet Nam, Jamaica, and Kenya, implemented with the technical support of international organizations such as the US Agency for International Development (USAID) and the International Trade Centre (ITC), are aimed at first-time importers and exporters and emphasize procedures, legal standards, forms, regulations, and the search for tariff categories.

Most of the economies mentioned have considered the user experience, and their portals lead the traders through the import and export process in an operational sequence. Efforts by the economies to develop commercial intelligence tools and interoperability with other regulatory and logistics agencies are also

noted, as is the efficiency of enquiry points within customs, and the enquiry points for Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary Standards (SPS).

Based on the analysis, the report provides a set of recommendations based on the best practices identified and Peru's progress and vision to improve transparency. These recommendations aim to improve the quality and thoroughness of information and are accompanied by tools for conveying such information, such as specific services for small businesses. The report also provides more tailored recommendations to improve the VUCE and to upgrade and harmonize the websites of the DIGESA, SENAPSA, and SANIPES.

Based on these recommendations, the report proposes metrics to determine the effectiveness of publication and transparency instruments. Separately, a draft framework for a practical guide for importing and exporting processed foods was developed. The structure and content of the draft guide were designed to be replicated for other products or sectors related to foreign trade.

INTRODUCTION AND OBJECTIVES

As a member of the Asia-Pacific Economic Cooperation (APEC), Peru is pursuing a shared goal to reduce the time, cost, and uncertainty of moving goods and services through the Asia-Pacific region by 10%. The APEC Support Fund Sub-Fund on Supply Chain Connectivity finances technical assistance and training for economies implementing specific articles of the WTO TFA. In late 2018, MINCETUR requested assistance to study the current practices regarding the publication and availability of trade-related information, as established by WTO TFA Article 1.

This rapid assessment, a collaboration between the US-APEC Technical Assistance to Advance Regional Integration (US-ATAARI) project and Instituto de Facilitación del Comercio (IFCOM) in Peru, examined whole-of-government and trade specific transparency policies and practices in Peru; analyzed Peru's compliance with WTO TFA Article 1 provisions; and, presented options for technical assistance to increase Peru's implementation of transparent and predictable trade. The assessment was based on a legal/regulatory and literature review, semi-structured interviews with public and private sector stakeholders, and an online survey. The results were presented in the report, Publication and Availability of Trade-Related Information in Peru: Assessment and Recommendations.

Broader international indicators on trade facilitation suggest room for improvement for Peru. In the 2019 World Bank's Doing Business general rankings, Peru dropped eight positions, although in cross-border trade, it improved. According to the 2018 Logistics Performance Index (LPI), Peru's ranking dropped by 14, compared to its 2016 score. Though these benchmarks consider other elements of the TFA and trade policy, MINCETUR is continuing to improve its compliance with Article 1 through its legislatively mandated VUCE 2.0 initiative, which includes an effort to more fully integrate information from other trade related agencies into the single window. Accordingly, and in order to help Peru move forward on VUCE 2.0 while improving overall transparency practices from other border agencies, this analysis integrates the previous diagnosis undertaken in 2018, reviews the information systems of other trade-related agencies in Peru and offers recommendations to increase the harmonization and accuracy of trade-related information.

Following MINCETUR's agreement, a second phase (Phase II) of assistance was launched under the successor project to US-ATAARI—the US-Support for Economic Growth in Asia (US-SEGA) project. Again, in collaboration with IFCOM, this Phase II diagnostic focuses on improving the transparency and consistency of the relevant cross border agencies that have oversight on food and food products. In the context of VUCE 2.0, MINCETUR asked US-SEGA to address the following:

- Analyze WTO TFA Article 1 compliance of Peru's legal framework and transparency specifically related to the Servicio Nacional de Sanidad Agraria (www.senasa.gob.pe), the Dirección General de Salud Ambiental e Inocuidad Alimentaria (www.digesa.minsa.gob.pe) and the Organismo Nacional de Sanidad Pesquera – Sanipes (www.sanipes.gob.pe);
- Identify international best practices on publication/ availability of trade-related information as set out in WTO TFA Article 1, to help MINCETUR benchmark its own performance against others;
- Outline the requirements of a model for transparency for trade facilitation related regulations/documents such as an electronic platform for export and import procedures;
- Propose a model for enquiry points, taking into account best practices, recommendations and success stories from APEC and other selected economies;
- Develop performance metrics for the online publication of information and for enquiry points; and

- In accordance with TFA Article 1.2,[1] recommend key components of trade-related practical guides for importing/exporting processed food.

This report represents the primary deliverable of Phase II economy-level assistance to Peru. A draft framework for the import and export of processed foods was developed under separate cover.

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[1] Article 1.2 of the TFA states: "Members shall prepare practical guides to their import, export, and transit procedures including appeal procedures."

METHODOLOGY

The Peruvian team from IFCOM consisted of a trade facilitation and logistics expert as well as an attorney with expertise in trade facilitation and international business. A trade facilitation expert from the US-SEGA project provided general guidance and support and made important contributions to the writing of this report.

The report methodology consisted primarily of a literature review and examination of key sources of information such as Peruvian agency websites and national trade portals and single windows from developed and developing economies.

Key secondary sources for this report include:

- WTO TFA Article 1 (Publication)—included for reference as Annex 1
- "Developing a Trade Information Portal" (World Bank, July 2012)
- United Nations Conference on Trade and Development (UNCTAD) Technical Notes on Trade Facilitation" on Publication, Information Available Through Internet, and Enquiry Points.
- Best Practices of the Trade Facilitation Agreement in APEC Economies
- *Ventanilla Unica de Comercio Exterior* (VUCE) of Peru
- Websites for SENASA, DIGESA, and SANIPES
- Unitary Text of Administrative Procedures (TUPAs) of SENASA, DIGESA, and SANIPES, which contain the requirements and costs for the marketing, importation and exportation of products.

The team also interviewed several officials from the public agencies SENASA, DIGESA, SANIPES, and MINCETUR. The list of interviewees is provided below:

ENTITY	DATE	INDIVIDUALS INTERVIEWED	POSITION
MINCETUR	December 20, 2019	Álvaro Gálvez Calderón	Director of VUCE
SENASA	December 24, 2019	Moisés Crispín Marín	Executive Director, Lima-Callao
		Juan Leonardo Díaz Torres	Head of Plant Health and Safety
		Yvan Santos Sánchez	Head of Animal Health and Safety
		Hebert E. Pisfil Capuñay	Head of the Food Safety Area
DIGESA	December 30, 2019	Carlos Pedro Ortiz Segura	Director of Inspection and Sanctions
SANIPES	December 20, 2019	Sheyla Calderón	Authorization Evaluator

MEASURES ADOPTED BY THE MINISTRY OF FOREIGN TRADE AND TOURISM TO STRENGHTHEN TFA ARTICLE I IMPLEMENTATION

In the context of TFA Article 1, there are three main relevant departments in Peru: customs, border agencies, and MINCETUR. MINCETUR will be a particular institution of focus, given its roles in directing the Government of Peru's (GoP) trade facilitation policy, administering the rules of origin regime, and providing services to traders through the VUCE.

INFORMATION SERVICES CURRENTLY PROVIDED BY VUCE

Peru's National Single Window, or VUCE, is mainly a service that centralizes the required procedures for the import and export of goods, and manages the administrative procedures electronically. Because it centralizes this trade information from the various government agencies, it is in a strategic position to provide information related to international trade regulations under the scope of TFA Article 1. The Government of Peru is in the process of strengthening the scope and operations of the VUCE, recognizing there is more to be done to fulfil the vision of "VUCE 2.0". Some of the functions currently handles by VUCE—and the GoP's plans to expand them—are described below.

THE VUCE PORTAL AND ITS CONTRIBUTION TO THE TRANSPARENCY AND PUBLICATION OBJECTIVES UNDER TFA ARTICLE 1

The new services required under Law No. 30860 - Law on Strengthening of VUCE[2] Advance Ruling on Restricted Goods will be implemented by MINCETUR as part of its VUCE 2.0 initiative. New services and information include a market access portal and foreign trade regulations, which will make it possible to identify the requirements and conditions for importing and exporting goods to/from Peru.

According to information provided by VUCE, the portal will provide specialized information depending on the particular operation a trader hopes to carry out; for example, in the case of importing a product into Peru, the trader will be informed about all of the current entry requirements, including:

- The government agency that regulates the restriction;
- Legal basis of the restriction and access to the legal text;
- Description of tariffs and tariff preferences and other fees and taxes;
- Technical or quality standards related to the product;
- Documents required to authorize entry (certificate, license, permit, etc.) and explanation of the procedure for obtaining them; and
- Direct link to contact VUCE to request the authorization.

In addition, in the case of export, VUCE will provide information to help access relevant regulations from destination economies. This initiative is expected to be done through inter-institutional agreements.

Lastly, given that the VUCE centralizes information from various public agencies, its governance structure is being evaluated to ensure sustainability and that information on the portal is updated regularly.

IDENTIFICATION OF ADMINISTRATIVE PROCEDURES FOR AUTHORIZATION OF THE IMPORT, EXPORT, OR TRANSIT OF GOODS

VUCE-authorized users may access the list of controlling agencies for a certain product. However, there is currently no mechanism to guide the user through the appropriate procedures and the system assumes

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[2] Published on October 24, 2018.

that the user already know the administrative procedure(s) required. For each procedure, the VUCE shows the following information:

- Procedure Number in the TUPA approved by the corresponding entity;
- Format Code in VUCE;
- Name of the procedure, according to the agency's TUPA;
- Specification of the corresponding payment for processing fee, as a percentage of the UIT (Taxation Unit); and
- Deadline for issuing approval of the permit or request and issuing of the response document.

In this step (below), the procedural requirements are not shown.

Figure 1 List of VUCE Agencies/Procedures
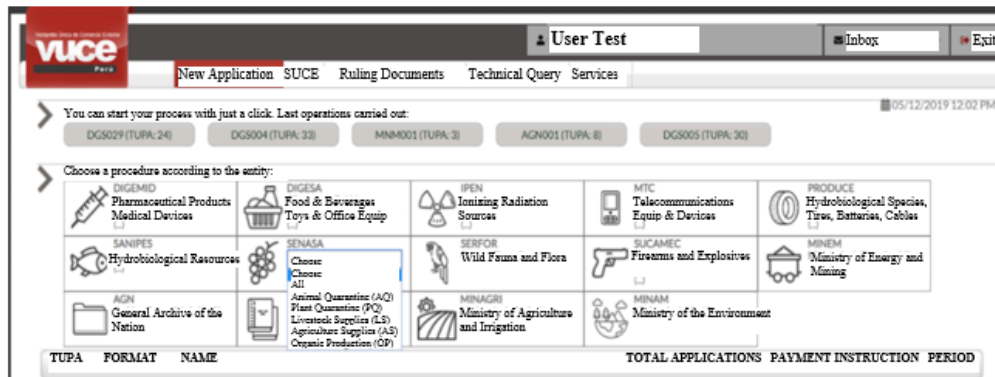
VUCE'S ELECTRONIC FORMS

VUCE makes electronic forms available for the services it provides, such as authorizations for restricted merchandise, certification of origin, and the entry of maritime transportation vessels into Peru. Once the procedure to be carried out is selected, the user is shown the electronic form to be filled out, including requirements for the information and documentation that must be transmitted to the corresponding agency.

VIRTUAL ASSISTANT

VUCE has implemented an online "virtual assistant" or chat bot that is activated once the user is authenticated and selects a procedure. This virtual assistant is programmed to answer frequently asked questions related to forms, payments, and traceability, among others. Currently, it has been set up to provide information on four SENASA procedures, and VUCE officials plan to extend it to cover other procedures.

Figure 2 Chat Bot
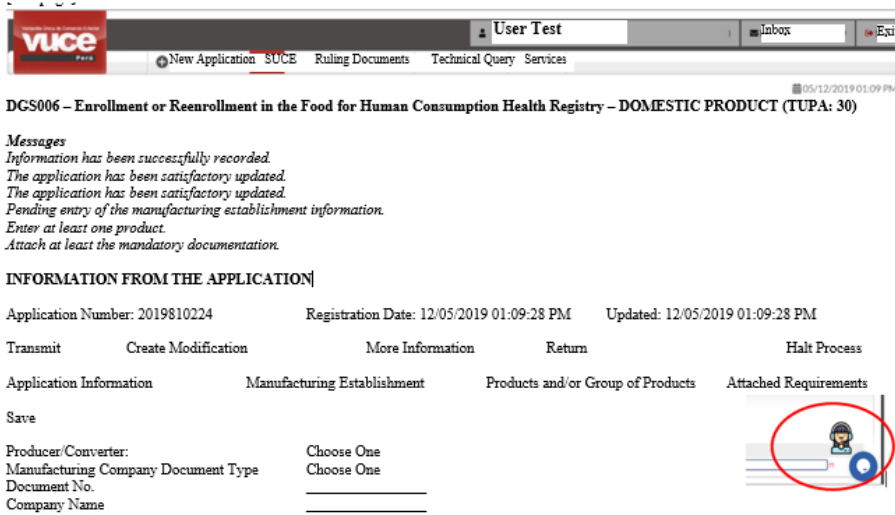
LIST OF RESTRICTED GOODS

VUCE offers the user a way to search for controlled or restricted goods. The search engine provides access to a list with information, referencing more than 20,000 products classified by tariff number.

