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Transport and trade connectivity in the age of pandemics

# **Implementation of the interactive service "Enquiry Point for Trade Facilitation"**

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*Note: This report was prepared by Mr. Sarvarkhuja Ganikhujaev, UNECE consultant under the UN Development Account inter-agency project Trade and Transport Connectivity in the Age of Pandemic <https://unttc.org/>. The views contained in this document are those of the author and do not necessarily reflect those of the UNECE*

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## **I. List of abbreviations**

EP – Enquiry Point

EPTF – interactive service "Enquiry Point for Trade Facilitation"

Ministry of Investment and Foreign Trade of Uzbekistan

SPIPS - Single portal of interactive public services

TFA – WTO Trade Facilitation Agreement

UNECE - United Nations Economic Commission for Europe

WTO - World Trade Organization

## II. Project Overview

In accordance with the terms of reference for this project, the consultant worked on creating conditions for the implementation of an enquiry point (EP) for Trade Facilitation in Uzbekistan in accordance with Article 1.3 of the WTO Trade Facilitation Agreement (TFA), in particular:

- develop a concept (draft) for the functioning of the EP, described in Article 1.3 of the WTO TFA; coordinate this concept with the management of the Ministry of Investment and Foreign Trade,

- in accordance with the agreed concept of the Trade Facilitation Enquiry Point in Uzbekistan, prepare a web resource / email address or call center for EP,

- conduct consultations on the concept and implementation of the EP with the UNECE Regional Adviser, the UNECE consultant who is preparing a manual on the establishment of the EP on trade facilitation in the SPECA countries, the management of the Ministry of Investment and Foreign Trade and the Chairperson of the Partnership for Transport and Logistics in Central Asia.

- developing the content of work for the EP, notably:

- study where in Uzbekistan the information listed in Article 1.1 of the TFA is published, and where the information specified in Article 1.2 is published. Start developing a list of answers to standard questions.
- develop a network of contacts with the institutions responsible for the publication of legal acts, instructions, forms and other materials required in article 1.1 of the TFA (*to have a network of contacts to obtain information on requests received*).
- prepare a draft legal act on the establishment of an EPTF in Uzbekistan.

Currently, in the Republic of Uzbekistan, work is underway to bring national legislation in line with the requirements of the WTO Trade Facilitation Agreement (TFA).

Article 1 of the TFA obliges WTO members (*and therefore all interested parties*) to promptly publish information related to international trade, so that WTO members (*and, accordingly, all interested parties*) can familiarize themselves with the rules to ensure a transparent and predictable environment for international trade. WTO Members are encouraged to provide access to trade-related information via Internet and establish or maintain enquiry points (EP).

In accordance with paragraph 1.3 of Article 1 of the TFA (“Enquiry points”), each WTO member must establish or maintain one or more EPs to process and respond within reasonable time to requests from governments, traders, and other interested parties on issues and documents related to foreign trade. EPs must provide information as required by paragraph 1.1 of article 1 of the TFA regarding

the publication of a specific set of information on a non-discriminatory basis and in an easily accessible form.

The Agreement does not regulate the form and features of these EPs. The Agreement does not specify whether the EP should be a special state body, an auxiliary structure subordinate to existing bodies, or a non-governmental organization authorized to provide information to organizations engaged in trade, or an automated system.

Within the framework of the WTO, EPs are considered as centers to which any interested individuals and legal entities can apply to obtain information about the laws in force, administrative rules and orders in the area covered by the activities of the EP.

### III. Research results in detail

This chapter describes the current situation in the Republic of Uzbekistan regarding the implementation of the measures contained in Article 1.3 of the TFA.

At present, there is no EP in the Republic of Uzbekistan within the meaning of Article 1.3 of the WTO TFA. However, there are certain types of relevant mechanisms that may satisfy the requirements of this article. In general, all state institutions have communication tools (*helpline*, “*call center*” - *communication center*) for providing information and necessary forms and documents using e-mails, hotlines, etc.

According to the Law of the Republic of Uzbekistan from 11 September 2017 "On appeals of individuals and legal entities", individuals and legal entities have the right to file appeals to state bodies orally, in writing or in electronic form. Appeals can be in the form of statements, suggestions and complaints.

