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**GUIDE FOR THE IMPLEMENTATION OF ART. 1
PARA. 3 OF THE WTO TRADE FACILITATION
AGREEMENT:
ENQUIRY POINTS**

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Foreword

The WTO Trade Facilitation Agreement (TFA) entered into force on 22 February 2017. The UN Centre for Trade Facilitation and Electronic Business (UN/CEFACT) defines trade facilitation as “the simplification, harmonization and standardization of the procedures and associated information flows required to move goods and provide related services from seller to buyer such as payments”.¹ Trade facilitation can help simplify, standardize, harmonize, and modernize international cross-border trade, thereby increasing trade volumes and making international trade faster and cheaper, as well as more accessible for small and medium-sized enterprises.

According to Art. 1 of the TFA, WTO members shall promptly publish information related to international trade to enable WTO members (and all interested parties, accordingly) to acquaint each other with their trade rules and ensure transparent and predictable conditions of international trade. WTO members are also encouraged to make available further trade-related information on the Internet and to establish or maintain enquiry points.

Under Art.1, para.3, each WTO member should establish or maintain one or more enquiry points² to process and provide, within a reasonable time period, responses to enquiries from governments, traders, and other interested parties on matters and documents related to foreign trade. The enquiry points should provide information under the requirements of Art.1, para.1 of the TFA, regarding the publication of a specific set of information on a non-discriminatory basis and in an easily accessible form, and provide the required forms and documents referred to in TFA subparagraph 1.1(a).

The Agreement does not regulate the form and characteristics of these enquiry points but allows each WTO member to decide whether it will have one enquiry point representing multiple agencies, multiple enquiry points situated in various government agencies, or even a regional enquiry point in a customs union or within members involved in regional integration. For most of the SPECA countries, it is proposed to create a single integrated centre per country, for economy of scale reasons.

It does not specify whether an enquiry point should be a special government agency, an auxiliary structure subordinate to existing bodies, or a non-governmental organization authorized to provide information to traders on behalf of the government or be an automated system.

While discussing the access of the private sector to information at regional meetings of SPECA participating countries National Trade Facilitation Committees, they proposed to develop a Guide for interested parties in the countries on establishing enquiry points in compliance with TFA Art. 1.3 to provide the necessary information related to import, export, and transit procedures, fees and charges imposed by governmental agencies, etc., as well as document and forms in use in the countries to facilitate the trade process.

Access to trade information is a topical issue for countries in transition and many developing countries, including the SPECA participating countries. It is almost impossible to obtain information from a single source, in a standardized form and agreed scope. Various web resources of government agencies present sets of legal information that is often incomplete. Many resources are not integrated with each other, and there are no effective search engines.

¹ https://unece.org/fileadmin/DAM/cefact/recommendations/rec04/ECE_TRADE_425_CFRec4.pdf

² The term “inquiry points” is used in the original WTO Agreement in English. This Guide takes this translation feature into account.

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This Guide on how to establish and maintain enquiry points was developed under the auspices of the UNECE under the United Nations Development Account project *Transport and Trade Connectivity in the Age of Pandemics*³ and will be discussed at the meetings of the SPECA Working Group on Trade to provide practical assistance to the UN member States.

This Guide emphasizes the principle of sustainable and efficient use of resources - a principle originating from the “green economy” concept - by promoting coordinated and systemic actions of government bodies in support of trade facilitation enquiry points that would be both based on and reinforce a rational use of existing resources in international trade.⁴

In addition, "transparency" (the focus of TFA's Art.1) contributes to effective management and control on behalf of State regulatory bodies and to fight against corruption by providing access to information about trade procedures and associated costs, in order to provide predictability. The TFA transparency provisions and trade information portals are essential for achieving the SDGs.

³ <http://unttc.org>

⁴ In this respect, please see the SPECA Principles of Sustainable Trade, adopted on 21 November 2019, at https://unece.org/fileadmin/DAM/SPECA/documents/gc/session14/Principles_of_Sustainable_Trade_Trade_English.pdf

Introduction

This document is meant to provide guidance to policymakers and practitioners involved in trade facilitation in the developing countries and countries with economies in transition, notably the SPECA participating countries, on how to establish enquiry points to respond to user's questions on trade facilitation measures, documentary procedures and forms. Such questions may be asked by foreign and domestic government officials, members of the business community and other stakeholders in the international supply chain. This guide brings up Art. 1 para.3 of the WTO TFA as a background reference for such enquiry points. It is structured in the best possible way to assist stakeholders in setting up and operating trade facilitation enquiry points. It starts by explaining the requirements of Art.1 para.3, the meaning of terms that may be interpreted differently, and the scope of information that has to be provided – a list of items defined in TFA Art.1 para.1. It then provides some best-practice recommendations from countries that have already established such enquiry points on trade facilitation or in other areas, such as sanitary and phytosanitary (SPS) measures or technical barriers to trade (TBT). The guide then proceeds to provide recommendations on several aspects of the development of enquiry points: how to define the objectives and structure of enquiry points; what can be the forms of receiving enquiries and providing responses; how to finance the functioning of the enquiry points and ensure capacity-building.

The role of information in international trade can hardly be overestimated. All SPECA participating countries that are WTO members have ratified the WTO Trade Facilitation Agreement (Bali 2013), which entered into force on 22 February 2017. Key place in the TFA is attributed to transparency, in the provisions on publication and access to information (Art.1 of the Agreement).