However, this information has not been updated since January 2011, and the VUCE does not provide specific information on the restriction, its legal basis and requirements, or where to find them. There is, thus, significant room for improvement. In the event the goods are not on the list, the user can submit a technical consultation to VUCE which redirects the query to the responsible agency.

Figure 3 VUCE Technical Queries
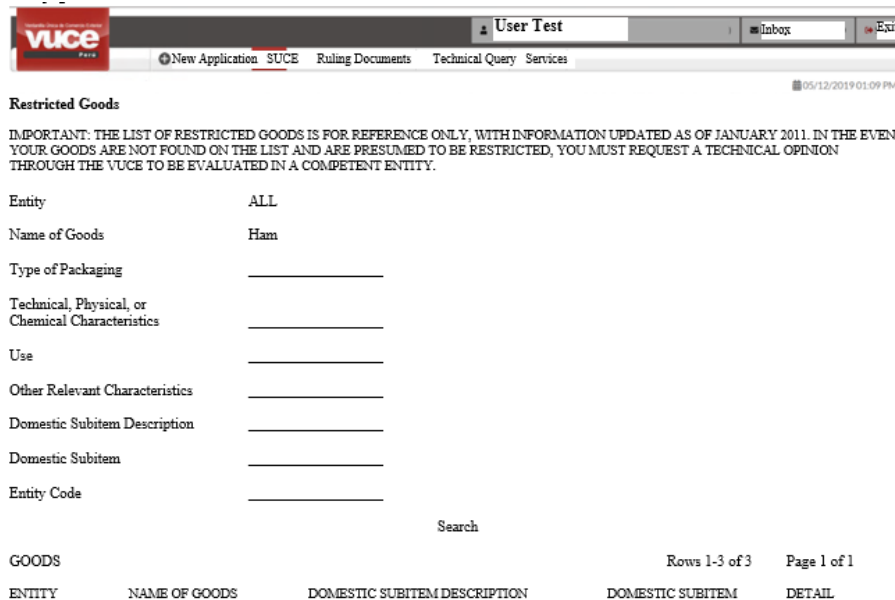
TECHNICAL QUERIES

VUCE allows users to make electronic queries, such as whether a particular good is restricted and requirements to trade a specific good. Although this function has been implemented, this requires response from a range of responsible agencies. The response time from these agencies can be unpredictable, since the fifteen-calendar day response requirement has not been incorporated as an administrative procedure in the controlling agencies' TUPAs.

However, Law No. 30860 - Law on Strengthening VUCE[3] Advance Ruling on Restricted Goods has been added, and will allow VUCE participating agencies to issue binding rulings to determine whether the goods are restricted and identify the requirements for import, export or transit. These new information requirements are a substantial improvement over current services.

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[3] Published on October 24, 2018.

TRANSPARENCY OF INFORMATION: SENASA, DIGESA, AND SANIPES

As mentioned earlier, MINCETUR specifically asked for a review of transparency policies and procedures for food trade-related agencies anticipated to automate their procedures through the improved "VUCE 2.0". This section assesses the publication and transparency practices of the National Agricultural Health Service (SENASA), the National Fisheries Health Agency (SANIPES), and the General Directorate of Environmental Health and Food Safety (DIGESA) against the minimum transparency standards established by WTO TFA Article 1. These three agencies (SENASA, SANIPES and DIGESA) issue the requirements for cross-border food trade, which in 2019 represented approximately 79.5% of transactions in the VUCE.

SENASA is a major regulatory agency within the Ministry of Agrarian Development and Irrigation (MIDAGRI) and manages the safety and health-related trade processes in agriculture, agribusiness, and livestock, including packaging materials, packaging and conditioning, and any other material capable of introducing or spreading pests or diseases, as well as the means used to transport them. SENASA performs phytosanitary and animal health certifications, the pre-inspection of plants and vegetable or animal products and products of animal origin, and the certification of agricultural supplies.

SANIPES is part of the Ministry of Production (PRODUCE) and, like SENASA, has a degree of functional autonomy. It is responsible for the surveillance, control, authorization, and sanitary certification to enforce safety in fishing, aquaculture, and animal feed of hydro biological origin. It prepares health standards that regulate the activities of capture, extraction, preservation, cultivation, disembarkation, transportation, processing, storing, importation, and internal and external commercialization of fishery and aquaculture products.

DIGESA is a General Directorate within the Ministry of Health that controls the environmental health and food safety of domestic and imported manufactured foods. It grants certifications, authorizations, permits, and registrations and issues technical opinions. In addition, it proposes and monitors public health policies, regulations, guidelines, protocols, and procedures.

The transparency standards for each agency were evaluated using the following criteria: access to information, consistency of applications, regular updating of information, and reliable enquiry points.

SOURCE CONSISTENCY AND CONTENT UPDATE

The GoP formally publishes information related to WTO TFA Article 1 in the official journal "*El Peruano*." The GoP has implemented a free access digital tool called the Peruvian Legal Information System (SPIJ), which serves as an official repository for systematized and updated legal standards: https://spijweb.minjus.gob.pe/.

In addition, all relevant government agencies disseminate, through their websites, information related to importation, exportation and transit procedures and requirements (including procedures for appeal or review), forms, and contact information of their information services. MINCETUR, by means of the VUCE, partially provides this information, because it only shows the requirements that are needed for the procedures on its website and under its authority and does not currently provide links to other border management agencies that are reviewed in this report.

Consequently, there is a diffusion of information sources, which could confuse traders, due to possible lags in the updating of information or the correction of errors. For example, in the case of SANIPES, its different departments manually review "*El Peruano*" daily and report any regulatory updates to its Central Management and IT Department, so that the information shown on its website is modified. In the case of

SENASA, the Office of the Technical Secretary is in charge of updating the portal periodically. In DIGESA, each technical unit independently is responsible for updating the information. This lack of synchronization and automation by the internal processes of the agencies can result in insufficient updates of information and is prone to human error.

ACCESS TO INFORMATION

Although agencies disseminate up-to-date information on procedures, requirements, regulations, and the TUPA on food products, as well as provide the corresponding forms, accessibility to the information varies.

For example, the web portals of DIGESA and SANIPES have similar levels of access to forms, since they are located in the same place as the information on procedures:

Table 1 DIGESA and SANIPES Web Portals

In contrast, the SENASA portal has more sophisticated applications that facilitate traders' access to specific and relevant information. Through this, users can identify the requirements and regulations related to foreign trade, such as exportation, importation, and the Certificate of Free Sale (CFS). Users can also find the health and/or phytosanitary requirements for each product, depending on the economy of origin or destination in question.

Figure 4 SENASA Requirements Query

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                              REQUIREMENTS QUERY
                         ◉ Import  ○ Export  ○ International Transit
PRODUCT:
┌────────────────────────────────────────────────────┬──────────┐
│                                                      │  Search  │
└────────────────────────────────────────────────────┴──────────┘

┌─────────────────┬──────────────────────────┬──────────────────────┐
│  Application     │  Country of Shipped From │  Countries of Origin │
├─────────────────┼──────────────────────────┼──────────────────────┤
│                  │                          │     Show Requirement │
└─────────────────┴──────────────────────────┴──────────────────────┘
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In some cases, the publication of the TUPA may create confusion, since not all TUPA procedures are related to foreign trade. For example, as indicated above, the SENASA portal allows users to precisely identify relevant foreign trade requirements and regulations. However, the TUPAs presented on SANIPES and DIGESA's websites include 52 and 49 administrative procedures, respectively, but only some of them are related to import or export transactions. This significantly undermines TFA transparency objectives, as traders must review the procedures one by one until they find the procedure relevant to their circumstances.

Unfortunately, in interviews SANIPES and DIGESA showed no interest in replicating the SENASA application that pinpoints trade-specific information within the TUPA; however, DIGESA did mention that they are evaluating improvements to their website, following the configuration of the platform that another agency uses (the National Quality Institute - INACAL[4]). This structural challenge regarding the TUPA may be mitigated by the adoption of the new TUPA format approved in 2018[5] that includes an index and a brief description of each procedure; this helps the user more simply identify required information. But neither SENASA, SANIPES nor DIGESA have implemented the new TUPA format, since its use will not be mandatory until June 30, 2020.[6]

Figure 5 TUPA

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[4] INACAL is the National Information Service for Standards in the framework of the Agreement on Technical Barriers to Trade of the World Trade Organization (WTO). INACAL as National Standards Body forward the TBT notification received from MINCETUR to their Technical Committee members, which includes: private sector, public agencies, regulators among other stakeholders.
[5] Approved by the Office of the Secretary of Public Administration No. 004-2018-PCM-SGP.
[6] This is provided for in Resolution of the Office of the Secretary of Public Administration No. 002-2019-PCM-SGP.

Regarding language, all of the agencies provide information only in Spanish, and there is no institutionalized practice of disseminating information in other languages such as English.

Another relevant aspect regarding access to information is the publication of a directory of contacts that SENASA disseminates through its website (https://www.senasa.gob.pe/senasa/directorio-institucional/), which provides several enquiry points within the agency.

Figure 6 SENASA Directory

senasa.gob.pe/senasa/institutional-directory/

NATIONAL AGRARIAN HEALTH SERVICE (SENASA)					
NAME	TITLE	PHONE	EXT.	CELLULAR	EMAIL
OFFICE OF LEGAL AFFAIRS					
César A. Revoredo Castañeda	Director General	313-3300	6531	983280660	crevoredo@senasa.gob.pe
Miriam Chachi Gambini	Management Assistant	313-3311	6530		gchachi@senasa.gob.pe
OFFICE OF INSTITUTIONAL CONTROLS					
Perpetua Mercedes Aranguri Castro	Head	313-3300	6551		paranguri@senasa.gob.pe
Emerita Nizama Lara	Management Assistant	313-3312	6550		enizama@senasa.gob.pe
OFFICE OF PLANNING AND INSTITUTIONAL DEVELOPMENT					
Mariluz Pilar Maldonado Chambilla	Director General	313-3300	1270	938373033	mmaldonadoc@senasa.gob.pe
Shirley Ramírez	Management Assistant	313-3314	1271	983281327	sramirez@senasa.gob.pe
Jesica Altamirano Tordecilla	Management Assistant	313-3300	1272		jaltamirano@senasa.gob.pe
PLANNING AND BUDGET UNIT					
Luis Escurra Briones	Director	313-3300	2331	983280719	lescurra@senasa.gob.pe
STUDIES AND COOPERATION UNIT					
Waldir Arbildo Ramírez	Director	313-3300	2332	983281331	warbildo@senasa.gob.pe
INFORMATION AND STATISTICS UNIT					

In addition, SENASA has stated that they are very active in answering questions through social media platforms, including Facebook.

