

# **WORLD TRADE ORGANIZATION**

RESTRICTED  
WT/ACC/AFG/4  
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**Working Party on the  
Accession of Afghanistan**

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## **ACCESSION OF AFGHANISTAN**

### Memorandum on the Foreign Trade Regime

In a communication circulated in document WT/ACC/AFG/1 on 10 April 2003, the Government of the Islamic Republic of Afghanistan applied for accession under Article XII of the Agreement Establishing the World Trade Organization (WTO).

The General Council established a Working Party (WT/ACC/AFG/3) on 13 December 2004 with the following terms of reference: "To examine the application of the Government of the Islamic Republic of Afghanistan to accede to the WTO Agreement under Article XII, and to submit to the General Council recommendations which may include a draft Protocol of Accession."

In accordance with the established procedures (WT/ACC/1), the Secretariat is circulating the attached Memorandum on the Foreign Trade Regime received from the Government of the Islamic Republic of Afghanistan. WTO Members wishing to submit questions on the Memorandum are invited to do so by 30 April 2009 for transmission to the Afghan authorities.

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**(i) Mixing regulations**

There are no mixing regulations in Afghanistan.

**(j) Government-mandated counter-trade and barter**

Government-mandated counter-trade and/or barter practices do not exist.

**(k) Trade agreements leading to country-specific quotas allocation**

Afghanistan has not entered into any such agreements.

**(l) Government procurement practices, including general legal regime and procedures for tendering, dealing with tenders and award of contracts**

Government procurement policy and practices are administered nationally by the Procurement Monitoring Office, Department of Fiscal Policy of the Ministry of Finance. Government procurement is governed by the Procurement Law enacted in October 2005.

All Ministries, public agencies, Provinces and all state owned enterprises are bound to adhere to the Procurement Law and accompanying regulations. The objectives of the Procurement Law are:

- Ensuring transparency;
- Achieving regularity and uniformity in procurement;
- Maximizing efficiency; and
- Guaranteeing suppliers and contractors fair and equal access to the award of contracts.

**(m) Regulation of trade in transit**

The transit of goods can be realized by any public route and is covered by related provisions of the Customs Law; international and domestic transit procedures based on the ASYCUDA++ System; and the Law on Road Transportation and Freight Forwarding Regulation.

Goods in transit between two customs stations of Afghanistan should be delivered into a customs station on arrival within terms established by the customs authorities at the point of departure. The Custom Law establishes procedures applied to goods that have entered Afghanistan with the intent of moving through Afghanistan to another country. Transit procedures are applied to goods placed under customs control or supervision and are moved from one point to another within the customs territory of the State.

Goods in transit will not involve the assessment of duties or application of commercial policy measures. Transit procedures may be used in combination with other customs designations or may include such alternative arrangements as may be established by relevant procedure pursuant to international conventions and agreements. When the Customs Department determines that non-Afghan goods are in transit to a destination in Afghanistan and have not complied with transit procedures, the relevant customs officials will collect the appropriate amount due from the security and may seize the goods in accordance with law.

Transit procedures will apply to goods passing through a third country and re-entering Afghanistan without assigning a new customs designation, in cases provided for by international agreement.