Timely provision of information to trade operators on trade facilitation measures and reforms are important for developing and least developed countries, as well as countries with economies in transition, including the SPECA participating countries, but also for the developed countries. They are important for States that are not yet WTO members (like Azerbaijan, Turkmenistan, and Uzbekistan) and in the context of achieving transparency in international trade and the Sustainable Development Goals (in particular, SDGs 16 and 17, target 17.10).

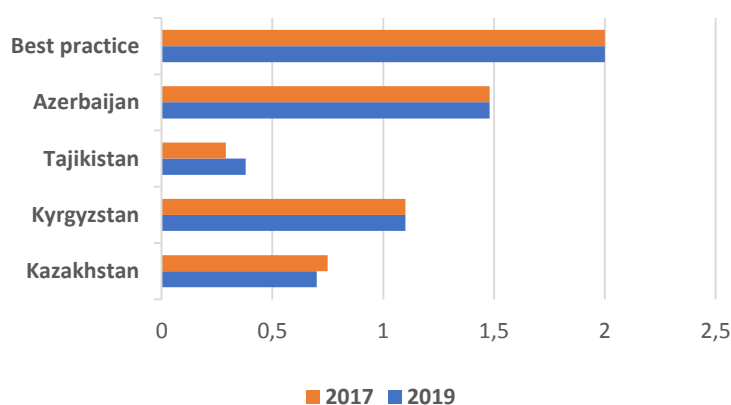
The main obligation to provide access to information under the TFA is that WTO members shall “promptly” publish a wide range of specified information related to import, export, and transit requirements and procedures necessary for clearance of goods. Such information includes procedures, forms and documents, duty and tax rates, rules for the classification and valuation of goods for customs purposes, rules regarding the origin of goods, the restrictions and procedures for transit, penalties, appeal procedures, trade agreements, and procedures relating to the administration of tariff quotas.

TFA Art.1, para.1, requires publishing the above-mentioned set of information in an accessible manner, which could include national newspapers. Yet there is no requirement for translation into languages, other than the national one. Forms and documents are required to be published on the internet (Art.1 para. 2.1(b)); all other information set out in Art.1 para.1 is encouraged to be made available on the internet (Art.1.2 para 2.3). The key point here is that this information should be easily accessible.

The enquiry points are not required under Art.1 para.3 to provide responses on questions related to the list of items in Art.1 para.2 (information to be provided on the Internet). Art.1 para.2 requires the publication on the Internet of a somewhat different set of data from Art.1 para.1 in one of the WTO official languages, whenever practical (English, French, or Spanish). Art.1 para.3 requires that the enquiry points provide only information covered by para. 1.1.

Many countries, including all SPECA participating countries, actively develop digital resources to provide access to information: electronic versions of regulatory frameworks and other information, explanations, and recommendations to the private sector on international trade procedures and trade facilitation. At the same time, the actual state of access to information in the region remains problematic. Numerous rankings and studies, including the OECD trade facilitation indicators, show that countries in the region underperform in terms of access to information and demonstrate weak progress.⁵ Figure 1 presents comparative data on information access according to the OECD rating of August 2021.

Figure 1. Comparative data from the OECD trade facilitation indicators, by SPECA country



Source: OECD data: <https://www.compareyourcountry.org/trade-facilitation/en/0/default/all/default>

Practical experience with TFA implementation shows that the main challenges to implement the Agreement in the SPECA participating countries are mainly due to the lack of resources, weak interagency collaboration, and insufficient capacity to establish a functioning organization and institutional framework for the implementation of the measures.

This conclusion is supported by the results of assessments of the countries' readiness to implement the Agreement. With regard to the enquiry points - Art.1, para. 3 of the Agreement - SPECA participating countries notified on the need to use the special and differential regime for developing and least developed countries. That is, they notified that they would be ready to implement this measure upon expiration of a transition period or simply indicated the lack of their own capacity to implement it. Table1 provides more detail information on the notifications of countries regarding their readiness to create trade facilitation enquiry points can be found in Annex 1 below.⁶

2 Requirements for enquiry points under the WTO TFA

2.1 TFA Art.1 para.3 requirements for the establishment of enquiry points

The requirement to widely inform foreign trade operators and other interested parties on trade measures, legislation, legal and administrative rules, procedures, forms, and other requirements is one of the key WTO TFA provisions which is mandatory for all WTO members. In its most general form, this requirement is expressed in GATT 1994 Art. X, "Publication and Administration of

⁵ <https://www.compareyourcountry.org/trade-facilitation/en/0/default/all/default>

⁶ Visit <https://tfadatabase.org/notifications/list>

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Trade Regulations.” It emphasizes that no measure to regulate trade in goods should be applied until officially published.