CONSISTENCY OF INFORMATION PRESENTATION/FORMATS
Unfortunately, DIGESA, SENASA and SANIPES have achieved little consistency or harmonization in their presentation of trade-related information, which creates challenges for the objectives of VUCE 2.0. For example, SENASA disseminates the image of its TUPA, while DIGESA and SANIPES include hyperlinks with their list of procedures, so that the user can access each of them with a click:

Table 2 SENASA, DIGESA, and SANIPES Web Portals

SENASA Portal:	

URL Address:	https://www.senasa.gob.pe/senasa/descargasarchivos/2019/09/TEXTO-TUPA-2019-ACR-16-09-19.pdf
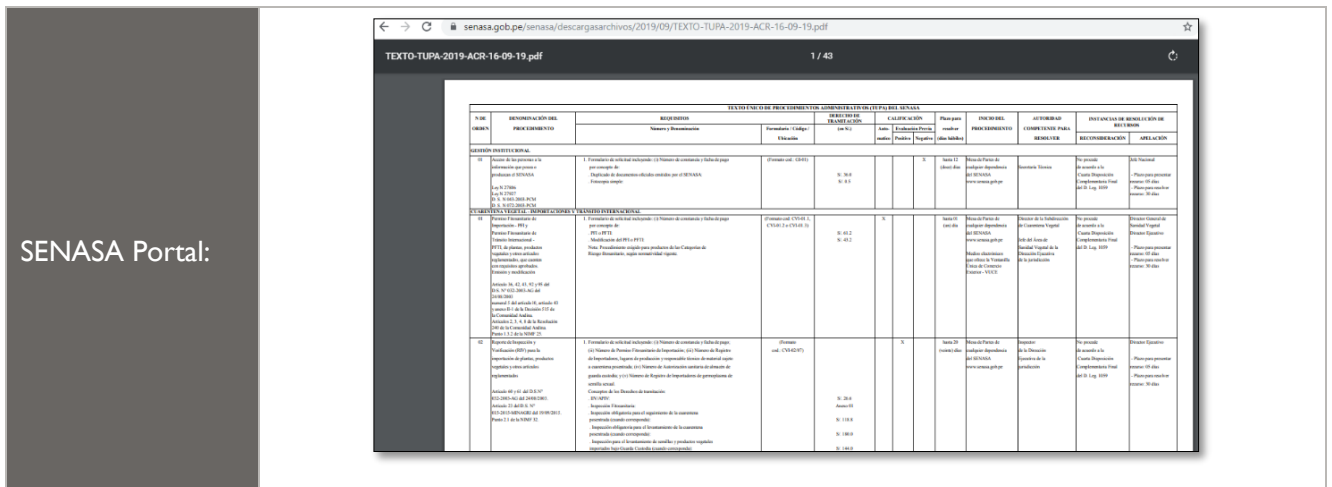
DIGESA Portal (STEP 1)

digesa.minsa.gob.pe/expedients/tupas.aspx
[emblem:] PERU   Ministry of Health   Office of the Director General of Environmental Health and Food Safety

Single Text of Administrative Procedures (TUPA)

Approved by Supreme Decree No. 001-2016-SA Published January 8, 2016
Modified by MR 263-2016-MINSA of April 19, 2016
Modified by MR 041-2018-MINSA of January 26, 2018

Click on process to see required and forms*

Process No.	Teleprocess Code	Process	UIT(%)	Cost	Duration (working days)	Comments	Manual VUCE
6	--	Authorization for the use of chrysotile asbestos and authorization renewal.		924.80 soles	15 working days		
7	--	Favorable technical opinion for the granting of an authorization for dumping and/or reusing treated industrial wastewater: a) Dumping. b) Reuse. c) Zero dumping or recirculation.		1,008.80 soles	20 working days	Procedure No. 7 eliminated, in accordance with Ministerial Resolution No. 041-2018/MINSA "Modification of Single Text of Administrative Procedures (TUPA) from the Ministry of Health" published in the Official Journal "El Peruano" on January 30, 2018. Competent entity of the **National Water Authority (ANA)**	
8	--	Favorable technical opinion for the sanitary treatment and disposal system for household and municipal wastewater: a) Dumping. b) Reuse.		520.90 soles	20 working days	Procedure No. 8 eliminated, in accordance with Ministerial Resolution No. 041-2018/MINSA "Modification of Single Text of Administrative Procedures (TUPA) from the Ministry of Health" published in the Official Journal "El Peruano" on January 30, 2018. Competent entity of the **National Water Authority (ANA)**	

DIGESA Portal (STEP 2)

digesa.minsa.gob.pe/expedients/detalles.aspx?id=32
[emblem:] PERU   Ministry of Health   Office of the Director General of Environmental Health and Food Safety

Single Text of Administrative Procedures (TUPA)

Procedure
Official Health Certificate for Export of Food for Human Consumption.

Legal Basis
- Legislative Decree No. 1062, Food Safety Law from 06/28/08.
- Supreme Decree No. 034-2008-AG, Regulations of the Food Safety Law from 12/17/08.
- Supreme Decree No. 007-98-SA, Regulation for the Sanitary Inspection and Control of Food and Beverages from 09/25/98, Articles 86, 88, 89, and 92.
- Supreme Decree No. 101-2010-MINCETUR, Establishes the Regulatory Provisions Referring to the VUCE of 07/09/10, Articles 2, 4, and 5.
- Law No. 27444, General Administrative Procedure Law from 04/11/01, Article 44.

Start of the Procedure
Foreign Trade Single Window (VUCE): www.vuce.gob.pe

Requirements
1. Foreign Trade Single Application (SUCE): www.vuce.gob.pe. To obtain the SUCE No., it must be applied for using your Bank Payment Code (CPB).
2. Have the health permit current as of the date of production of the product lot to be exported. The permit must include the production lines and the product to be exported.
3. Report of the sanitary hygienic evaluation for the product to be shipped with regard to the conditions for storing, packaging, and packing issued by an inspection organization accredited by the INACAL or other accrediting organization from the foreign country that has international recognition, that is, it is a signer of the ILAC Mutual Recognition Agreement (International Laboratory Accreditation Cooperation) or of the IAAC (Inter American Accreditation Cooperation).
4. Analysis report issued by a laboratory accredited by the INACAL or other accrediting organization from the foreign country that has international recognition (it is a signer of the ILAC Mutual Recognition Agreement (Inter American Accreditation Cooperation)) with regard to the samples chosen and taken with regard to the shipment production lot.

Note:
1. The SUCE must show the current health permit number for the establishment and the specifications requested by the exporter.
2. Submit documents that support the additional information in the health certificate as requested by the destination country.

URL Address:	http://www.digesa.minsa.gob.pe/expedientes/tupas.aspx

SANIPES Portal (STEP 1):	sanipes.gob.pe/web/index.php/es/tupas

29	Enrolling of fishing establishments in official lists for exporting to different countries.	Ten (10) days	Documentary Process Office - SANIPES	Director of Fishing and Aquiculture Permits and Certificates
OFFICE OF THE DIRECTOR OF FISHING AND AQUICULTURE PERMITS AND CERTIFICATES – OFFICE OF THE ASSISTANT DIRECTOR OF FISHING AND AQUICULTURE CERTIFICATES
30	Official health certificate for fishing and aquiculture products for export purposes.	Three (3) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates
31	Official health certificate for fishing and aquiculture products intended for the domestic market.	Two (2) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates
32	Official health certificate for fresh or refrigerated fishing and aquiculture products for export purposes.	Two (2) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates
33	Official health certificate for fresh or refrigerated fishing and aquiculture products for import purposes.	Two (2) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates
34	Official health certificate for samples with no commercial value for fishing and aquiculture products for export purposes.	Two (2) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates
35	Official health certificate for samples with no commercial value for fishing and aquiculture products for import purposes.	Two (2) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates
36	Official health certificate for hydrobiological resources for import purposes.	Three (3) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates
37	Official health certificate for hydrobiological resources for export purposes.	Two (2) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates
38	Official certificate for temporary internment for fishing and aquiculture products imported or that enter the country.	Two (2) days	Foreign Trade Single Window	Director of Fishing and Aquiculture Permits and Certificates	
SANIPES Portal (STEP 2):	sanipes.gob.pe/tupa/tupa_30.php

SINGLE TEXT OF ADMINISTRATIVE PROCEDURES (TUPA)
Approved by Supreme Decree No. 025-2015-PRODUCE published December 16, 2015

TUPA 30

OFFICIAL HEALTH CERTIFICATE FOR FISHING AND AQUICULTURE PRODUCTS FOR EXPORT PURPOSES

NOTIFICATION: Administrative Simplification Measures
Requirements for the Process
1.   Foreign Trade Single Application (SUCE).
2.   Health inspection certificate and sampling from the production lot, issued by a SANIPES support entity.
3.   Test report from the production lot, issued by a SANIPES support entity.
4.   Packing list or balance control.
5.   Original label from the product (*)
6.   Payment of the processing fee.

In the event the holder of the protocol is other than the exporter:
The requirements from no. 1 to 6 will be presented, in addition to the following:
7.   Power of attorney with a legalized signature of the holder of the health authorization protocol, authorizing the use of its authorization code on behalf of the exporter.

In the case of fish meal and oil:
The requirements from no. 1 to 6 will be presented, in addition to the following:
7.   Sworn statement showing the raw material used in the batch being shipped.

In the event supervision of the shipment by SANIPES is not required:
The requirements from no. 1 to 6 will be presented, in addition to the following: |
| URL Address: | https://www.sanipes.gob.pe/web/index.php/es/tupas |

In addition, SENASA developed an application that specifically leads to foreign trade procedures, each of which includes other links, depending on the process the trader wishes to perform (e.g.; import/export of a specific good).
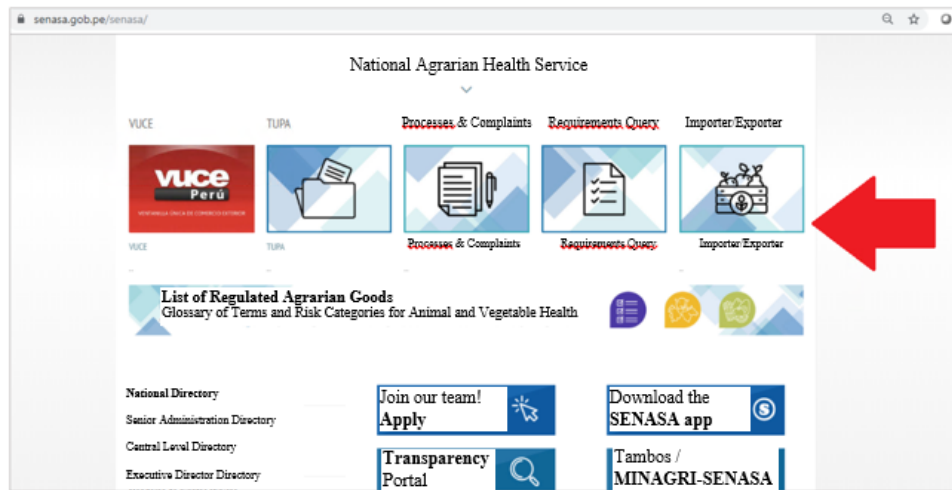
Figure 7 SENASA Website

Figure 8 SENASA Website - Importer/Exporter Section
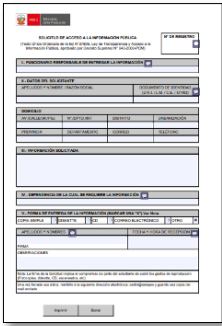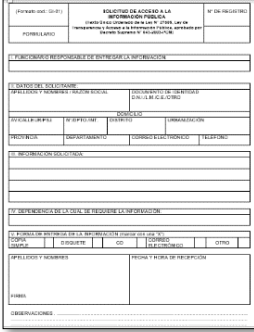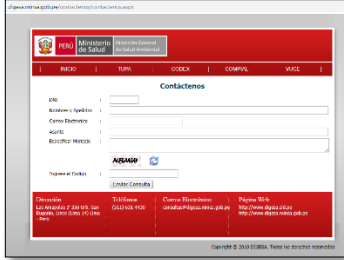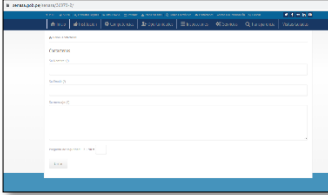
In contrast to SENASA, DIGESA provides all TUPA procedures without differentiating foreign trade procedures. As previously explained, this can be cumbersome for the trader.

RELIABLE ENQUIRY POINTS

Each agency provides the means to make enquiries through the "Contact Us" section of their websites. Traders can also submit enquiries via email. In the cases of SANIPES and SENASA, the website provides traders a special form to request access to certain information:

Table 3 SANIPES, DIGESA, and SENASA Points of Contact

	SANIPES	DIGESA	SENASA
EMAIL			
FORM		N.A.	
"CONTACT US" SECTION			

The agencies usually make various channels of communication available to users (such as face-to-face, telephone, and digital customer service). However, as mentioned in the Phase 1 study, those services are problematic due to: (i) long response times (which in some cases, such as requests for information on original standards, may take up to 60 business days); (ii) vague or ambiguous responses; (iii) call-centers that do not answer calls or put the user on hold indefinitely; and, (iv) lack of training for service line personnel.

During the preparation of this report, questions were sent to SANIPES, DIGESA, and SENASA by filling out the "Contact Us" section. Only one of the three agencies provided an answer with the following wording:

Figure 9 Response via SANIPES Email

SANIPES   Received

atencionaladministrado@sanipes.gob.pe
For me

Good morning.

We send you our cordial regards and at the same time, in accordance with your query, we inform you that the TUPA 27 is a procedure that is practically inapplicable, due to the fact that the authorities from the Permit Department deemed it to be so, according to the new health regulations scheduled to be approved at the end of 2019. In the event you have further expectations due to those regulations, I am attaching the file by which it has been considered with the corresponding legal basis. Thank you very much for your kind attention. I reiterate my regards.

