FIRST INTERNATIONAL FORUM FOR NATIONAL TRADE FACILITATION COMMITTEES

Boosting capacities and partnerships for implementation

PREMIER FORUM INTERNATIONAL SUR LES COMITÉS NATIONAUX DE FACILITATION DES ÉCHANGES

Renforcement des capacités et des partenariats pour la mise en œuvre

23-27 January / Janvier 2017

WTO Trade Facilitation Agreement

State of Play and the Road Ahead

Sheri Rosenow
WTO TFA Facility
Points covered

✓ Verrry brief overview of TFA
✓ Entry into force & ratifications
✓ Notifications
✓ WTO TF Committee
✓ National TF Committees
✓ Sources of Implementation Support

FAQs and Urban Myths
Trade Facilitation Agreement

Section I:
- 12 articles of technical measures

Section II:
- Special and Differential Treatment (SDT) Provisions for developing countries

Section III:
- Institutional Arrangements and Final Provisions
# Section I - TF Measures

## Transparency and Appeals
- Publication/internet publication
- Enquiry Point for trade information
- Opportunity to comment
- Consultations
- Advance rulings
- Right of appeal

## Transit
- Restrictions on fees and charges
- Use of guarantee

## Import/Export/Transit Fees & Formalities
- Disciplines on fees
- Pre-arrival processing
- Risk management
- Post clearance audit
- Publish average release times
- Authorized operators
- Border agency cooperation
- Review formalities and documents
- Single window
- Eliminate use of PSI for tariff classification and customs valuation.
  - Separate release from clearance
  - Customs cooperation
Section II - Special & Differential Treatment for developing and LDC countries

- Implementation of agreement linked with capacity

- Each developing & LDC Member can say when it will implement each measure

- Identify measures can implement only with technical assistance
TFA Entry into Force
Entry into Force (EIF)
TFA with Protocol WT/L/ 940

- 2/3 Members ratify Protocol of Amendment & Deposit Instrument of Acceptance

- Two new Members: 2/3 of 164 = 110
THE FORCE AWAKENS
Only 3 ratifications needed for entry into force of the Trade Facilitation Agreement.
107 Instruments of acceptance received
What happens at EIF?

• WTO TF committee is automatically established

• Members must have national committee

• Some ABC notifications due

• Implementation of A measures
FAQ: What about the other 1/3 Members?

All 164 Members must ratify obligations commence from date of deposit of instrument of acceptance
Trade Facilitation Agreement Facility

The Trade Facilitation Agreement Facility (TFAF) is aimed at providing support to developing and LDC Members implementing and benefiting from the Trade Facilitation Agreement. The objective of this Agreement is to boost trade by expediting the movement, release and clearance of goods across borders.
How to present the instrument of ratification?

The Trade Facilitation Agreement will enter into force once two-thirds of Members have deposited their acceptance of this Protocol. This Protocol of Amendment, which was officially opened for acceptance on 29 November 2010, was deposited on 27 November 2014, thus opening Trade Facilitation into the WTO Agreement.

This page responds to frequently asked questions about acceptance procedures and provides guidance in preparing their instruments of acceptance.

What is the WTO practice regarding the deposit of acceptances?

The WTO closely follows established United Nations depositary practice, which is based in part on the 1961 Vienna Convention on the Law of Treaties. The WTO Secretariat reserves the right to return an instrument of acceptance that does not comply with these requirements.

What must be stated in an instrument of acceptance?

There is no single, uniform approach for drawing up an instrument of acceptance for the various WTO Agreements. However, in line with established practice, an unambiguous expression of the relevant Member’s intention and consent to be bound by the Agreement is necessary. As a minimum, an instrument of acceptance must include the following:

- A declaration of acceptance of the Agreement
- The name of the Member
- The date of acceptance

Model instrument of acceptance

For the Protocol Amending the WTO Agreement Establishing the World Trade Organization,

[Member]

INSTRUMENT OF ACCEPTANCE OF THE PROTOCOL AMENDING THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

Whereas the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization (“the Protocol”) was done at Geneva on 27 November 2014 (WT/L/940);

And whereas, in accordance with its paragraph 4, the Protocol shall enter into force in accordance with Article X:3 of the Marrakesh Agreement Establishing the World Trade Organization;

Now therefore, [name of signatory], [where applicable: head of state, head of government or minister of foreign affairs] of [Member], do hereby formally declare that [Member] accepts the aforementioned Protocol and undertakes faithfully to perform and carry out the stipulations therein contained.