WTO enquiry points are considered as contact points that can be reached by any interested party to obtain information in the areas covered by the enquiry point.:

It should be noted that in addition to the TFA, enquiry points are also required by two other WTO Agreements and would be an efficient way to meet World Customs Organization transparency requirements:

- The WTO Agreement on Technical Barriers to Trade, Art.10 requires that “each WTO member shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from other Members and interested parties in other Members” on technical regulations, standards, and conformity assessment procedures, and will provide the necessary documentation and receive answers to all reasonable enquiries.
- The WTO Agreement on the Application of Sanitary and Phytosanitary Measures⁷ (SPS Agreement) (Art.7 and Annex B “Transparency of Sanitary and Phytosanitary Regulations”) also provides for the establishment of an enquiry point, responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents.
- The Revised Kyoto Convention of the World Customs Organization (WCO), in its General Annex – Chapter 9 (9.4-9.93)⁸, contains a list of requirements for Customs authorities to provide information to relevant interested parties. Customs authorities are required to promptly provide the most accurate information on issues related to Customs legislation and provide not only specifically requested information, but also any other relevant information that needs to be brought to the attention of interested parties. When providing information, the Customs service shall ensure that disclosed information is treated confidentially. Any eventual payment to the service providing such information should be limited to the amount of the approximate cost of the provided services.

The Trade Facilitation Implementation Guide (TFIG) developed by UNECE with experts of its subsidiary body, the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), and financial support from the Swedish International Development Cooperation Agency (SIDA)⁹ provides a brief explanation of Art.1, para.1.3 of the TFA. Various other materials and documents, including the “Technical Note No. 6 of 2014 on the Implementation of the TFA Art.1, para.3” prepared by UNCTAD,¹⁰ provide information used to develop this Guide.

The TFA proposes that each WTO member establishes at the national level or maintains the operation of previously established one or more enquiry points to handle trade-related enquiries (in particular, on the information required in TFA Art.1, para.1). Most export, import, and transit procedures involve multiple border authorities, and, in principle, it is not just one organization that is authorized to deal with all the issues and documentation, on which an enquiry point should provide information. Therefore, the TFA gives WTO members the option to make their own decisions on whether to create one centralized enquiry point or several ones in the framework of different border control agencies. Any eventual payment for provided services should be limited to

⁷ The text of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) can be found at https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

⁸ https://tfig.unece.org/RUS/pdf_files/wto-map/WTO-map2.html

⁹ https://tfig.etcilo.org/RUS/contents/TN_Article_1_3.htm

¹⁰ https://unctad.org/system/files/official-document/TN06_EnquiryPoints.pdf

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the amount of the approximate cost of the provided services. For the main provisions concerning the enquiring points and the requirements of TFA Art.1 regarding the enquiry points, see Box 1.

At the same time, the obligation to establish enquiry points recognizes possible constraints with respect to the availability of resources in the country (Art.1 subparagraph 3.1). In this sense, the country may address the development partners for assistance.

TFA Art.1 para.3 also limits the scope of the obligations of WTO members to responses, to be provided by the enquiry points, to “reasonable” enquiries on items specified in Art.1 para.1 of the Agreement. Enquiry points are also tasked with providing forms and documents required from traders to comply with the import, export, and transit procedures in place, at the request of interested parties.

Parties interested in obtaining information and documents from the enquiry points may be government agencies, traders, or others. A public or private body can make an enquiry for information or documents without specifying the reasons.

The TFA recommends WTO members to provide the services of enquiry points to interested parties free of charge. Since this requirement is not mandatory, in case such fees are charged, they should not exceed the approximate cost of the services provided. The fees should be the same for local citizens and foreigners (following the non-discrimination principle).

The TFA does not specify timelines for providing answers and documents. The TFA just envisages that responses should be provided “within a reasonable time period.” The TFA allows WTO members to determine a “reasonable period” at their discretion, although what is reasonable can differ according to the nature or complexity of the request.

The issue of the modalities and specificities of functioning of the enquiry points remains open, since the TFA does not indicate how they should operate. Consequently, the parties to the Agreement may establish such facilities at their discretion and capacity. The UNECE Trade Facilitation Implementation Guide (TFIG) suggests several options for their establishment: “An enquiry point should be a special government body or an auxiliary structure subordinate to existing bodies, an automated system or a non-government organization authorized to provide information.”

Even if Governments are responsible to implement the TFA, they may choose to have the private sector establish and operate the enquiry point, yet assuring compliance with the WTO/TFA rules, including limiting fees to be based on the cost of the service provided. In such cases, government agencies should monitor and assess the performance of the private company and the correctness of the provided information.

The Agreement does not specify the form of providing the requested information and documents (in paper or electronic form). Consequently, the enquiry points can respond to enquiries using whatever methods they deem appropriate (see section 6 below).

The TFA provisions allowing for the establishment of common enquiry points at the regional level, covering common procedures, are of particular interest to the SPECA participating countries. A single regional enquiry point could help harmonize information flows between governments and traders. Due to this provision's non-mandatory nature, members of regional trade blocks can decide whether and how to implement it. Arguably, the use of this principle can offer cost savings, as compared to the establishment of an enquiry point in each country. The establishment of regional or sub-regional centres requires an important coordination effort between countries, in order to find a

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mechanism acceptable to each of the countries. A possible basis for sub-regional enquiry points may be a common working language used by all the countries in this sub-region.

Moreover, this provision is up to the expectations of the global drive towards international and regional cooperation for sustainable development and supports the calls for regional cooperation to implement SPECA's Principles of Sustainable Trade by providing a specific form of a regional trade governance mechanism promoting sustainability. The SPECA countries should thus consider the expectations that sub-regional projects on sustainable trade are most likely to attract financing for the establishment of enquiry points at a regional level.