Cordially,
Gustavo Adolfo Ramón Luna Victoria Rosas
Customer Service Department

File Attached
Download

When downloading the attachment provided in their response, we were redirected to the next page, which is unsuitable as an enquiry point:

Figure 10 Website page provided by SANIPES

Not Found

The requested URL /documentos_adicionales/398/TUPA 27 COMUNICADO 005 (2).docx was not found on this server.

Apache/2.4.18 (Ubuntu) Server at sgi.sanipes.gob.pe Port 8095

SENASA pointed out that these responses take at least two weeks, subject to the availability of information. Such a timeframe may be inadequate, considering that foreign trade operations often require quick action. As of the finalization of this report, SENASA has not yet responded to questions submitted for the purposes of this study.

Below is a summary of the findings:

Table 4 Summary of Findings Matrix

	SENASA	DIGESA	SANIPES
Source Consistency	Diffused	Diffused	Diffused
Content Updating	Yes	Yes	Yes
Access to Information	Very Good	Acceptable	Acceptable
Consistency of Applications	Not Consistent		
Reliable Enquiry Points	Needs Improvement	Needs Improvement	Needs Improvement

BENCHMARK OF BEST PRACTICES

In the previous section, we reviewed the transparency and availability of information on trade practices published by food trade controlling agencies in Peru, as well as the recent work carried out by MINCETUR to enhance the transparency of trade-related information to attain an enhanced level of compliance with the TFA. This study also involved the review and identification of best practices by other economies regarding the publication of trade information. These best practices served as the basis for developing the recommendations that follow in the next section). Those practices that proved to be advantageous and most feasible for Peru have been recommended for the GoP's consideration in order to improve its transparency system in accordance with TFA Article I.

The selection of economies was based on specific requests from MINCETUR, in addition to information from internationally recognized indicators, such as the World Bank's Doing Business and Logistics Performance Index, the Organization for Economic Co-operation and Development (OECD) Trade Facilitation Indicators, and the World Economic Forum's (WEF) Enabling Trade Index. Experiences from developing economies that have implemented trade information portals have also been included. In that regard, practices in TFA Article I implementation among the following economies were selected: Canada, the United States, Jamaica, Viet Nam, Singapore, Australia and Kenya.

A summary of the trade information portals or websites and best practices for these economies can be found in Annex II.

For benchmarking purposes, this study examined the degree of implementation of TFA Article I among the chosen economies supported by evidence from the WTO TFA database (www.tfadatabase.org). We have divided the degree of implementation into two parts: (i) Procedural aspects and restrictions or economic burdens and, (ii) best practices to be potentially adopted by the GoP.

The best practices review focused on a number of areas that are relevant to Peru in light of the assessment of VUCE and the DIGESA, SANIPES and SENASA websites. These areas include linkages between the primary trade portal and other agencies, easy access to relevant laws and regulations, and the provision of additional services such as advanced rulings. The best practices review also examined user-friendly features, such as special services for small and medium-sized enterprises (SMEs), access to trade portals of other economies and detailed user guides for specific products or product categories (e.g., processed foods).

The combination of experiences from both developed and developing economies provided a comparison and assessment of economy member approaches based on their level of development. For instance, some developed economies resort more to technology tools and efficient processes to update and deliver trade information, while developing economies generally centralize basic trade related information in a user-friendly manner. At the same time, they all share similar challenges when displaying trade related information from other agencies and practices collected tend to link to those agencies to find detailed information regarding the products they control. Since there is no "one size fits all" model for Article I compliance, the review of numerous economies will allow MINCETUR to select from a menu of approaches that best suit the government's goals and capacity.

RECOMMENDATIONS

For the purposes of supporting Peru's objectives under VUCE 2.0, this study proposes a set of recommendations based on the analysis of Peru's domestic agencies (MINCETUR and the three food regulation agencies) and the best practices review in Annex II by chosen economies. The recommendations are structured under two pillars: (i) extensiveness and quality of the information presented under TFA Article 1, and (ii) the tools that provide access to that information.

(i) Extensiveness and quality of the information presented under TFA Article 1.
Refers to the level of information provided on export, import and transit procedures, including trade, logistics, and customs procedures. The information presented should be relevant, simple,   and didactic. Information is in simple language and easily accessible. Relevance of information refers to its accuracy and suitability, as well as to its timeliness.

(ii) Tools or mechanisms that allow access to the information.
Refers to the means for accessing the information described above. Examples include tools for intelligent searches, connectivity and assistance. Centralized sources of information also are considered (although there is no requirement in the TFA about having a single portal), which facilitate access to information and services and help to standardize content. The use of applications, ability to contact international counterparts and guidance for SMEs are also considered in the evaluation. The presence of efficient enquiry points for assistance also is assessed.

The recommendations compiled under Table 5 below show what an improved VUCE 2.0 portal could do as a catalyst for transparency, consistency and efficiency in the trading system. Drawing from best practices and the diagnostic of DIGESA, SANIPES and SENASA in Section 2, tailored recommendations are also provided to strengthen their respective information portals and to take a whole of government approach.

In addition, we explore a governance mechanism to ensure the rules for publication and transparency are in place while also controlling for efficiency and sustainability. Based on those inputs, best practices and their feasibility to adapt to the Peruvian context are provided in the table on the following page.

Finally, we propose several metrics to measure the efficiency of the transparency system and offer incentives for improvement.

Table 5 Recommendations based on Best Practices

PILLARS	BEST PRACTICES	ECONOMIES	IMPLEMENTATION
Extensiveness and quality information.	Trade facilitation information that links customs and regulatory agencies	United States, Australia Kenya, Jamaica and Viet Nam	Ensure information is consistent with the "whole of the government approach," so that customs and VUCE share information about the requirements of each regulatory agency's procedure. VUCE must display all procedures and requirements from the agencies within the system. Users should be able to access trade-related information <u>and</u> submit applications for the permits and authorizations including customs procedures. Additionally, trade portals are encouraged to deliver certain information in English, especially for heavily traded or

PILLARS	BEST PRACTICES	ECONOMIES	IMPLEMENTATION
			controlled products such as food and or agriculture.
	Inclusion of related issues, such as advance rulings from customs and other control agencies	Canada, the United States	Subject to the capacities and resources of the regulatory agencies, make available information on advanced rulings or administrative precedents to facilitate the predictability and consistency of decisions by controlling agencies.
	Structured and indexed legislation	Australia	Cite the legal basis and provide easy reference links to trade regulations. Not only must the legal basis be cited, but a system that identifies the topic or section, as well as the specific text of each regulation, must be implemented (the user must be able to download the related rules).
	Summary of regulations	Canada	Provide concise summaries of the regulations in a user-friendly manner, which is to be updated through a standardized procedure.
	Process and Quality Control when updating	Canada, Singapore	Implement protocols or decision making process to update information and regulations. The NTFC may establish such a process. Border agencies, including SENASA, DIGESA, and SANIPES are due to standardize their TUPA by June 2020. The GoP should monitor progress to get to the deadline sooner.
	Publications related to trade facilitation issues	Singapore, Jamaica	Include relevant facts in customs controls, like customs performance indicators, border coordination achievements, improvements in the service (including issues in the logistics chain), alerts and case studies.
Tools for providing quality information.	Centralized trade facilitation portals (B2G) and other B2B services	Kenya, Singapore	Provide trade facilitation portals. A transparency portal (such as the one to be developed by MINCETUR) can provide cross-sectional information on the procedures it hosts and provide value-added services connected with the procedures, for example: Technical or Quality Standards Related to the Product.
	Tariff identifier, tariff preferences, and other non-tariff barriers and requirements in Preferential Regional Agreements (Free Trade Agreements)	Canada, Australia	Offer information about how to access regulations in destination economies through inter-governmental agreements. Application for identification of requirements by product/item of other control agencies.

PILLARS	BEST PRACTICES	ECONOMIES	IMPLEMENTATION
	User training services	Singapore	Provide academic tools on disciplines related to trade facilitation, such as requirements, procedures, and instructions regarding control procedures by agencies. Should provide virtual training modules by topic.
	Smart search engine for merchandise classification and subsequent tariff treatment	Canada	Develop a streamlined search process. A logistics chain approach must standardize the treatment of products based on tariff classification (as it is the case in customs and SENASA) rather than mere definition of products like processed food controlling agency. Applications must be developed based on artificial intelligence (AI) to lead the user to identify the item that corresponds to their product and determine the requirements that apply.
	Automated response and user guidance systems (Chatbot)	Singapore	Linking the information services to the user and points of contact will require the optimization and ordering of processes. Implement automated response mechanisms with self-learning capabilities (AI). MINCETUR has been developing a prototype for services. Its implementation may be gradual.
	User guidance guides	Canada, Jamaica	Provide didactic explanation of the procedures and requirements applicable to a specific product. Based on the logistics chain approach, the guide must include both customs and other border agency procedures for a specific good.
	Services directed toward small and mid-size enterprises	United States, Singapore	Designate contacts for SMEs to provide guidance on trade facilitation procedures and guidance services for specific sectors.
	Surveys and opinion polls	Singapore	Based on metrics, surveys, and other user feedback, correct or validate the efficiency of trade facilitation publicity tools being provided. Those surveys can be extended not only to importers but to other stakeholders in the logistics chain.

GOVERNANCE MECHANISM

The adoption and sustainability of a trade information system addressing transparency and regular publication of trade regulations and procedures would be strengthened with a governance mechanism that articulates the authority and role of the different agencies involved in the foreign trade logistics chain. A codified governance structure would enable the standardization and harmonization of information across all agencies, as well as articulate each agencies' responsibility for quality control of that information.

It should be noted that the National Trade Facilitation Committee (NTFC) of Peru, under

MINCETUR, convenes government agencies responsible for issues related to the entry and exit of goods and it incorporates perspectives from the private sector, proving valuable for the end-user. Oversight and governance of TFA Article 1 and VUCE 2.0 could be managed through the NTFC working group on TFA implementation.

A new, Article 1 working group could discuss aspects of quality of information and means of information dissemination and even form an improvement plan subgroup, at least in the initial stage. This subgroup should be led or co-chaired by customs or MINCETUR, given their specialized and integral roles in facilitating access to trade information. It will be important to articulate the functions and responsibilities of the Article 1 Committee, the regulations of the agencies that form that committee (including customs), as well as compliance with the Regulation of the Law of Enforcing the Foreign Trade Single Window.

In addition, in line with the recommendations from the World Bank[7,] the working group or subgroup should encourage agencies to carry out the following actions:

- Appoint one or more officials to serve as a point of contact in matters of transparency and information dissemination;
- Communicate all relevant information to the leader of the group in advance of such information being made available to the public;
- Provide the information to the lead agency in an electronic format;
- Notify the lead agency promptly of any inaccuracies or omissions in the published information; and
- The lead agency must strive to ensure that the website is available for public view as much as possible and must commit to ensuring that external service providers fully comply with obligations on system performance and availability.

PERFORMANCE METRICS FOR ONLINE PUBLICATION OF INFORMATION AND POINTS OF CONTACT

The means to provide the information articulated in TFA Article 1 is an essential aspect to measuring the effectiveness of the adopted provisions and to ensure that the objectives of the standard are achieved.

For that purpose, qualitative and/or quantitative metrics should be used, tracking the number of visiting users and the time and content visited. Another potential source of information/feedback may be the points of contact of public agencies who can track frequently asked questions (FAQ) and share user comments on what aspects of the web or which forms/information are most confusing for traders or what needs to be harmonized with other online sources .

The GoP's National Policy of Modernization of Public Administration calls for government to be oriented towards the needs of its citizens and for the continuous assessment of government services and performance. In the case of information published through web portals, this would involve the quantification of the services offered and the benefits that the user obtains in his or her interaction with the portal and the use of the information obtained. Metrics may include concepts such as number of

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[7]World Bank. *Developing a Trade Information Portal,* Available at the following URL: www.worldbank.org/trade,

tours through the contents of the portal, frequency of information downloads, user loyalty, number of searches, active time, and interactions with POCs, among others.

EXAMPLES OF METRICS

Quantitative metrics allow us to obtain objective and reliable values that are able to be audited. Examples include:

Table 6 Engagement Ratio

Metric Name	Engagement Ratio
Objective of the Metric	This indicator makes it possible to know the link that exists between the users and the portal, through the interactions they have with the portal. That way, the level of linking becomes a way of quantifying that the user is getting benefits from the information that the portal offers. The more benefits, the more interactions.
Conceptual Expression	Number of interactions (likes, comments, queries, clicks, downloads, etc.) per user. The types of interactions to consider depend on the options offered by the portal. The number of users to consider should be the average number of users during the period.
Calculation Formula	Total Interactions/Number of Users
Unit of Measurement	Rate
Calculation Frequency	Monthly

Table 7 Average Session Duration

Metric Name	Average Session Duration
Objective of the Metric	This indicator allows quantifying user interest in the information provided by the portal. The longer a user stays would indicate that he or she is getting the information needed from the portal.
Conceptual Expression	Sum of the times of permanence in the portal between the number of times the portal is accessed. The time of permanence of each access is obtained from the difference of the time between exiting the portal and the time of access. In the time of permanence, it is important that there be activity.
Calculation Formula	Σ (time of exit from the portal - time of entrance to the portal) / number of times the portal is accessed
Unit of Measurement	Minutes
Calculation Frequency	Monthly

In order to fine tune the metrics, we will compare the foreign trade information portals that are described and analyzed in this report, and adjust them according to the characteristics of each portal for the purpose of the study.

