

WORLD TRADE ORGANIZATION

RESTRICTED

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Working Party on Preshipment Inspection

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NATIONAL EXPERIENCE WITH THE AGREEMENT ON PRESHPMENT INSPECTION

Communication from Côte d'Ivoire

The following communication has been received from the Permanent Mission of Côte d'Ivoire.

In addition to taking measures to liberalize its foreign trade, Côte d'Ivoire has found it necessary to call on the services of an inspection entity in order to meet the following objectives *inter alia*:

- (a) To increase customs revenue;
- (b) to observe the rules on competition;
- (c) to enhance consumer protection.

Follow-up

A Technical Group to follow up the Programme on Preshipment Inspection was established under Decision 661 of 22 July 1993. The group's responsibilities include monitoring the agreement with the inspection entity and following up contractual obligations. It meets regularly to monitor developments in the programme. Its reports show that the service has had positive results. Moreover, there have been no repeated occurrences of failure to respect obligations or apply the programme.

Time-limits

Maximum time-limits for action and the issuance of verification certificates (AV) have been fixed contractually with the inspection entity. These are extended on a regular basis and are the subject of a follow-up. In addition, special procedures have been established for imports of an urgent nature.

Appeals procedures

If there is disagreement concerning the price or any other aspect of the inspection body's action, importers can submit their complaints directly to the inspection entity and then, if they are not satisfied, to the Ministry of Finance. These cases are then considered in cooperation with the members of the Technical Follow-Up Group. The appeals procedures are in fact used by importers.

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Transparency

Information documents are available to both importers and exporters on the procedures for preshipment inspection and the programme. The information available to exporters shows that the provisions of the Agreement on Preshipment Inspection are respected and in particular details are given concerning the available means of appeal.

In the light of the foregoing, in our experience the Agreement is applied satisfactorily. We believe that the procedures for appeals (Article 2.21) and independent examination (Article 4) are particularly relevant for objective and transparent settlement of any disputes between exporters and inspection entities. We can see no legitimate reason why an exporter rather than an importer should be hesitant about making a complaint and possibly submitting a dispute to the Independent Entity. Exporting Members should encourage more frequent use of these procedures, in conformity with Article 4 of the Agreement. We are concerned by the fact that certain exporters might be tempted by anonymous complaints that are not detailed and have no basis with the simple aim of limiting, if possible, the scope of use of preshipment inspection by developing countries.