Box 1: TFA article 1

The elements of information specified in TFA Art.1 para.1 (as well as the required forms and documents specified in subparagraph 1.1(a), which each WTO member shall promptly publish in a non-discriminatory and easily accessible manner, and on which the “enquiry points” should provide information, include:

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

For more details on the above items see section 3 below.

The “enquiry point” staff should be well acquainted with the basic details of the above subparagraphs of TFA para.1.1. They should know the information to the above items or know which agency to address to obtain it. They should be able to maintain good contacts with these agencies to receive information promptly.

TFA para.1.3 “Enquiry points” does not indicate the languages in which information should be provided. TFA Art.1, subparagraph 1.2, states no requirements to publish or provide information in a language other than the national language of the given WTO member, except in the cases specified in TFA Art.1 para.2, which oblige a WTO member to provide information on the Internet and, whenever practicable, also in one of the WTO official languages:

- a) a description of the national import, export, and transit procedures, including procedures for appeal or review, that would inform governments, traders, and other interested parties of the practical steps needed for import, export, and transit,
- b) the forms and documents required for importation into, exportation from, or transit through the territory of that Member,
- c) contact details of its enquiry point(s)

2.2 Clarification of terms used in TFA Art.1, para.3

The wording of most of the TFA obligations is clear and does not raise questions. Still, there is a need for a clarification of some terms used.

In TFA Art.1 para.3, the term “enquiry point” was contextually translated into Russian as “information centre.” According to many sources, an “information centre” is an organization that

collects, analyses, synthesizes and disseminates information. The International Road Transport Union (IRU) views an “information centre” as a single source of information on all rules and regulations governing road transport operation.¹¹ In the UN system, “information centres” are defined as mechanisms that ensure information openness and promote public awareness.¹²

TFA Art.1 para.3 provides for the establishment of a structure responsible for preparing the responses to enquiries made by interested parties, i.e., the provision of reference data, which is outside the scope of information centres, according to the above definitions. Arguably, “справочные центры” would more closely reflect in Russian the meaning of the term in English.

The term “information centre” is more about a single source of already published information; it does not imply responding to requests for additional information that might be needed in connection with an already published one. This issue should be considered in the implementation of this measure (TFA Art.1 para.3) and the further establishment and operation of TFA enquiry points. Regardless of the issues in translating the name and definition, the guiding element here is what is stipulated in the TFA, Art.1 para.3.

Another issue for discussion concerns the deadlines for providing information. The TFA states that “the enquiry points shall answer enquiries and provide the forms and documents within a reasonable time period set by each [WTO] Member”.

The TFA contains no provisions defining this “reasonable time period.” In this situation, the national legislation of the SPECA participating countries, namely the civil codes and laws on appeals by citizens and legal entities, lack objective criteria for determining the meaning of the term reasonable and interpret it as a period between 10 and 30 days. Therefore, the time frames envisaged by national rules for the provision of information under the TFA Art.1, para.3 are unrealistic and not “reasonable” in a situation when international supply chains require flexibility and urgent responses to rising issues.

Notably, the expert community considers “reasonable” a legal issue, on which the civil law community has not reached an agreement. Therefore, international best practice should be taken into account when implementing the TFA.

The SPECA participating countries are invited to discuss and agree on reasonable time periods for the provision of information all countries could follow.

The list of enquiries an enquiry point should respond to must also be clarified. The enquiries must be rational. One cannot expect, for example, that a trade operator can indicate which product she/he intends to import or export and expect that an enquiry point will provide all the details of procedures and regulations for her/his particular trade transaction. Besides, the EP should be able to provide guidance on where relevant information can be found.

3. Trade-related information to be provided by an enquiry point

TFA Art.1, para.3 stipulates that enquiry points should provide information related to Art.1 para.1, which requires prompt publication of information related to international trade. According to the TFA, this information shall include:

¹¹ <https://www.iru.org/ru/resources/tools-apps/infocentre>

¹² <https://unic.un.org/aroundworld/unics/ru/whoWeAre/index.asp>

- a) description of procedures, including a description of the:
 - practical steps needed for import, export, and transit,
 - appeal or review procedures,
 - procedures related to the administration of tariff quotas.

The TFA allows WTO members to determine, at their discretion, the format for describing procedures based on the national legal framework:

- b) forms and documents required for import, export, and transit,
- c) applied duties and taxes of any kind imposed in connection with the import or export of goods, as well as fees and charges levied by governmental agencies for import, export, or transit.
- d) In addition, the TFA requires the publication of legal acts and administrative rules concerning, which must also be provided by the enquiry point:
 - rules of origin of goods,
 - import, export or transit restrictions or prohibitions,
 - penalty provisions for breaches of import, export, or transit formalities,
 - procedures for appeal or review,
 - rules for the classification or valuation of products for customs purposes.
- e) The list of information includes information on bilateral or multilateral agreements concerning import, export, or transit.

In addition, the TFA allows for a possibility for enquiries regarding cross-border movements of goods.

4. Sources of best practice experience

According to Section 2 of this Guide, the TFA does not define the way enquiry points are established and operated. Countries are free to choose their approach to this issue.