This is relevant to the extent that the calculation of the metric may vary due to the nature of the portal. For example, in the case of a logistics observatory, the interactions that should be considered for the calculation of the engagement ratio are not necessarily the same as in the case of a Single Window, because the latter has interactions that are mandatory, a situation that does not occur for an observatory.

GUIDE FOR IMPORTING AND EXPORTING PROCESSED FOODS

The provision of information and services for traders can reach optimal levels through manuals or guides for traders, which are called out under TFA Article 1.2. The different experiences of the economies cited in this analysis of best practices have shown an extensive use of such tools. Therefore, as an additional deliverable, this activity included a framework for a manual or guide on the import and export of processed foods. The framework was developed as a separate document for review by MINCETUR, other government stakeholders and the private sector—ideally the NTFC.

ANNEX 1: WTO TFA ARTICLE 1 (PUBLICATION)

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 [economy] or [economies] relating to importation, exportation, or transit; and
   j)   procedures relating to the administration of tariff quotas.

1.2 Nothing in these provisions shall be construed as requiring the publication or provision of information other than in the language of the Member except as stated in paragraph 2.2.

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)   description [1] 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 enquiry point(s).

2.2   Whenever practicable, the description referred to in subparagraph 2.1 a. shall also be made available in one of the official languages of the WTO.

2.3   Members are encouraged to make available further trade related information through the internet, including relevant trade-related legislation and other items referred to in paragraph 1.1.

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 as well as 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 its 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.

4. Notification

Each Member shall notify the Committee on Trade Facilitation established under paragraph 1.1 of Article 23 (referred to in this Agreement as the "Committee") of:

a) the official place(s) where the items in subparagraphs 1.1(a) to (j) have been published;
b) the Uniform Resource Locators of website(s) referred to in paragraph 2.1; and
c) the contact information of the enquiry

ANNEX II: BENCHMARK OF BEST PRACTICES

AUSTRALIA

TFA IMPLEMENTATION

Australia has notified compliance with Article 1 of the TFA, and provides a significant amount of regulatory material from both customs and other regulatory agencies (See https://www.tfadatabase.org/members/australia/article-1- 4/375). Australia also provides a link to an extensive list of official forms. The site links to the websites of the Australian Agricultural and Environmental Agencies but does not provide any specific guidance for traders.

A. PROCEDURES, FORMS, DOCUMENTS, FEES AND CHARGES, PENALTIES, APPEALS, AND REVIEWS

Australia has several agencies involved in administering cross-border goods trade, and in recent years, it has reorganized border management, such that the former Australian Customs is now part of the Australian Border Force (ABF) agency.[8] The ABF has primary responsibility for importing, exporting, and transit procedures and cooperates to a greater or lesser extent with other agencies that have roles at the border, but the ABF is not responsible for integrating such information on its portal. The main links on its portal refer to the central government's legislation website and points to other relevant legislation on cross-border movement of goods, including those related to food and biosecurity.

The ABF website provides general import and export information, as well as links to relevant websites for the agricultural and environmental agencies. However, the information provided does not extend to all agencies with border management roles, nor does the link to the forms include all the relevant ones to be completed.

The subcategory on duties and taxes provides information about other charges (e.g., those related to certain exports or ozone-depleting chemicals), which would be more appropriately placed in the subsection "Fees and Charges."

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[8] For a comprehensive analysis of the recent evolution of what is now the ABF, as well as an overview of the other major Australian government agencies with responsibilities affecting import, export and transit procedures, see *Review of Australia's National Committee on Trade Facilitation*, Widdowson et al., 2017, Available at the following URL: http://www.aittidf.org.au/wp-content/uploads/2018/05/ANCTF-Final-Report.pdf

Figure 11 Australia Subcategory: Tariffs and Taxes

The information available (mainly referring to legislation) from different agencies on fees and charges are in fact procedural in nature (for example, the Export Controls Act).

In the Appeals and Reviews section, the information provided focuses on links to primary legislation (much of it already mentioned in previous subsections). There are several links regarding the ABF's overall approach to compliance and the appeal and review procedures that are useful but, again, the information is not comprehensive.

B. DUTIES AND TAXES, CLASSIFICATION OR VALUATION, RULES OF ORIGIN, RESTRICTIONS, PROHIBITIONS, TRADE AGREEMENTS, AND TARIFF QUOTAS

The website shows Australia's tariff legislation, as well as the electronic version of the Customs Tariff (MFN and preferential) provisions and information about other charges.

With regard to classification, valuation, and origin, information can be found on accepted practices and on binding advanced rulings. The information on rules of origin includes preferential requirements and origin labeling.

There are some links to primary legislation (two acts that have been repeatedly referred to in previous subcategories) and some information on preferential trading arrangements. The Tariff Quotas subsection refers to Australia's dairy quotas but is linked to the Export Control Act legislation.

A significant amount of information is provided on food and agricultural imports, as well as (in terms of legislation) for export control restrictions, but the information does not cover all aspects of import/export related regulations, such as specific procedures.

BEST PRACTICES

Three aspects of Australia's information portal should be considered:

TRADE AGREEMENTS PORTAL

Australia has a portal with a focus on international trade agreements that allows importers and exporters to find preferential treatment provisions applicable to goods.

Figure 12 Trade Agreements Portal
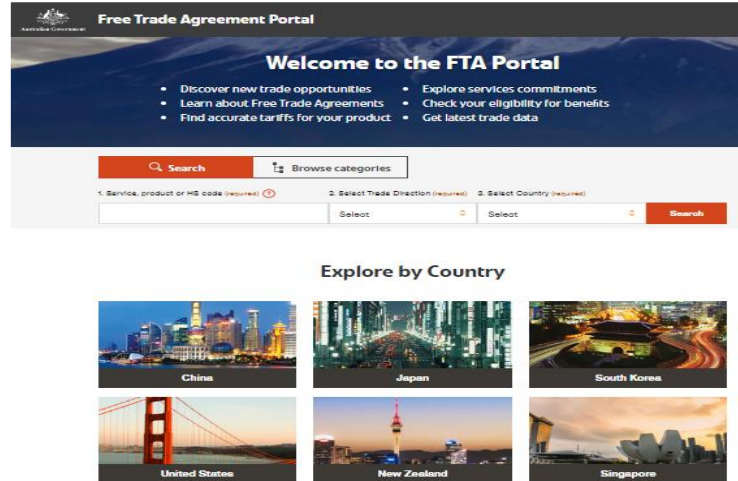
This tool includes a merchandise-tariff search engine, applicable rules of origin, the procedure for obtaining a certificate of origin, and it also provides trade data related to goods to be exported/imported.

Figure 13 FTA Portal Tariff Browser
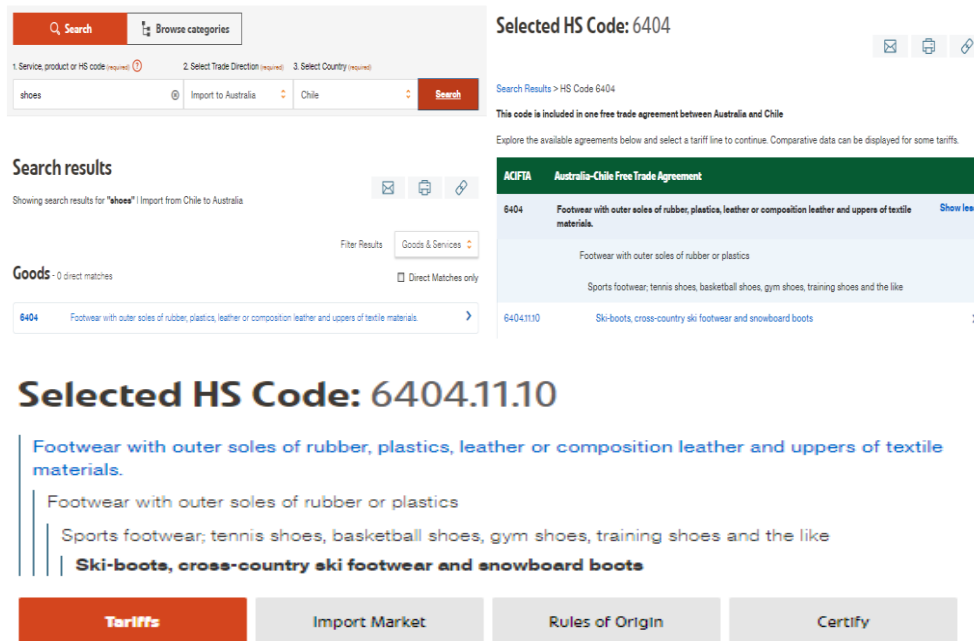
DATABASE OF THE DEPARTMENT OF AGRICULTURE

The Department of Agriculture has an extensive database containing the import requirements and associated regulations for more than 20,000 products. Users can browse for conditions and requirements for importing plants, animals, minerals, and biological products.

Figure 14 Australia's Biosecurity Database - BICON

STRUCTURED AND INDEXED REGULATIONS

The regulations are properly structured and indexed, which makes it easier to find the specific section or legal provision.

Figure 15 Indexed Regulations Scheme

CANADA

TFA IMPLEMENTATION

Canada notified the WTO of compliance with TFA Article 1.4, which can be found at the following link: https://www.tfadatabase.org/members/Canada/article-1-4/135. Information is presented in the order of the provisions of TFA Article 1. Each declared subcategory contains one or more links to websites, primarily from its customs authority, the CBSA (Canada Border Service Agency https://www.cbsa-asfc.gc.ca), and is complemented by the Global Affairs and the Department of Justice in the cases regarding regulations. Each of the links are accompanied by a small reference about the contents. Through these services, Canada declares its compliance with the requirements of Article 1.2 (Information Available through the Internet).

In addition, Canada also notified the WTO of compliance with Article 1.3 (Points of Contact), which provides contact information as shown below:

Figure 16 Canada Contact Information of Enquiry points

The main source of information is provided on the CBSA website. Its approach is didactic and easily highlights information about importation and exportation, but not about transit.

Some examples of compliance with Article 1 of the TFA are described below:

A. PROCEDURES, FORMS, DOCUMENTS, FEES AND CHARGES, PENALTIES, APPEALS, AND REVIEWS

With regard to importing procedures, the site describes the sequence of steps to bring goods into the economy, from classification to clearance, in a procedural model that includes commercial, control, and logistical aspects.

The information components are described below:

Figure 17 Canada Import Guide (CBSA)
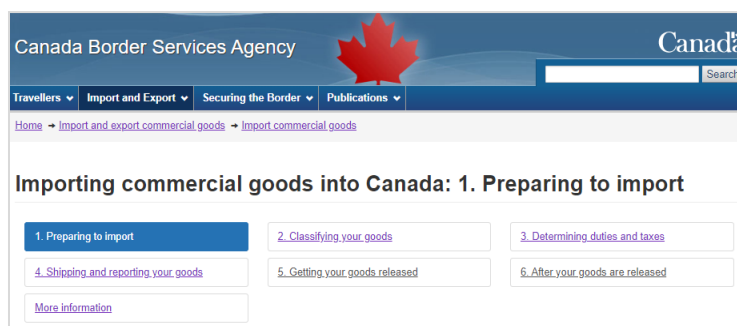
For exporting, the same methodology is used, from explaining theoretical concepts such as the definition of exporter to commercial and logistical aspects for sending the goods. The requirements and specifications of products for clearance are detailed. Links to customs export procedures and operational details are provided, so that the exporter (or broker) can directly submit such customs procedure. The guide becomes an informative and operational document.