According to the Law “On transparency of the activities of public authorities and administration” information should be posted on the official websites of public authorities and administration:

- on the procedure for receiving applications, proposals, complaints,
- on the general results of consideration of received applications, proposals, complaints, as well as requests for information on the activities of public authorities and administration.

In addition, the Customs Code of the Republic of Uzbekistan provides that officials of Customs authorities advise interested parties on Customs matters and other issues within the competence of Customs authorities. Counseling is carried out orally, electronically or in writing and free of charge.

As of today, the Republic of Uzbekistan has created a Single Portal of Interactive Public Services (SPIPS), which is a single point of access to electronic public services provided by government agencies, including on a fee basis.

The provision of interactive public services through the SPIPS is carried out for applicants who have passed the registration and authorization procedure in accordance with the Regulations on the procedure for providing electronic public services through the SPGS and the official websites of state bodies, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 728 dated September 15, 2017 "On measures to improve the procedure for the provision of electronic public services through a single portal of interactive public services of the Republic of Uzbekistan".

Moreover, by virtue of the Decree No.829 of the Cabinet of Ministers of the Republic of Uzbekistan from 16 October 2018, the State Customs Committee of the Republic of Uzbekistan, together with the interested ministries and departments, developed and now offers on the official website of the State

Customs Committee the interactive service "Integrated Tariff", which allows all interested users to receive via the Internet information on legal documents and other information necessary to carry out foreign economic activities.

At the same time, it should be noted that currently in the Republic of Uzbekistan there are no EPs that could respond to requests and provide forms and documents established by law.

#### **IV. Project Activities and Outputs**

In order to further investigate the possibilities to introduce a trade facilitation EP in Uzbekistan, we studied the provisions of paragraph 1.3 of Article 1 of the TFA.

Article 1 of the TFA requires the prompt publication of the following information related to international trade:

a. description of procedures, including:

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

The TFA invites WTO members to determine, at their discretion, the format of the description of procedures and the amount of information to be provided, based on the legal conditions in the country:

b. forms and documents required for export, import and transit,

c. all types of applicable rates of duties and taxes imposed in connection with the import or export of goods, as well as fees and charges collected by government departments when importing, exporting or transiting.

d. In addition, the TFA requires the publication of legal acts and administrative rules regarding:

- rules of origin of goods,
- restrictions or prohibitions on import, export or transit,
- penalty provisions for violation of import, export or transit procedures,
- appeal or review procedures,
- rules for classifying or evaluating goods for customs purposes.

e. The list includes information on bilateral or multilateral Agreements relating to import, export or transit.

Also, the TFA specifies that responses to requests and documents are provided "within a reasonable period of time set by each WTO Member". Actually, there are no provisions in the TFA that determine the amount of a "reasonable period".

At the same time, in accordance with the Law of the Republic of Uzbekistan "On Appeals of Individuals and Legal Entities", the applicant's query is considered within fifteen days from the date of receipt by the state body, organization or their official, who are obliged to enter into the content of the matter and, when additional research verification, and (or) additional documents are required - up to one month.

At the same time, there are no direct instructions in the TFA on the forms of creation and operation of enquiry points.

According to the Guide for the application of paragraph 1.3 of Article 1 of the WTO TFA, two main forms are considered:

- Unified reference and information center
- Enquiry center for each agency

A single EP is a convenient concept for users but requires some coordination and resources to allow for the preparation of responses to all requests that are in the remit of various departments.

According to paragraph 1.1 of article 1 of the TFA, the creation of an EP (*especially if it is a unified one*) requires strong coordination between various departments that are responsible for various blocks of issues.

Notably, the sustainability and effective functioning of the EP is determined by the ability to conduct coordinated work of all relevant departments to update information and documents.

In addition, in accordance with Decree No. DP-5643 of the President of the Republic of Uzbekistan from 28 January 2019 “On measures to improve the management system in the areas of investment and foreign trade”, the Ministry of Investment and Foreign Trade of the Republic of Uzbekistan coordinates:

- activities of state bodies and organizations in the field of regulation of foreign trade,

- activities related to the application of measures of tariff and non-tariff regulation in trade, as well as the improvement of e-commerce procedures.