UNCTAD estimates that by mid-2021 a total of 85 countries (including 39 developed countries) have fully or partially implemented Art.1 para.3. Of these, 63.5% have proposed a unified centralized approach to the establishment of enquiry points.¹³ UNCTAD highlights several examples of establishing enquiry points:

- *Creating enquiry points through the operation of trade portals*¹⁴

Trade portals exist in many countries, including some SPECA countries. They include descriptions of import, export, and transit procedures, links to main laws, forms and documents, as well as information on customs duties and taxes. These portals are considered a tool for accessing information that can be used by enquiry point specialists to respond to various questions. Traders can find on the portal contact details of relevant agencies and address their queries directly to these agencies. Trade information portals can thus be embedded in government agency websites. This is a solution that multiplies access channels to trade information for traders and ensures that information is presented in a standardized format through online tools of State agencies. UN/CEFACT has also

¹³ <https://unctad.org/news/trade-facilitation-why-it-so-challenging-implement-enquiry-point>

¹⁴ https://unctad.org/system/files/official-document/TN06_EnquiryPoints.pdf

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adopted its Recommendation 37 on a one-time data submission portal, which suggests providing information and informing traders through such portals.¹⁵

The establishment of enquiry points requires enormous coordination efforts, skilled human resources, and ICT support. In this regard, trade portals, that are proposed and applied by UNCTAD and International Trade Centre (ITC) projects and described in UN/CEFACT's Recommendation 37 to fill in gaps and solve problems associated with the establishment of enquiry points, especially in countries with scarce resources.

UNCTAD's Technical Note No. 6b suggests establishing virtual enquiry points. In this context, UNCTAD has launched an information platform called "Business Aid" (<http://businessfacilitation.org/>) that collects and presents data on national regulations and procedures. Another option would be the National Trade Points (<http://www.tradepoint.org>), supported by an UNCTAD programme.

- *EU Trade Helpdesk*¹⁶

In an illustration of TFA Art.1.3, subparagraph 2 on the establishment and support of common enquiry points at the regional level, the EU Trade Helpdesk has presented a new search solution that offers traders information about specific product markets. It also provides general information about the EU market and current EU trade agreements, technical standards, customs duties and internal taxes in the 27 EU countries, rules of origin, etc., as quickly and accurately as possible.

- *Jamie – Singapore Customs Virtual Agent*¹⁷

The Singapore Customs' use of the tool "Jamie", a real-time virtual agent, is another best practice case. This tool helps traders to easily navigate the information available on the Customs website.

- *TBT and SPS enquiry points*

"Enquiry points" are being established under the WTO TBT and SPS Agreements. In 2016, the WTO Secretariat conducted an online survey of enquiry points to collect the practical experience of WTO members. Most WTO members (80 %) responding to the WTO's survey indicated that enquiry points were included in the submission of TBT notifications to the WTO. The assessment showed that most countries have chosen to designate an existing department or agency dealing with areas covered by the TBT Agreement: for example, the standards body (51%) or the ministry dealing with trade (e.g., a ministry of commerce, foreign affairs, economy, or industry) (34%), as a country's enquiry point. In a few cases, the ministries of agriculture or health have been designated as the TBT enquiry point. Most helpdesks have 1 to 4 part-time employees. The staff does not necessarily have an in-depth knowledge of TBT issues as their role is coordination and communication. The assessment highlighted the importance of establishing mechanisms that facilitate internal coordination for an effective implementation of notification commitments under the TBT Agreement.

Concerning SPS, two surveys based on questionnaires took place in 2007 and 2015, which resulted in a practical manual and recommendations to countries.¹⁸

¹⁵ https://unece.org/DAM/trade/Publications/ECE_TRADE_447R_CF-Rec37.pdf

¹⁶ <https://trade.ec.europa.eu/access-to-markets/en/content/welcome-access2markets-trade-helpdesk-users>

¹⁷ See <https://www.tech.gov.sg/products-and-services/ask-jamie/>

5. Recommendations for the trade facilitation enquiry points

5.1 Main goals and objectives of the enquiry points

The services of the enquiry points are especially important for micro, small, and medium-sized enterprises, allowing them to participate in international trade. Such enterprises often have no resources to find accurate information about international trade procedures, if such information is not made easily accessible.

Information can be made available via Internet, through the websites of relevant regulatory agencies and through trade portals or enquiry points that are set up to “respond to reasonable enquiries from governments, traders and other interested parties on matters identified in the Agreement” (see Section 3).

Based on these TFA provisions, the main purposes of enquiry points should be to:

- facilitate the timely provision/distribution of easily accessible, precise, and complete information to interested parties, contributing to the predictability of trade between WTO members (information function),
- respond promptly to reasonable enquiries from interested parties (reference function).

5.2 Structure of the enquiry points

The TFA does not contain direct instructions on the ways of establishment and operation of enquiry/information points, which means that each country can offer different possible models for the operation of these enquiry points.

The expert community considers two main forms:

- A single referral centre,
- A helpdesk at each agency.

A single enquiry point is a user-friendly concept; however, it requires some coordination and resources to be able to respond to all enquiries on information that is under the control of different agencies.