The components are described below:

Figure 18 Canada Handy Exporting Guide (CBSA)
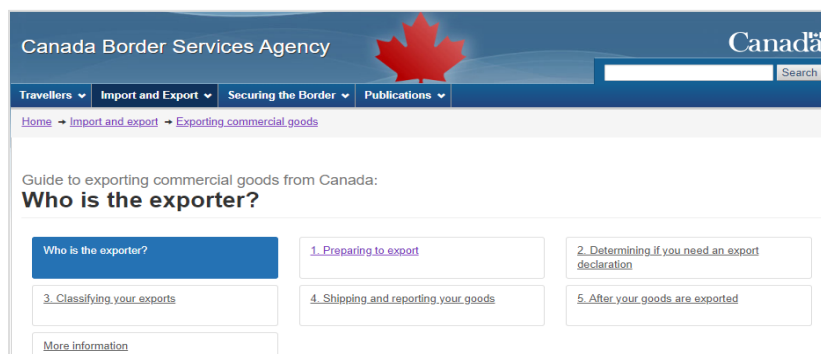
In addition, on the official website of the CBSA, nearly 1200 points of entry and exit for exportation/importation are listed for each province and territory in Canada. Information such as available services, their location, and hours of operation are included (https://www.cbsa-asfc.gc.ca/do-rb/menu-eng.html).

Penalty provisions, procedures for appeal and review, and fees and charges are named within the importing and exporting guides on the CBSA website but it also refers to the Customs Tariff Act and the Excise Goods Act.

B. DUTIES AND TAXES, CLASSIFICATION OR VALUATION, RULES OF ORIGIN, RESTRICTIONS, PROHIBITIONS, TRADE AGREEMENTS, AND TARIFF QUOTAS

Canada's international trade agreements are duly systematized at this link: (https://www.Canada.ca/en/services/business/trade/negotiations-agreements.html), with reference to the website that contains the texts. The relevant duties and other applicable taxes (i.e. Customs Tariff Schedule, Excise Goods) are also available through the same website. In addition, it is possible to use the Goods and Tariffs Search System that will be explained later in Section E) of Item 6.1.2.

Tariff quotas and rules of origin are explained in a memorandum (D-Memo) that describes the applicable legislation, as well as the specific rules according to the applicable preferential regional agreement.

The classification, valuation, restrictions, and prohibition procedures are also explained using those D-Memos, in addition to presenting a list of forms.

BEST PRACTICES

Our review found six areas that could be considered best practices in the implementation of TFA Article 1. Each of these is described below:

EASE OF ACCESS TO INFORMATION

Under the title of "Step by Step," Canada set forth a standard import procedure, while in the case of exporting, it uses an equivalent instrument called the "Handy Guide." With regard to the latter, the guide helps you to identify the tariff classification of goods, restrictions, and it provides information about market access barriers in the destination economy.

SUMMARY OF REGULATIONS

Canada uses a type of document called a D-Memorandum that summarizes the contents of the relevant legal standards.

Figure 19 CBSA Memorandum

UPDATED INFORMATION

The official website of Canada is generally updated every two weeks. Each regulation in the database stores its own consolidation date. The current date is shown in the header area of each document. This makes it possible to have a reliable source for the current regulation for safely carrying out international trade operations (https://laws.justice.gc.ca/eng/).

GUIDE FOR SMES

For micro, small, and medium enterprises (MSMEs), engaging in export and import operations can be complex. Therefore, the CBSA has implemented a guide that is more comprehensive, covering all of the necessary requirements to import or export through a toolkit.

Figure 20 CBSA Guide for SMEs
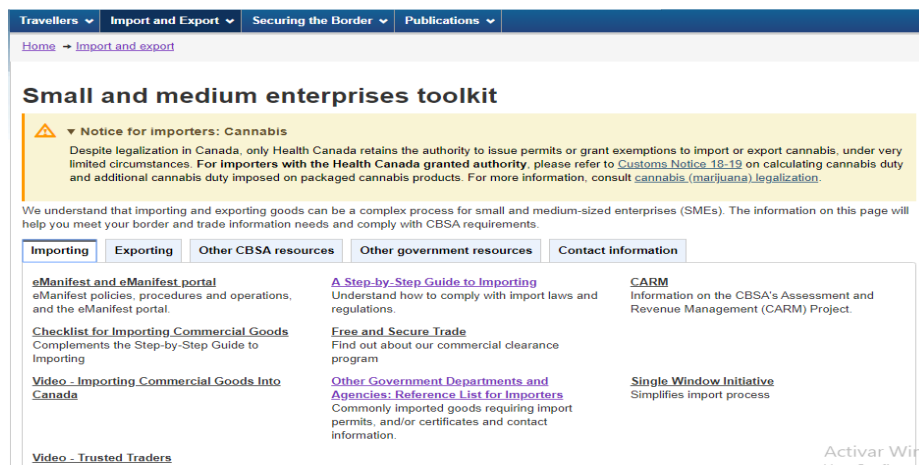
TARIFF FINDER

One of the most notable aspects is the electronic tariff item search engine, which guides the user in obtaining tariff specific good classification. This tool provides the MFN tariff and the applicable preferences based on the economy that has been selected. Below are some sections of the aforementioned tool:

Figure 21 Tariff Finder

ADVANCED RULINGS PORTAL

Canada publishes advanced rulings on classification, origin and National Customs Rulings for valuation with trader consent. These rulings issued by the CBSA regional offices allow for greater transparency and certainty in customs operations.

Figure 22 Advanced Rulings Portal

JAMAICA

TFA IMPLEMENTATION

Jamaica has not reported that it is in compliance with Article 1.4 of the TFA, as shown at the following link: https://www.tfadatabase.org/members/jamaica. However, in May 2019, the Government of Jamaica launched the Jamaica Trade Information Portal (https://jamaicatradeportal.gov.jm) developed by Trade Board Limited, a public agency attached to the Ministry of Industry, Trade, Agriculture, and Fisheries (MICAF). The portal employs an interactive approach allowing the user to centrally access the regulations and procedures for importing and exporting goods.

Based on the information referred to above, we can cite some evidence of the Jamaican government's compliance with Article 1 of the TFA.

A.   PROCEDURES, FORMS, DOCUMENTS, FEES AND CHARGES, PENALTIES, APPEALS, AND REVIEWS

The aforementioned portal presents information about tariffs on products, duties, fees and charges, regulations, procedures, forms, import and export guides, and points of contact for sanitary and phytosanitary measures, and technical trade barriers. It also contains a direct link to its customs portals (https://jets.jacustoms.gov.jm/portal/userIndex.jsf), the Ministry of Agriculture (https://www.moatrade.gov.jm/MOA/), and its JAMPRO (Jamaica Promotions Corporation) Agency (http://www.jexporter.com/jexporter/system/register.jsp).

Figure 23 Jamaica's Trade Information Portal (JTIP)

In the case of importing, the portal shows a four-step guide ranging from compliance with pre-import regulatory requirements to clearance, including commercial and logistical aspects. Each obligation is linked to its specific procedure, checklist and flowchart.

Figure 24 How to Import from Jamaica

The export process is described by means of a three-step sequential guide ranging from registration as an exporter in JAMPRO- www.jexporter.com) to clearance. It includes forms and identifies the competent authorities at each step and provides commercial and logistical information, listing the fees and charges for each procedure, in addition to having a detailed checklist for each step.

Figure 25 How to Export from Jamaica

The portal contains specific sections for documents, measures, procedures and forms and preferential treatment from International Trade Agreements subscribed by Jamaica.

Figure 26 Legal Documents, Measures, Procedures, Forms, and Trade Agreements

Finally, penalty provisions, and procedures for appeal and review are also in its Customs Act (https://jamaicatradeportal.gov.jm/index.php?r=site/display&id=823).

There is also has a link to the rules of trade agreement, which contains a summary of the agreement, as well as more detailed information regarding tariff quotas and rules of origin.

Duties and taxes are included in the Tariff (HS Code) link and are organized by sub-item. Restrictions, prohibitions, classification, and valuation are regulated in the Customs Act (https://jamaicatradeportal.gov.jm/index.php?r=site/display&id=823).

BEST PRACTICES

Our review found two aspects that could be considered best practices on trade facilitation:

TRADE INFORMATION PORTAL

The trade portal attempts to centralize relevant information on international trade. That is, the government of Jamaica not only proposes an efficient mechanism for providing procedural information for permits (B2G) but also B2B services.

The content of the portal is in English[9]. The guides referred to in the preceding paragraphs contain: the name of the controlling agencies with authority, their legal basis, a map of procedures, detailed instructions, relevant regulations, and downloadable forms.

PUBLICATIONS RELATING TO PREFERENTIAL TREATMENT

This is a guide for exporters with simplified information on the content of international trade agreements and describes procedures, tariff preferences, rules of origin, and major goods traded between the parties, among others. (http://www.tradeboard.gov.jm/tblweb/documents/TradeAgreement.pdf).

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[9] However, they indicate that the contents will be translated into Spanish, French, and Mandarin.

KENYA

TFA IMPLEMENTATION

Kenya has not reported compliance with Article 1 of the TFA or its contact points, although the WTO indicates that the economy complies with some basic provisions, as can be seen in https://www.tfadatabase.org/members/kenya. However, at the beginning of 2019, the Kenyan government launched the InfoTradeKenya Portal https://infotradekenya.go.ke/ with the purpose of promoting a trade facilitation transparency system in conjunction with various border agencies.

Some examples of compliance with Article 1 of the TFA are described below:

A.   PROCEDURES, FORMS, DOCUMENTS, FEES AND CHARGES, PENALTIES, APPEALS, AND REVIEWS

The portal is designed as a guide for first-time exporters and importers, describing the export, import, and transit procedures and hosting a tariff browser application.

Figure 27 InfoTradeKenya Portal

The portal is divided into four sections: (i) Procedures; (ii) preliminary registrations, licenses, and certifications; (iii) clearance and permits; and (iv) provides direct links to export, import, and transit procedures for its main commodities. It also provides a link to the ePing tool, which allows users to access and comment on WTO TBT and SPS notifications that affect products and markets in a timely manner.

Figure 28 Export, Import, and Transit Procedures
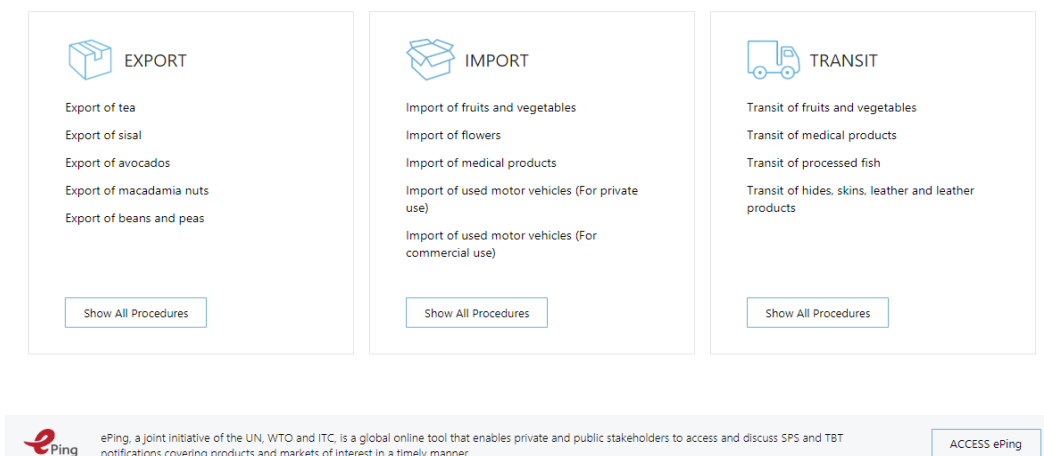
The information presented includes information on procedures and the responsible agencies with links to their respective websites. Information on import and export procedures contain a detailed sequence of each operational step, as well as the agency involved, permits to be issued, other documentary requirements, estimated costs, total duration, and the legal basis.

The relevant legislation is found in the Forms, Laws, and Contacts section. A search may be performed by entering the institution, laws and regulations, and forms and documents.

Figure 29 Forms, Laws, Documents and Institutions
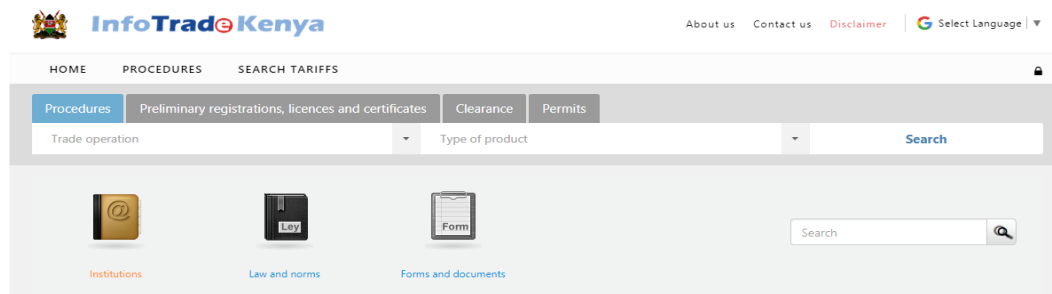
Each of the steps listed in the procedure indicates the applicable fees and charges of the border agencies. Lastly, the penalties, appeal and review procedures are shown in the Customs and Tax Act (https://infotradekenya.go.ke/media/CustomsAndExciseAct2001.pdf).