In this regard, as well as in order to provide participants in foreign economic activity with up-to-date information on trade procedures for import, export and transit through the territory of the Republic of Uzbekistan, the Ministry of Investment and Foreign Trade, thanks to the advisory and technical support of the UNECE, is considering the creation, on the official website of the Ministry, an interactive service "Enquiry Point for Trade Facilitation" (hereinafter - "EPTF"), which allows stakeholders to receive in real time, free of charge, detailed information on regulatory documents governing the movement of goods across the Customs border, documents required for Customs clearance of goods, rates of Customs duties in relation to each product, authorities issuing these documents, as well as other information for the implementation of foreign economic activity.

## V. Overview of the draft document on the implementation of the interactive service "Enquiry Point for Trade Facilitation"

At present, the Ministry of Investments and Foreign Trade (hereinafter - MIFT) has developed a draft order "On measures to introduce the interactive service Enquiry Point for Trade Facilitation".

This draft document provides for the introduction of a unified EPTF, coordinated by the MIFT, as well as the approval of the following documents:

1. Technological instruction to ensure timely updating of information and uninterrupted functioning of the EPTF.

This technological instruction will define the:

- right to enter and update information in the EPTF database,
- procedure for ensuring timely entry of information and updating the EPTF database,
- procedure and format for providing standardized information when an enquiry is received from an applicant,
- responsibility for failure to ensure timely provision and input of up-to-date information (*in the case of adoption, cancellation or amendments to regulatory legal acts*) of information.

2. The list of information provided by the authorized ministries, departments and organizations to the coordinating body, within the framework of the EPTF.

№	Information to be entered into the database of the interactive EPTF service	Authorized body
1.	License for the export and import of specific goods	Ministry of Investments and Foreign Trade of the Republic of Uzbekistan
2.	Permission for the export of goods subject to export control	Ministry of Investments and Foreign Trade of the Republic of Uzbekistan
3.	Permission to import, purchase and store explosive materials, as well as their transportation by road and rail	Ministry of Internal Affairs of the Republic of Uzbekistan
4.	Permission to import or export, transit, purchase, store, carry, transport and sell civilian and service weapons and ammunition for them, collect and exhibit weapons and ammunition for them.	
5.	Ruling on the types of "in bulk" goods specified in the List of raw materials intended for the production of medicines and medical products, exempted from value added tax upon import	Ministry of Health of the Republic of Uzbekistan
6.	Sanitary and epidemiological rulings	
7.	Certificate for the right to import or export from the Republic of Uzbekistan narcotic drugs, psychotropic substances and drug precursors	

<b>№</b>	<b>Information to be entered into the database of the interactive EPTF service</b>	<b>Authorized body</b>
8.	Certificate for the right to export or temporarily export cultural valuables from the Republic of Uzbekistan	Ministry of Culture of the Republic of Uzbekistan
9.	Permit to import radio-electronic tools and high-frequency devices	Ministry for the Development of Information Technologies and Communications of the Republic of Uzbekistan
10.	Permit to export, import and transit through the territory of the Republic of Uzbekistan goods controlled by the state veterinary service	State Committee of the Republic of Uzbekistan for Veterinary Medicine and Livestock Development
11.	Veterinary certificate	
12.	Permit to import or export ozone-depleting substances, as well as products containing ozone-depleting substances	State Committee of the Republic of Uzbekistan for Ecology and Environmental Protection
13.	Environmental certificate	
14.	Permit for the import and export of wild plants and their parts, including plants listed in the Red Book of the Republic of Uzbekistan	
15.	Permit for the import and export of wild animals, as well as their parts, waste products, zoological collections, trophies and stuffed animals	
16.	Permit for import and export of samples of animal and plant species included in Annexes I, II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	State Committee of the Republic of Uzbekistan for Ecology and Environmental Protection
17.	Phytosanitary certificate	Agency for Quarantine and Plant Protection of the Republic of Uzbekistan
18.	Quarantine permit	
19.	Act of quarantine inspection	
20.	Certificate of conformity	Uzbek Agency for Technical Regulation under the Ministry of Investments and Foreign Trade
21.	Certificate for property imported for personal production needs	JSC "Uzbekexpertiza"
22.	Certificate of origin of goods	
23.	Procedures for filling out and processing a customs declaration, determining the customs value of goods Classification of goods in accordance with Goods nomenclature of Foreign Economic Activity	State Customs Committee of the Republic of Uzbekistan