¹⁸ A questionnaire on the operation of SPS enquiry points and national notification authorities (G/SPS/W/103/Rev.2) was submitted in preparation for a 2007 WTO workshop on transparency. An analysis of the 58 replies to the questionnaire were circulated as WTO document G/SPS/GEN/751/Rev.1. A step-by-step procedural manual was subsequently written by Ms. Sally Jennings from the Ministry for Primary Industries, New Zealand, with contributions by the Department of Agriculture and Forestry Biosecurity Australia and the WTO Secretariat. This manual was revised in 2018 to reflect the new versions of the IT tools, and to streamline the content. The "Practical Manual on the Operation of NNAs and NEPs" includes guidance for governments to facilitate the implementation of the transparency provisions of the SPS Agreement. While it may be especially useful for developing and least-developed countries (LDCs), it may also be a helpful reference for countries that are acceding to the WTO and establishing NNAs and NEPs, as well as WTO Members in general. The Practical Manual can be downloaded from: <http://www.wto.org/spstransparency>. Similarly, another online questionnaire was undertaken in 2015 (G/SPS/GEN/1382). The answers, contained in G/SPS/GEN/1402, can be relevant in the context of this Guide.

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An agency-level enquiry point provides direct consultations with the agency on certain issues and can ensure a higher accuracy of the responses received, as the staff responsible for responding to the enquiries is supposedly a specialist in her/his area.

Countries can use both options in combination. In cases where an enquiry requires information that is not available in a single enquiry point, the enquiry point staff can transfer the request by addressing it to an agency responsible for the required information.

Depending on the organizational and legal circumstances and capabilities of each country, an enquiry point can be formed as:

- 1) an independent legal entity established by the State or within a public-private partnership (PPP) framework; using a PPP mechanism in its innovative forms can also contribute to achieving the principles of sustainable trade,
- 2) a structural unit of the responsible ministry/agency: organizing a department or sector with an approved staff schedule,
- 3) a part of the structure of the department responsible for WTO matters, specific employees of which can be entrusted with responsibilities for the operation of the enquiry point.

With regard to the staff working in an enquiry point, the experience of the TBT enquiry points should be considered.¹⁹ Practical experience from the countries has shown that these are often part-time jobs, with assignments being split between enquiry point staff members.

5.3 Methods of providing information

The TFA does not define how information should be provided, except for the description of export, import, and transit procedures which must be published on the Internet. At that, each country, at its discretion, determines the form of these descriptions and where it should be placed (including graphic images, text, etc.).

The following forms of providing information are proposed for the operation of the enquiry points:

- a) oral:
 - contacting the enquiry point by telephone,
 - a person visiting the enquiry point to talk to staff.
- b) electronic:
 - contacting the enquiry point by public electronic communication networks, including e-mail or a specialized online channel (e.g., a box on the website of the enquiry point, where one can type her/his question).

The availability of information about the enquiry point is one of the conditions for its good operation. The TFA requires that contact details of enquiry points are available online and updated as appropriate. The TFA requires WTO members to post on the Internet the contact details of enquiry points (TFA Art.1 paras 2.2 and 4). This may be the website of the authorized body dealing with the WTO/WTO Secretariat. It is possible to publish the contact details of the enquiry point in mass media.

¹⁹A publication on TBT enquiry points, based on WTO members' best practices, is *WTO TBT Enquiry Point Guide: Making transparency work*: https://www.wto.org/english/tratop_e/tbt_e/tbt_enquiry_point_guide_e.pdf. Another useful source is the SPS Practical Manual: [practical manual for sps national notification authorities and sps national enquiry points 7531_18_e.pdf](https://www.wto.org/english/sectors/sp_sps_national_notification_authorities_and_sps_national_enquiry_points_7531_18_e.pdf) (wto.org). The Recommended Procedure in G/SPS/7/Rev.4 also contains recommendations that can be useful for requesting and managing information on notifications.

Such contact details include:

- postal address of the enquiry point,
- e-mail of the enquiry point,
- telephone number of the enquiry point,
- operating hours of the enquiry point,
- rules regarding the processing of enquiries/calls and the form in which the work of the enquiry form is organized,
- if applied, fees charged for the operation of the enquiry points.

6. Possible forms of organizing the work of enquiry points

6.1 Internet resources for receiving enquiries

The forms of organizing the work of enquiry points depend on the complexity and depth of the requested information and whether the enquiry point staff has access to the primary information (laws, government regulations, department directives, contact numbers of persons responsible for providing such information in other agencies) both as a ready database or in terms of an easy search engine. This Guide suggests several forms of organizing the work of enquiry points, based on international best practices. One of the examples, the ePing, a joint initiative of the UN, WTO and ITC, is an online tool that enables private and public stakeholders to access and discuss WTO SPS/TBT notifications affecting products and markets of interest in a timely manner. By registering on ePing, users can receive daily or weekly email alerts containing SPS/TBT notifications covering products/markets of interest to them. Users can also use the ePing website to search for SPS/TBT notifications meeting certain criteria. In addition, ePing can assist national enquiry points in managing and reaching out to domestic stakeholders or other enquiry points to discuss specific notifications and/or provide complementary information (such as translations). All these features can in turn facilitate the formulation of timely comments on notifications and/or adaptation to new requirements. WTO Members can also use the fora of the SPS or TBT Committees to raise specific trade concerns related to notifications.²⁰ In this sense, the enquiry point may involve advanced IT tools to enhance its performance. For example, artificial intelligence (AI) may be used to analyse data invoked in a series of enquiries, in order to fill in new data (e.g., repeated questions and answers) in the database.