B. DUTIES AND TAXES, CLASSIFICATION OR VALUATION, RULES OF ORIGIN, RESTRICTIONS, PROHIBITIONS, TRADE AGREEMENTS, AND TARIFF QUOTAS

The tariff finder allows the user to find the tariffs and internal taxes for each product by tariff heading.

Figure 30 Kenya Trade Portal
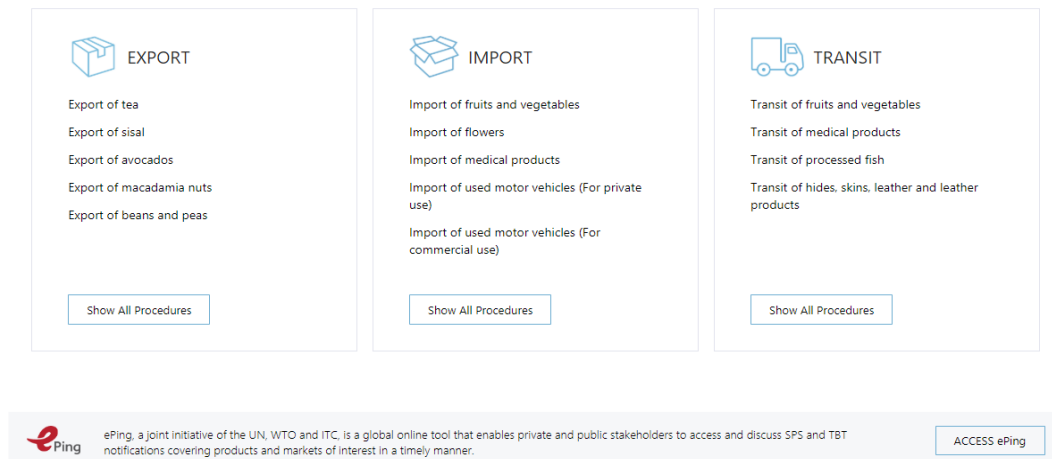
The rules of origin established from each trade agreement is described. Restrictions, prohibitions, and classification and valuation are set out in the Customs Act, which is hosted on its portal.

BEST PRACTICES

Our review found four notable aspects that could be considered a best practice:

TRADE PORTAL

The InfoTradeKenya portal is connected to the Kenya E-Trade Portal to centralize information related to international trade by publishing its procedures online and displaying them in a step-by-step model. It includes information about points of contact, access to forms, duties and taxes, fees and charges, mandatory documents, and regulations related to trade facilitation.

The portal is based on the user experience approach and, therefore, follows a detailed sequence for each of the steps required to import or export goods. This approach demonstrates collaboration with other border agencies to exchange relevant information related to the entry and exit of goods.

Figure 31 Step by Step Procedures for Exporting

ESTIMATED COST CALCULATOR

The portal includes an application to calculate the costs, not only of the fees and charges set forth by the border controlling agencies, but also other estimated fees and charges across the logistics chain.

Figure 32 InfotradeKenya Portal Estimated Cost Calculator

TRADE PROMOTION NETWORK

Finally, the portal provides a list of Kenyan suppliers of goods and services to facilitate contact with its international counterparts (http://kenyatradeportal.go.ke/buy-from-kenya).

SINGAPORE

TFA IMPLEMENTATION

While the source of information that meets Article 1 TFA compliance relies primarily on customs (https://www.tfadatabase.org/members/singapore/article-1-4/163), Singapore's Ministry of Commerce and Industry (https://www.mti.gov.sg/Improving-Trade/Free-Trade-Agreements) also provides some of the required information, such as international agreements signed by Singapore. The Singapore Customs Authority portal (https://www.customs.gov.sg/) is designed to be user-friendly, allowing the user to access information related to trade rules, regulations and procedures.

A. PROCEDURES, FORMS, DOCUMENTS, FEES AND CHARGES, PENALTIES, APPEALS, AND REVIEWS

The components of the published information, both for importing and exporting, are quite detailed:

Figure 33 Importing Goods Singapore Customs
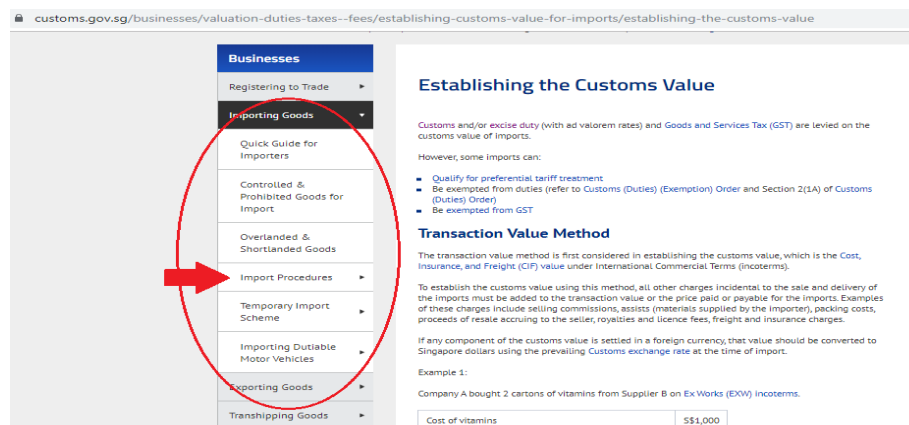
When displaying import procedures, information on different types of importing situations can be found, for example based on the type of goods, such as the importing of samples, expedited shipments, alcohol, etc.

Figure 34 Exporting Goods Singapore Customs
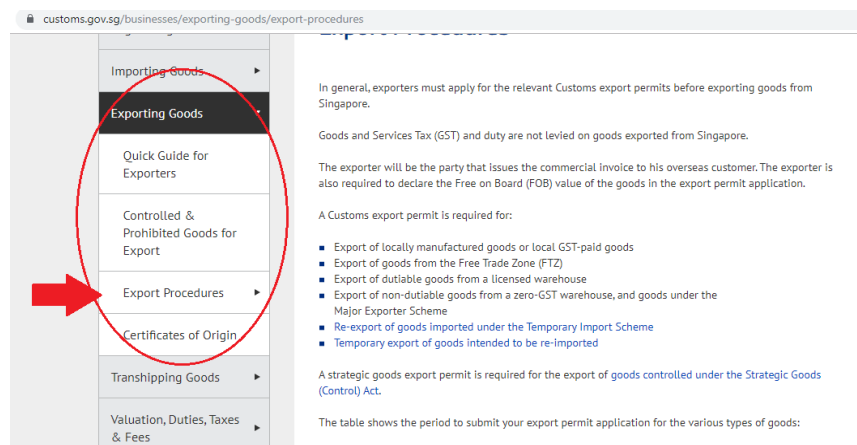
As for export procedures, information is provided on permits and export modalities and on operational aspects, such as the modification and cancellation of permits, as well as the exporting of samples.

The government of Singapore centralizes forms for import, export and transshipment procedures on the following webpage: https://www.customs.gov.sg/eservices/customs-forms-and-service-links. It provides fees and charges for procedures hosted in the well-known Singapore Single Window called Tradenet. (https://www.customs.gov.sg/businesses/valuation-duties-taxes--fees/permits-documentation-and-other-fees), Manual Processing applications and Customs 'Miscellaneous Applications/Services. In addition, it provides specific links for appeals, reviews, and penalty provisions.

B. DUTIES AND TAXES, CLASSIFICATION OR VALUATION, RULES OF ORIGIN, RESTRICTIONS, PROHIBITIONS, TRADE AGREEMENTS, AND TARIFF QUOTAS

The Customs Authority provides access to the different categories of levied products, and provides illustrative examples of calculating taxes. In addition, the website provides a simplified guide for each international trade agreement, specifying rules of origin and quotas (https://www.mti.gov.sg/-/media/MTI/Images/Improving-Trade/FTA_Booklet_Final. pdf).

The classification and valuation procedures are also explained in a didactic manner, including some practical examples, as shown in the following diagram:

Figure 35 Establishing the Customs Value Singapore

On the restrictions and prohibitions related to rules of origin, the Singapore Customs Authority presents, in an easily accessible and simple way, a list of "*Do's*" and "*Don'ts*" to improve regulatory compliance.

BEST PRACTICES

EASE OF ACCESS TO INFORMATION

The information is presented in a guide format, facilitating an understanding of the procedures. When describing import and export procedures, each of the operational steps is shown, as described below:

Table 8 Quick Guides for Importers and Exporters

QUICK GUIDE FOR IMPORTERS	QUICK GUIDE FOR EXPORTERS

CHAT BOT

In addition, an artificial intelligence information system (chatbot) has been included in the sections or sub-portals of the Singapore Customs Authority and the Ministry of Commerce and Industry's web portals, to automate the handling of user queries.

Figure 36 Singapore Chat Bot
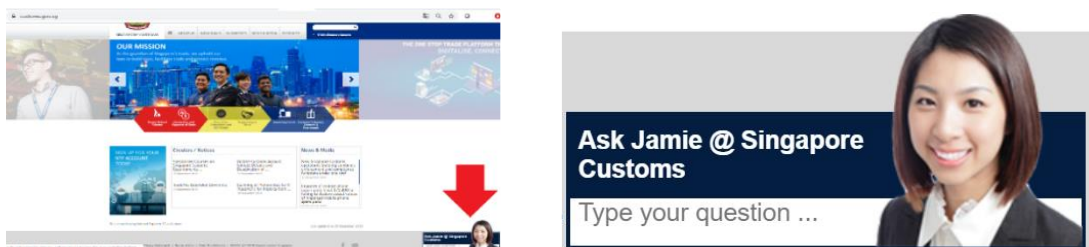
REGULATORY COMPLIANCE

Singapore stands out for its compliance facilities tools. Customs has provided a guide for traders on obligations they are responsible for[10] through a multi-pronged approach that encourages self-compliance,

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[10] Customs Law, Law of the Tax on Goods and Services, Law on Import and Export Regulation, Law on Free Trade Zones, Law on Strategic Goods (control), Law on Chemical Weapons (prohibition).

timely detection of deterrence through effective enforcement and sanctions, as well as regular monitoring of compliance status and risk reviews.

In this way, the work of the customs authority efficiently manages risk by avoiding burdensome controls or requirements for traders.

Figure 37 Singapore Customs Regulatory Compliance

TRADE-RELATED INFORMATION PUBLICATIONS

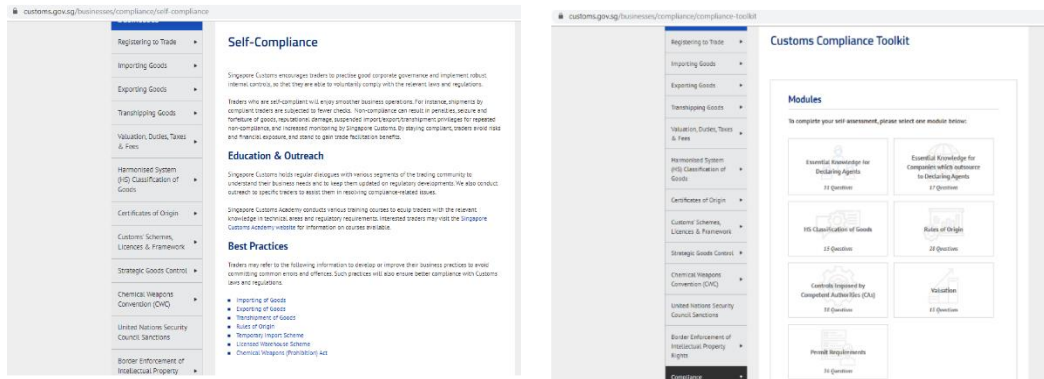Regarding international trade agreements, a procedures guide is included for identifying tariff preferences, main goods exchanged between trading partners, and business opportunities, among others. It can be found at the following link: https://www.mti.gov.sg/-/media/MTI/Images/Improving-Trade/FTA_Booklet_Final.pdf.

Singapore Customs publishes bimonthly information related to customs services and operations for the trading community. It can be found at the following link: https://www.customs.gov.sg/news-and-media/publications/corporate-newsletter---insync.

CONNECTIVITY WITH THE SINGLE WINDOW

A remarkable functionality is the synchronization of trade-related information tools. Users can easily proceed to carry out their import, export, and transit procedures through its TradeNet Foreign Single Window.

CUSTOMS ACADEMY

The Customs Academy is a service hosted on the customs website aimed at training users and traders on customs matters. Currently, the service is provided in conjunction with academic institutions.

