

APEC Guidelines for Advance Rulings

An advance ruling is a written decision made by an economy's customs authority or other relevant authority at the request of an applicant and prior to the importation of the goods specified in the applicant's request. An advance ruling describes the treatment of the goods covered by the application by the economy's customs authority or other relevant authority and is a binding decision. An applicant can be an importer, exporter, producer, or a representative thereof applying for an advance ruling.

1. The APEC Guidelines for Advance Rulings are designed to be used by economies that choose to implement advance rulings for tariff classification, origin, and/or valuation. The Guidelines can also be applied to other types of advance rulings including quotas, drawback, duty deferral, fees and charges.
2. The issuing authority should strive to issue an advance ruling within a specified period of time to an applicant that has submitted a written request which contains all necessary information requested by the customs authority or other relevant authority. If an application for an advance ruling is declined, an applicant should be promptly notified in writing with the relevant facts and the basis for the decision.
3. An advance ruling should be applicable for a reasonable period of time after its issuance, unless the facts or circumstances supporting the original ruling have changed. An advanced ruling may also be used for other future transactions made by the same applicant under the same circumstances and transaction conditions by which the advance ruling was issued.
4. When a ruling is revoked or modified, the applicant should be provided written notice with the relevant facts and the basis for the decision.
5. The following information should be published, at a minimum through an official journal, the internet, or other means considered appropriate by the customs authority or relevant authority:
 - The time period in which an economy will issue an advance ruling;
 - The length of time for which the advance ruling is valid; and
 - The application requirements for an advance ruling, including the information to be provided and the format.
6. Upon the request of the applicant, an administrative review by the issuing authority should be provided for the advance ruling and any decision to revoke or modify the advance ruling. The issuing authority is not required to provide a judicial appeal of an advance ruling or a decision to revoke or modify an advance ruling.
7. Economies should endeavor to make available the content of rulings that are considered to be of significant interest to other traders, including on the Internet, while taking into account the need to protect confidential information, including upon the request of the applicant.

Attachment**APEC Capacity Building Program for Advance Rulings****Introduction**

To further APEC's work to address chokepoints in the supply chain and to fulfill APEC Leaders' direction to improve supply chain connectivity, the CTI, in consultation with the SCCP, has approved the Guidelines for Advance Rulings in 2010. Through the use of advance rulings, APEC economies can help to address Chokepoint 1 under the Supply-chain Connectivity Initiative (SCI) by providing businesses operating in the region a more transparent and predictable environment in which to operate across borders.

Under advance rulings procedures, customs authorities issue decisions relating to the application of customs laws and regulations, such as tariff classification, origin, and valuation, at the request of an importer, exporter, producer or representative thereof planning to trade. Advance rulings provide for increased predictability and certainty in transactions by ensuring that the determination in the ruling based on the particular set of facts will be applied during the customs clearance process.

Objective

The capacity building program would build upon the existing work of the SCCP on advance rulings, including the workshops organized by Peru on implementation of valuation advance rulings. The objective is to further enhance economies' capacity by identifying the priority issues related to implementation of various types of advance rulings and providing economies additional opportunities to share experiences on implementation. Experience sharing would be enhanced by including experiences of those economies experienced with advance rulings as well as those economies that have newly implemented advance rulings or are in the process of implementation.

Program

- In consultation with the SCCP, a survey of economies to determine the types of advance rulings currently in practice, how economies have generally implemented advance rulings, the major challenges and benefits to implementation of advance rulings, current work to implement advance rulings, and to identify priority areas of interest in the implementation of valuation advance rulings. The survey would be completed by SOM 1, 2011.
- Based on the results of the survey, develop a work program to address the specific needs of economies in the implementation of advance rulings.