6.1.1 Chat with an online consultant

Online consultations are a widespread form of organizing the work of enquiry points. They are provided through an online chat engine, where one can ask questions to an enquiry point employee. Online consultations take place following the call-centre principle, with automatic registration and recording of the call/enquiry.

The enquiry point employee should have access to preprepared standard response templates. These should be developed in a standardized format for the questions that are asked most often, indicating the sources of the stored information.

In cases when the enquiry requires information that is not available at the enquiry point and the employee does not have the needed competence to respond, the employee should have knowledge about web resources, where the answer to the question would be available, or which agency,

²⁰ https://epingalert.org/help/user_guide.html

responsible for the required information, should be addressed. In this case, the requesting person is invited to register her/his contact details (e-mail) to which a response to her/his enquiry can be sent.

Chatting with an online consultant requires the availability of sufficiently qualified specialists, who have the necessary knowledge, and who can give quick and high-quality responses. Job descriptions and terms of reference for such online consultants (employees of the enquiry point) should give clear instructions to the employee what to do in each particular case, what kind of sources of information should be available to her/him to respond to queries and whom they can address if they have no answer to the question asked.

A chat with an online consultant may be recorded, and the recording may be used as evidence in court, in case of legal disputes, in compliance with local legislation.

6.1.2 A special web-based form

Not all information listed in TFA's Art.1 para.1 can be provided through an online consultation platform. Hence, the enquiry point can develop a special web-based form.

The method of responding using a special web-based form suggests that a person interested in receiving information opens the enquiry point page via the website of the agency operating the enquiry point, or via a trade portal, and fills in a web-based form providing her/his username, e-mail, and the questions of the enquiry. After sending the enquiry, the user receives a confirmation that it is accepted. The user will subsequently receive a competent response, within a reasonable period depending on the nature and complexity of the enquiry.

6.1.3 Communication via e-mail

Queries can also be sent to an enquiry point via e-mail. The user sends an enquiry and receives a confirmation that it is accepted. The user then receives a competent response within a reasonable period depending on the nature and complexity of the enquiry.

The operation of an enquiry point based on electronic means of communication has an advantage over telephone communication in the sense that using such means provides an opportunity for an enquiry point employee to forward a question to other agencies, if the question is not in her/his competence. In this way, an informed answer, satisfying the enquiry, will be received in a convenient way.

E-mail has a clear advantage in that it provides a trail that can be used as evidence in court in case of a legal dispute.

6.2 Call-centre service

In the SPECA countries, international trade is mostly carried out by small and medium-sized enterprises, which may have difficulties to navigate in the flow of information related to trade procedures. Enquiry points can offer the traditional form of contact via phone through the so-called call-centres. A call-centre should automatically register the call, record the conversation and be able to store data (questions/answers) in the call history database. A call-centre employee is expected to answer a request within a few minutes.

A call-centre operation imposes inevitable limitations due to the need to provide information on the spot. This requires deeper, regulated internal working procedures and very well-trained call-centre staff.

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If the call centre provides its services with an obligation to record the discussion, the recording can later be used as evidence in court.

6.3 Organizational challenges

The operation of an enquiry point requires the availability of a database with standardized responses that a search engine (or a person) can use to quickly find an answer to a request. It also requires the availability of highly competent staff, who are typically expensive and not easy to find. So, one must value them.

The organization of enquiry points includes the need to establish a network of contacts in the relevant agencies, which have the required information. Enquiry point employees must be good networkers.

In a nutshell, minimum conditions with reference to communication and networking skills of staff of the enquiry points should be established.

In addition, the work of enquiry points may be negatively affected by the underdevelopment of IT systems in some countries, as well as the high cost of mobile communication services.

7. Recommendations on the coordination of work between agencies providing information

The establishment of enquiry points requires strong coordination between the various agencies that are responsible for the different clusters of issues listed in the TFA Art.1, notably, para.1.

The stability and effective operation of an enquiry point is determined by the ability to coordinate the work of all relevant agencies involved in the process of providing and updating information and documentation. Agencies should provide verified up-to-date information, as out of date or false information can be harmful for business.

National Trade Facilitation Committees or agencies responsible for coordinating WTO matters can act as coordinators or assist enquiry points in establishing this coordination. In this sense, a necessary step is to develop clear coordination rules governing the functions of each agency, response time, and responsibility, appointment of responsible employees, and indicating staff contact details: phone numbers and e-mails. This interdepartmental coordination can be agreed upon and approved by a National Trade Facilitation Committee decision, a Government decree, an order of the minister responsible for the TFA implementation, or a special memorandum between agencies. The National Trade Facilitation Committee meetings can review the work of the enquiry points, issues arising, and give recommendations for improvement.

Institutions that have the information and forms to be provided by the enquiry point and would be covered by this interagency network will need to include (but not be limited to): the main agencies regulating and controlling trade operations: Customs, ministries of trade or economy, finance, transport, agriculture, health, national sanitary, veterinary, phytosanitary, technical standard and other inspection agencies, national standards and patent bodies, national trade facilitation bodies and Chambers of Commerce, various transport associations, such as national road transport unions, etc.

8. Recommendations on financing the enquiry points

The TFA does not provide for the ways of establishing a financing mechanism for the enquiry points. However, financing is a paramount issue. It is necessary to ensure that the enquiry point is operational from the very beginning.