3. Scheme for entering information into the database of the interactive service EPTF:

<b>Stages</b>	<b>Subjects</b>	<b>Events</b>	<b>Deadlines</b>
Stage 1	Authorized bodies	provision of updated information on regulatory legal acts in the field of regulation of foreign economic activity ( <i>in case of adoption, cancellation or amendments to existing regulatory legal acts</i> )	no later than 5 (five) working days after the entry into force of regulatory legal acts
Stage 2	Coordinating body	input of relevant information into the base of the interactive service EPTF	no later than 2 (two) business days from the date of receipt of information from the authorized body

4. Scheme of providing information related to foreign trade economic activity through the interactive service of the EPTF at the request of the applicant:

<b>Stages</b>	<b>Agents</b>	<b>Activities</b>	<b>Deadlines</b>
Stage 1	Applicant ( <i>participants in foreign economic activity</i> )	Submit a request through the IT resources of the interactive service EPTF to the coordinating body (MIFT)	at the discretion of the applicant
Stage 2	Coordinating body	distribute and send requests for information according to the areas of activity of the authorized bodies	no later than 2 (two) working days after the date of receipt of the request
Stage 3	Authorized bodies	review the enquiry and send an appropriate response on information to the coordinating body	within 6 (six) business days
Stage 4	Coordinating body	summarize responses to the enquiries and send information to the applicant	no later than 2 (two) business days after the receipt of information from the authorized body

## VI. Findings and conclusion

The Guide on the implementation of paragraph 1.3 of Article 1 of the WTO TFA, developed by UNECE consultants, provides advice on how to create an EP to provide responses on enquiries to traders and other interested parties within the framework of the requirements of the TFA.

The recommended steps for creating an EP can be roughly listed in the following order (although other options are possible):

- Make a political decision to create an EP for trade facilitation:

*In Uzbekistan, MIFT decided to implement the EP and developed a corresponding draft document.*

- Determine under which agency (combination of agencies, Public private partnership, or other option) the EP will be created.

*Decree No. DP-5643 of the President of the Republic of Uzbekistan from 28 January 2019 established that the Ministry of Investment and Foreign Trade of the Republic of Uzbekistan coordinates:*

*- activities of state bodies and organizations in the field of regulation of foreign trade,*

*- activities related to the application of measures of tariff and non-tariff regulation in trade, as well as the improvement of e-commerce procedures.*

*Based on the foregoing, the implementation of the EP on the official website of the MIFT under its coordination is considered.*

- Decide on the form of functioning of the EP (via email, call center, etc.)

*The draft document suggests establishing a centralized provision of information through the interactive service EPTF, which allows participants in foreign economic activity to receive up-to-date information on trade procedures for import, export and transit through the territory of the Republic of Uzbekistan, in real time, free of charge, via the Internet.*

*The responses to enquiries are considered in coordination among several agencies, as requests received by the EP will be resent by the Ministry of Investment and Foreign Trade to the relevant authorized bodies (according to the nature of the request) and after receiving the confirmed response will be sent to the applicant (by email).*

- Appoint EP employees who will service the EP, maintain its database and network of contacts.

*The draft document stipulates that a list of information items to be provided by the relevant authorized ministries, departments and organizations to the coordinating body (MIFT) should be approved within the framework of the EPTF.*

- Agree and approve a procedure for coordinating the cooperation between the relevant departments to provide responses to requests.

*The draft document provides for the approval of the Scheme for entering information into the database of the interactive service of the EPTF.*

- Create a master document (database) of standard responses to queries

*Background information for responses to typical questions on trade procedures, legal acts and rules for the importation, exportation and transit through the territory of the Republic of Uzbekistan has been prepared.*

Currently, the team is working with the management of the Ministry of Investment and Foreign Trade to coordinate the background document with standard responses and create a form, where information on standardized responses can be filled in for further input into the database of the interactive service EPTF.

In addition, it is planned to complete the technical work in preparing the EPTF interactive service (<http://mift.uz/ru/menu/informatsionnyj-tsentr>) to be operational by early April 2022.

The implementation of this project will help create conditions for providing both foreign and national participants in foreign economic activity with up-to-date information on how to comply with trade procedures for import, export and transit through the territory of the Republic of Uzbekistan.