In witness whereof, [name and title of signatory] have signed this Instrument of Acceptance, at [place] on this [day] of [month] in the year [year].

[Signature, title and seal]

http://www.tfafacility.org/how-signal-ratification
Common Errors

1. Must ratify the **PROTOCOL OF AMENDMENT** – not the TFA or “Bali Agreement”
2. Appropriate person must sign
3. No date
Play it safe

Send completed Instrument of Acceptance to WTO for a very quick review before it is signed!
NOTIFICATIONS
SPECIAL AND DIFFERENTIAL TREATMENT

Category A: implemented by time Agreement enters into force

Category B: Entry into force + (X) time
   (indicative dates of implementation)

Category C: need extra time & TACB
   (category notifications due at EIF one year later for LDCs)
### 91 Category A Notifications to date:

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<thead>
<tr>
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<th>Country/Region</th>
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<td>91</td>
<td>Ghana</td>
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</table>

**LDCs are in red**
6 Categories B & C to date:

1. Zambia (LDC)
2. Georgia
3. Solomon Islands (LDC)
4. Mauritius
5. Malawi (LDC)
6. Chad (LDC)
Share of Categories A, B, C by region

Based on % of all notifiable article items

- Africa
- Asia & the Pacific
- Commonwealth of Independent States (CIS)
- Europe
- Latin America & The Caribbean
- Middle East

% of notifiable article items by region:

- A
- B
- C
- Not yet notified

TFAD (Trade Facilitation Agreement Database) www.tfadatabase.org
Share of Categories A, B, C

Based on % of all notifiable article items - Global

A: 38.7%
B: 1.2%
C: 1.4%
Not yet notified: 58.7%

TFAD (Trade Facilitation Agreement Database) www.tfadatabase.org
The 5 most notified measures in Category A

No. of measures fully or partially notified

9  Movement of goods
10.5 Preshipment inspection
10.6 Use of customs brokers
10.9 Temporary admission of goods
10.8 Rejected Goods

TFAD (Trade Facilitation Agreement Database) www.tfadatabase.org
The 5 least notified measures in Category A

No. of measures fully or partially notified

<table>
<thead>
<tr>
<th>Measure</th>
<th>No. of Measures</th>
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<td>7.7 Authorized operators</td>
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<td>7.6 Average release times</td>
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<td>5.3 Test procedures</td>
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<tr>
<td>3 Advance rulings</td>
<td>42</td>
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</tbody>
</table>

TFAD (Trade Facilitation Agreement Database) www.tfadatabase.org
Category ABC FAQ

✓ No implementation deadlines – notification
✓ Category A- no changes allowed
✓ Can notify before the deadlines!
✓ Template available on TFAF website
✓ Article 23 – national TF committee cannot be notified – must be in place right away
✓ Can ask donors for TACB for ABC and committees
**Trade Facilitation Agreement Facility**

The Trade Facilitation Agreement Facility (TFAF) is aimed at providing support to developing and LDC Members implementing and benefiting from the Trade Facilitation Agreement. The objective of this Agreement is to boost trade by expediting the movement, release and clearance of goods across borders.
ABC Notification Template

<table>
<thead>
<tr>
<th>Article</th>
<th>Heading/Description</th>
<th>Category</th>
<th>Indicative date for implementation (for categories B and C)</th>
<th>Definitive date for implementation (for categories B and C)</th>
<th>Assistance and Support for Capacity Building Required for Implementation (for category C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1</td>
<td>Publication and Availability of Information</td>
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<tr>
<td>Article 2</td>
<td>Opportunity to Comment, Information before Entry into Force and Consultations</td>
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<td>Article 3</td>
<td>Adverse Rulings</td>
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<td>Article 4</td>
<td>Procedures for Appeal or Review</td>
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<td>Article 5</td>
<td>Other Measures to Enhance Importability, Non-Discrimination and Transparency</td>
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<td>Article 6</td>
<td>Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation</td>
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<td>Article 7</td>
<td>Border Agency Cooperation</td>
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<td>Article 8</td>
<td>Movement of Goods Intended for Import under Customs Control</td>
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<td>Article 9</td>
<td>Temporary Admission of Goods and Import and Export Processing</td>
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<td>Article 11</td>
<td>Customer Cooperation</td>
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</table>