SME CENTERS

These centers encourage SMEs to access information and find guidance on a wide range of assistance programs from relevant border agencies to the private sector.

UNITED STATES

TFA IMPLEMENTATION

The United States' TFA Article 1compliance information can be found at the following link: https://www.tfadatabase.org/members/united-states-of-america/article-1-4/128. The information in the notification is divided into the subcategories based on the order of TFA Article 1. Each of the subsections contain one or more links to US government websites with a description of the location where the link leads. Those links together constitute the basis for US compliance with the requirements of Article 1.2 (Information Available through the Internet). The United States also provided the WTO Article 1.3 (Enquiry Points), which provides contact information as shown below.

Figure 38 Contact Information of the enquiry points

The first link provided is to a general helpdesk portal with the US Customs and Border Protection Service (US CBP), which is also responsible for overseeing the entry of goods and persons. The information provided however, is not comprehensive in terms of providing the rules and regulations of other border management agencies.

The information reported reflects the reality of the diverse multi-agency environment present in the United States government. US CBP is the main agency responsible for customs clearance, and has the legal and regulatory authority to define operational and documentary requirements for importing, exporting (in part), and transit procedures of general application, for numerous cases of regulated products (including in the food and agricultural sector). However, its authority to release such goods for entry into the US (or, in some cases, for exporting from the US) is secondary to other agencies (sometimes more than one) which may have primary regulatory oversight.

Some examples of TFA Article 1 compliance are described below:

A. PROCEDURES, FORMS, DOCUMENTS, FEES AND CHARGES, PENALTIES, APPEALS, AND REVIEWS

The links indicated by the US on "import, export and transit procedures" are very numerous. The first link refers to the generic source of information of all laws and regulations published by the US government but do not specify the connection to border procedures.

Links are also provided to US CBP's general import/export informational guidance, but the user is expected to find his or her own way through a vast universe of sources. Links from other agencies that impose border requirements are also provided (for example, for agricultural products), although many of their links are not functional or do not point to the best source of information on the requirements of those agencies. US CBP has a webpage providing links to importing requirements of other agencies.

That webpage can be found at https://www.cbp.gov/trade/basic-import-export/e-commerce/partner-government-agencies-import-guides.

Figure 39 Other Controlling Agencies

Regulatory agencies for food and agricultural products have their own websites for those importing into the United States. They can be found at: https://www.fda.gov/food/food-imports-exports/importing-food-products-united-states and https://www.aphis.usda.gov/aphis/ourfocus/importexport/sa_trade/ct_trade/

The Introduction to the CBP Import Process video in US CBP`s website is also worth noting. It can be found at: https://www.cbp.gov/newsroom/video-gallery/video-library/introduction-cbp-import-process.

The links referred to as "Fees and Charges" provide sources of regulatory information related to general CBP import procedures, without reference to the fees and charges that may be applied under other agency requirements.

For penalty provisions and appeal and review procedures, links are provided to its 19 Customs and Border Protection offices.

B.   DUTIES AND TAXES, CLASSIFICATION, VALUATION, RULES OF ORIGIN, RESTRICTIONS, PROHIBITIONS, TRADE AGREEMENTS, AND TARIFF QUOTAS

The links provided under these subsections point to editions of US customs regulations. The link for "Applied Rates for Duties and Taxes" leads to the current version of the US tariff and restrictions, prohibitions, classification, and valuation are based on specific sections of the US Customs Code of Federal Regulations (CFR).

BEST PRACTICES

Our review revealed four areas that could be considered best practices.

ADVANCED RULINGS PORTAL

Importers have the option of obtaining a binding ruling from US CBP on matters related to imports. Unlike the practices of many economies, US advance rulings cover not only matters of classification and valuation, but also on any aspect of the importation procedure within the scope of customs legislation (i.e., not including areas for which other agencies are primarily responsible). This practice is consistent with the recommendations of Article 3 of the TFA, though in the United States it has been in place for several years prior to TFA implementation.

Virtually all rulings are published and made available to the public in a fully-searchable online database and called the "Customs Rulings Online Search System" ("CROSS") found at https://rulings.cbp.gov.

Figure 40Advance Rulings Portal
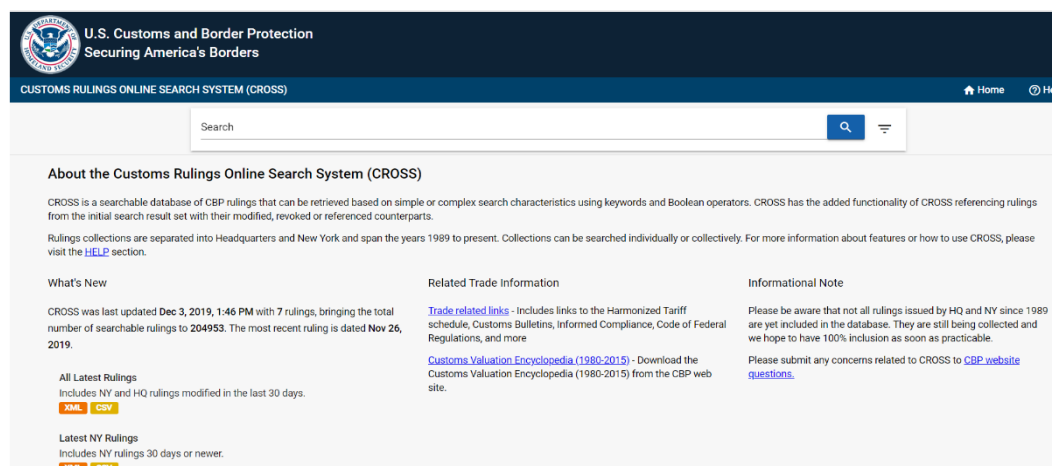
Those rulings cover a wide range of topics and provide guidance to the public on CBP's current view on classification, value, origin, and other issues and provide insight to traders on how they themselves should handle import issues.

THE UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) DATABASE

Imports of food, medicines, and medical devices into the US must comply with strict approval and registration requirements (including product labeling) and in some cases, foreign production facilities. Such compliance is verified prior to the arrival and/or clearance of the goods into the US.

It is often very difficult for foreign suppliers to find all applicable requirements and determine what is (or is not) acceptable before attempting to export to the US. The US Food and Drug Administration (FDA) has traditionally maintained a philosophy of transparency and public information in its registration and approval procedures and provides public access to highly detailed informational databases on approved products, facilities, and even actions related to compliance. The FDA database homepage is: https://www.fda.gov/industry/fda-basics-industry/search-databases

Figure 41 FDA Registration Database
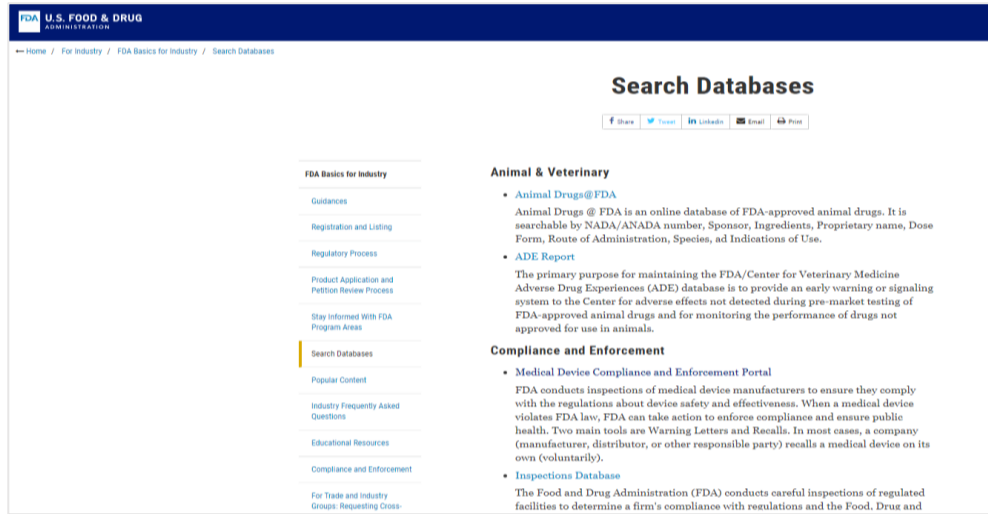
TRANSPARENCY IN NOTIFICATIONS

The US provides a detailed list of specific websites and uses a heading for each subparagraph with a corresponding description of the contents of each of the links. The US paid close attention to form and content. Indeed, language and format is plain and easy for any trader.

SME CENTERS

SME centers are virtual organizations that serve as a single point of processing for importers in a specific industry. They are directed by US CBP and provide personalized support to unique commercial environments. The centers also serve as resources for the general business community and for US government partners.

TFA IMPLEMENTATION

The information reported by Viet Nam is divided into a series of subcategories that reflect requirements of TFA Article I (https://www.tfadatabase.org/members/viet-nam/article-1-4/471). Like Jamaica, Viet Nam has implemented a Trade Information Portal that has been operational since July 2019. The portal didactically concentrates the information related to trade facilitation. Its structure follows a sequential process providing all of the necessary information to carry out import and export operations.

Some examples of compliance with TFA Article 1are described below:

A. PROCEDURES, FORMS, DOCUMENTS, FEES AND CHARGES, PENALTIES, APPEALS, AND REVIEWS

Under a guide format, the portal develops the contents for importing and exporting:

Figure 42 VTIP Trade Guide

This Guide to Trade Section is intended to give helpful advice to traders on the import, export and transit of goods in to and from Vietnam.

In recent years there have been wide reaching changes in Vietnam's international trade as a result of globalization and the country's move to a free market economy, which has greatly facilitated the free flow of goods and enhance global competition. To reflect these changes the Import and Export Policies of the Government of Vietnam are under constant review and are subject to change.

Click here if you want to know how to **Export** commercial goods from Vietnam.

Click here if you want to know how to **Import** commercial goods into Vietnam.

Click here if you are a traveller arriving at or leaving from an airport or crossing a land border.

The description of the import process ranges from the process of registering as an importer, prohibited and restricted goods, and process for clearance. Each of the steps is described in simple language with direct links to the webpages of controlling agencies. The portal also specifies the sanitary and technical requirements of the goods.

Figure 43 VTIP Commercial Imports

Commercial Imports

INDEX

Registration

Prohibited Export Items

Licensing under Specialized Inspection of Goods

Import License

Sanitary and Phytosanitary Requirements

Technical Requirements

Import Declaration

Advance Declaration

Customs Broker

Classification and Value

Payment of Duties

Good Import Under Warehouse Regime

Temporary Imports

Duty Exemptions

Information related to export procedures ranges from registration as an exporter and provides guidelines for clearance.

Figure 44 VTIP Exports

Commercial Exports

INDEX

Registration

Prohibited Export Items

Licensing under Specialized Inspection of Goods

Export License

Customs Broker

Temporary Exports

Duty Exemptions

The information provided includes the forms, documents, duties, and taxes for each procedure. In addition, the portal displays a section called Legal Documents in which regulations can be searched by keyword, responsible agency, category, or document type.

Information regarding valuation of goods, procedures for appeal and review, and penalty provisions can be found on its customs authority website: (https://www.customs.gov.vn/home.aspx?language=en-US) .

B. DUTIES AND TAXES, CLASSIFICATION OR VALUATION, RULES OF ORIGIN, RESTRICTIONS, PROHIBITIONS, TRADE AGREEMENTS, AND TARIFF QUOTAS

International trade agreements signed by the economy in question are listed in the Goods and Tariffs section. In addition, the following is described: negotiated goods, rules of origin, tariff quotas, etc. In addition, there is a tariff finder option that allows the user to enter its tariff heading or its description to find information on the corresponding tariff and taxes, the regulations, and their respective procedures.

Figure 45 Tariff Finder

Enter commodity HSCODE or Description *

◉ **HSCODE**

○ **Description**

List all

If you want to search by HS Code please enter 2 (Chapter), 4 (Sub-chapter), 6 (Sub-heading) or 8 (Commodity Code) digits

Search

The procedures for classification and valuation are provided for in its Customs Act hosted on the portal, and the restrictions and prohibitions are described in the importing and exporting guides (set out above).

BEST PRACTICES

Our review found one area which could be considered a best practice, which is described below:

TRADE INFORMATION PORTAL

The portal is an integrated block of information and focuses on the user experience to present relevant information. For example, when searching for a good by description or by tariff heading, it presents not

only the tariff and taxes to be paid but also the regulations and procedures applicable to the type of good, and links to the sites of other regulatory agencies.

The content of this portal is in Vietnamese and English. Foreign trade operations are described in sequence using simple language. Each regulation refers to the legal basis, its procedure, type of goods, forms, and a procedures flowchart. It also provides direct links to the websites of other responsible government agencies.