Fixed costs such as labour compensations (hiring and remuneration of staff) and costs of information and communication technologies (telephone lines, Internet, computers) should be secured in a long-term perspective to ensure the sustainability of an enquiry point.

The Agreement recognizes that this can be challenging as many countries have limited resources. For this reason, it allows to charge fees for responses to enquiries and providing requested forms and documents. However, it recommends avoiding this option, if possible. If fees must be charged, they must be limited to the approximate cost of the services rendered. This fee limitation applies even when the enquiry point is operated by a non-governmental agency.

Two options of financing the enquiry points can be considered:

- From the State budget, in case of organizing the enquiry point under a governmental agency responsible for WTO issues (as a subsidiary body or as a part of the structure dealing with WTO issues in the country),
- Self-financing through the provision of services.

9. Recommendations for capacity-building of staff

The provision of high-quality information at all stages of responding to an enquiry requires continuous staff development.

It is recommended that national enquiry points periodically (e.g., once in three months) review, jointly with relevant staff of other agencies providing information, the nature of incoming enquiries and the response templates, inform each other about changes in the legislation at the national and departmental level at least once a quarter.

Training programmes for enquiry point staff shall focus on the following topics:

- General understanding of the TFA measures and trade facilitation, as set out in national laws, regulations, and procedures,
- General understanding of the elements of the information listed in TFA Art.1, para.1, while enquiry points staff should know whom to contact if the enquiry goes beyond their competence,
- Good ability to organize and maintain a network of contacts involving relevant agencies to be able to give urgent responses to more specialized enquiries, and to ensure that information is kept up to date.

The SPECA Programme recommends a constant exchange of experience and information materials between countries, as enquiry points shall be able to provide information concerning neighbouring countries as well.

The enquiry point staff may periodically collect feedback from the private sector and other users of their services on the quality of work of the enquiry point and take measures to improve their functioning.

Training programmes for enquiry point staff and the recruiting process shall consider gender equality issues and the principles of sustainable trade in terms of empowering women's involvement in trade management and promoting sustainable trade.²¹

10. Final provisions

This Guide was compiled to give practical advice on how to establish enquiry points to provide information to trade operators and other interested parties in the framework of the requirements of TFA's Art.1, para.1.

The recommended steps for establishing an enquiry point can be briefly listed as follows (keeping in mind that different options are possible):

- Make a political decision to establish an enquiry point for trade facilitation,
- Determine under which agency (a combination of agencies, PPP, etc.) this enquiry point will be established²²,
- Establish the way of financing of the enquiry point operation, IT support, payment of salaries, etc.,
- Decide on the form of rendering services (via e-mail, call-centres, etc.),
- Hire and train employees to maintain the enquiry point, the database, and the contact network,
- Agree and approve the method of coordination of work between relevant agencies in responding to enquiries,
- Develop a database of standardized responses,
- Further train staff.

Trade facilitation is a complex process of reform that covers the entire supply chain, procedures and interested parties beyond the TFA. In the future, enquiry points should be ready to provide information on trade facilitation beyond the TFA, along the supply chain. Figure 2 gives an idea of the basic procedures in an international supply chain that can be covered by enquiry points providing information. UN/CEFACT Recommendation 18 shows a simplified buy-ship-pay model of the international value chain. This model defines the key commercial, logistical, regulatory, and payment procedures used in the international supply chain, which are covered by trade facilitation measures.

²¹ https://unece.org/fileadmin/DAM/SPECA/documents/gc/session14/Principles_of_Sustainable_Trade

²² The main agencies under which a trade facilitation enquiry point may be established include the Ministries of trade or economy, Customs, or the National Trade Facilitation Committees. In several countries the enquiry point functions as part of the national trade information portal. As trade facilitation is a complex area of activity, involving various stakeholders in the supply chain, other agencies and actors may be involved in the work of the enquiry point or network of enquiry points: inspection agencies (sanitary, phytosanitary, technical standards), national statistical offices, border control agencies, chambers of commerce and industry, ministries of agriculture, transport, finance, as well as national business associations of various types.

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Figure 2: The UN/CEFACT Buy-Ship-Pay Model



Source : UN/CEFACT

Annex 1. Notification of countries regarding the enquiry points

Country	Commitment		
	Publishing (Art.1 para.1)	Information available on the Internet (Art.1 para.2)	Enquiry points (Art.1 para.3)
Afghanistan	B	C	C
Kazakhstan	B	B	B
Kyrgyzstan	B	C	C
Tajikistan	A	A	C

Source: WTO website (<https://tfadatabase.org/notifications/list>)

At the time of writing of this Guide, in October 2021, the SPECA countries have notified the WTO secretariat on the level of readiness to implement the WTO TFA Art. 1 para.3 in the way presented in the table above. Category A implementation means that the country is ready with the implementation of the measure (in this case TFA Art.1 paras.1, 2, and 3). Category B notification means that the country can implement the measure on its own, but it is still not ready and needs more time. Category C notification means that the country needs more time and assistance from abroad to implement the measure. The table above shows that Art.1 para.3 is one of the TFA measures, for which the SPECA countries, in the same way as many transition economies, do not feel ready. This may be partly due to problems with understanding the requirements of Art.1 para.3 and the fact that the countries do not have well trained specialists, who can run an enquiry point.