NOTE TO LEAST DEVELOPED COUNTRIES: If at this time you do not want to provide the indicative dates of Assistance and Support for Capacity Building Required for Implementation, then please add “To be determined” to these two columns.
Timelines run from date TFA enters into force (regardless of ratification date)

Notification Timeline for Developing Members

* Entry into force of TFA when 2/3 of Members ratify. Obligations for an individual country will only commence once this country completed its ratification process as well.
Timelines run from date TFA enters into force (regardless of ratification date)

Notification Timeline for Least Developed Country Members

- **CAT A-B-C**
  - Notify: A, B, C Categories
  - LDCs may notify indicative implementation dates for category B

- **CAT B**
  - Notify definitive dates of implementation for Cat. B provisions

- **CAT C**
  - Inform TF Committee of arrangements with donors & indicative dates for implementation for Cat. C provisions
  - Notify technical assistance required for implementation of Cat. C provisions
  - Inform TF Committee on progress in provision of assistance and notify definitive dates

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* Entry into force of TFA when 2/3 of Members ratify. Obligations for an individual country will only commence once this country completed its ratification process as well.
Notifications: developing countries that have **RATIFIED AT EIF** (in the 110)

**Due by the date TFA enters into force:**

- Category A measures
- Category B measures + indicative dates
- Category C measures + indicative dates + TACB required
### Provision Heading/Description Category Indicative date for implementation (for categories B and C) Definitive date for implementation (for categories B and C) Assistance and Support for Capacity Building Required for Implementation (for category C)

<table>
<thead>
<tr>
<th>Article 1</th>
<th>Publication and Availability of Information</th>
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<td>Article 1.2</td>
<td>Information Available through Internet</td>
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</table>

1. Develop & implement policy guidelines on publication of trade related information.
2. Ensure timely review and update of trade related information on internet by the relevant agencies.
3. Ministry of Trade to set up a dedicated website for trade related information
4. Provide capacity building in institutions

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<tr>
<th>Article 3</th>
<th>Advance Rulings</th>
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Notifications for developing countries that RATIFY AFTER EIF

✓ All are due by date instrument of acceptance notified to WTO.

✓ Category A measures
✓ Category B measures + indicative dates
✓ Category C measures + indicative dates + TACB required
EIF plus 1 year
even if ratify after EIF

Developing countries
• Category B - definitive dates
• Category C – inform of TACB arrangements

LDCs
• Notify categories ABC (implement Category A)
• **MAY** notify indicative dates

Timelines for all notifications based on date of TFA entry into force
Timelines for all notifications based on date of TFA entry into force

TFA entry into force

Member X ratifies June 2016

Member Y ratifies July 2017

ABC notification due for Member X

ABC notification due for Member Y

ELF plus 1 year Definitive date notification due for X and Y

January 2017

January 2018

Etc.
Later notifications:

Developing countries
• 2.5 years after EIF:
• Progress in provision of TACB
• Definitive dates for category C measures

LDCs
• 3 years after EIF: definitive dates for Cat B
• 4 years after EIF: TACB arrangements and indicative dates for Cat C measures
Reminder

All Members can present notifications before the deadlines!!!!
WTO Trade Facilitation Committee
WTO TF Committee

**How:** Established when TFA enters into force

**Who:** Made up of all Members
  - can request intl organizations to advise & assist with implementation

**Why:** Consult on operation of the TFA
  - Further TFA objectives

**When:** Meet as needed (minimum 1X/year)

**Where:** WTO
Why Important?

- Forum to raise issues on implementation of TFA
- Resolution of issues between Members to avoid disputes
- Source of information
  - Sharing of experience/best practices
  - Other members TFA situation
  - TFA Facility events
WTO TFA Committee: Putting into operation:

- Members Select Chair of TF Committee
- Consultations
- Establish work program
ARTICLE 23.2

Each Member shall establish and/or maintain a national committee on trade facilitation or designate an existing mechanism to facilitate both domestic coordination and implementation of the provisions of this Agreement.
Role of National TF Committees - WTO

Oversee implementation

- Coordination for Measures
  - Border agency co-operation
  - Single window
- Coordination of stakeholders needs & priorities - including private sector
- Coordinate internal approach to find implementation support
- Notifications
  - Must reflect all border agencies
Other Important Roles of National TF Committees

• Awareness

• Regional coordination
  o Implementation of measures
    • Border agency co-operation
    • Transit
  o Regional TACB
IMPLEMENTATION SUPPORT
Trade Facilitation Agreement Facility

Launched July 2014

Operational November 27, 2014
THE FACILITY – WHAT DOES IT DO?

- Platform for information on the TFA:
  - best practices in implementation of the TF measures
  - Donor support programs
  - National contact points . . .

- Help Members find the implementation assistance they need

- Provide technical assistance on the TFA and ABC notifications

- Encourage coordination among assistance providers

- Where no other funds available, provide seed money or resources for implementation
The Trade Facilitation Agreement Facility (TFAF) is aimed at providing support to developing and LDC Members implementing and benefiting from the Trade Facilitation Agreement. The objective of this Agreement is to boost trade by expediting the movement, release and clearance of goods across borders.
Trade Facilitation Agreement Facility

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Assistance in Identification Of Possible Development Partners

- Information platform
  - Information on donor/organizations support programs [www.tfafacility.org](http://www.tfafacility.org)

- Matchmaking
  - As needed
International Organizations

- Enhanced Integrated Framework (EIF)
- International Trade Centre (ITC)
- Organisation for Economic Co-operation and Development (OECD)
- United Nations Conference on Trade and Development (UNCTAD)
- United Nations Industrial Development Organization (UNIDO)
- World Bank Group
- World Customs Organization (WCO)

Regional Organizations

- Africa Trade Fund (AfTra)
- African Development Bank (AfDB)
- African Union (AU)
- Caribbean Community Secretariat (CARICOM)
- Inter-American Development Bank (IADB)
- Islamic Development Bank (IsDB)
- Pacific Islands Forum Secretariat (PIFS)
- Southern African Development Community (SADC)
- United Nations Commission for Latin America and the Caribbean (UNECLAC)
- United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)

www.TFAFacility.org
World Bank Group support for trade facilitation is comprehensive, covering all aspects of the Trade Facilitation Agreement and supporting the Trade Facilitation Agreement objective to create more open, transparent, and competitive trade regimes. Support is available to respond rapidly to WTO Member needs, as well as to implement longer-term projects. The World Bank Group’s assistance is delivered in a number of ways, including:

- Knowledge and analytical products
- Diagnostics (e.g., to help identify reform priorities)
- Technical assistance and advisory services (e.g., smaller projects to deliver quick results)
- Financing and expertise for major projects (e.g., institutional development in customs and border management agencies, ICT, or infrastructure)
- Research and data products (e.g., Logistics Performance Index: Doing Business)

World Bank Group annual support for trade facilitation is currently approximately $5.8 billion. This supports efforts to strengthen trade facilitation institutions and processes (aligned with the Trade Facilitation Agreement measures), as well as improving infrastructure and logistics services, among other areas. The Bank Group works in close cooperation with bilateral donors and other international organizations. Support is also provided for regional initiatives. Enquiries related to assistance for trade facilitation can be directed through any of the following:

Online: tsfp@worldbankgroup.org and www.tradefacilitationsupportprogram.org

There is no standard format or template for requesting assistance.

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Media and Resources

www.tfafacility.org
10 Import, export & transit formalities

Case Studies

- EU - The single administration document (SAD)
- Brasil - Single Window (in spanish)
- Ecuador - Single Window
- Guidelines for Single Window Implementation in Africa
- Lesotho Revenue Authority - Customs Modernisation Programme - Aid for Trade SGR CS #21
- Peru - Single Window
- The Kenyan Environment and Implementation of the National Single Window - CS #24 Aid for Trade SGR
- UNCTAD - Single Window for Trade
- Colombia - Sin
- El Salvador - Single
- Korea - Single
- Nigeria - Single
- Peru - Single W
- Sri Lanka - Sin
- TMEA - Rwand
- UN/ECE - Single
- UNRCs - TF and America and Pathways

7. Release and clearance of goods

Case Studies

- Peru - Advanced Customs Clearance System
- Nigeria - Pre-arrival processing
- New Zealand - Deferred Payment Scheme
- New Zealand - Risk management
- Canada - Post-Clearance Audit
- Korea - Post clearance - TN/TFW/SS
- Malaysia - Time release study
- Hong Kong, China - Authorized Economic Operator Programme
- Thailand - Express consignments
- Japan - Pre-arrival examination
- India - ICCEGATE e-payment gateway
- Cameroon - Risk management
- Bosnia and Herzegovina - Joint risk analysis on cross-border traffic
- Chinese Taipei - Post clearance Audit
- Fiji - Time release study
- Dominican Republic - Authorized Economic Operator Programme
- Jamaica - Case Study on Authorized Economic Operators
- USA - Best practices in use of expedited shipments

General case studies

- UNCTAD - Reaping benefits from trade facilitation - Policy brief 42 - December 2015
- UNRCs - TF and Paperless Trade Implementation Survey 2015 - Global Report
- Malaysia's experience in Trade Facilitation - TN/TF/W/50
- Pakistan's experience in Trade Facilitation - TN/TF/W/135
- Thailand's experiences in Trade Facilitation - TN/TF/W/61
- Turkey - Import-Export controls
- Guatemala's experience - express consignments - TN/TF/W/65
- Maintaining a CNCTF - Lao PDR - 2016.06.08

Implementation guides

- ITC - SMEs and the WTO Trade Facilitation Agreement - A training manual - December 2015
- Guidelines for Single Window Implementation in Africa
- ITC - A Business Guide for Developing Countries
- UNCTAD - The new frontier of competitiveness in developing countries - Implementing Trade Facilitation
- UNCTAD - Guide to drafting a National Trade Facilitation Roadmap
- UNCTAD - Trade Facilitation Implementation Guide
- WCO's Implementation Guidance
- World Bank - Trade and Transport Facilitation Assessment - A practical toolkit for country implementation

Brochures, articles and research papers

- Brochure - WTO Trade Facilitation
- Do trade facilitation provisions in regional trade agreements matter? by Yann Duval, Nora Neufeld, Chortlip Utoxhian

Trade Facilitation indicators

- World Bank - Doing business
- Aid for Trade Country Profiles
- Global Freshness Association Customs Capabilities
Funding - Grants

If can’t find assistance needed

- Project preparation (max $30,000)
- Project implementation (max $200,000)
Your main source of information about the TFA (Trade Facilitation Agreement)
Our NewsBytes bring you the latest updates from the WTO Trade Facilitation team such as new
TFA ratifications, notifications and any important developments regarding the Facility.

**TFA RATIFICATION UPDATES**
Bahrain and Bangladesh, latest ratifications received, bringing the total number of ratifications to 94.

**TFA NOTIFICATION UPDATES**
To date, 87 WTO Members have presented Category A notifications, and 5 have submitted Category B and C ones.
Finding Implementation Support
Where to start.

- Start with your existing donors – look in region
- Know your needs – ABC notification/studies
- Donor coordinator on the NTF committee
- Work with Geneva & Brussels missions
- WTO TF Committee Meetings
- Private sector
- Follow-up!
FIRST INTERNATIONAL FORUM FOR NATIONAL TRADE FACILITATION COMMITTEES

Boosting capacities and partnerships for implementation

PREMIER FORUM INTERNATIONAL SUR LES COMITÉS NATIONAUX DE FACILITATION DES ÉCHANGES

Renforcement des capacités et des partenariats pour la mise en œuvre

23-27 January / Janvier 2017