UNCTAD Transport Newsletter



No. 45 First Quarter 2010



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UNCTAD/WEB/DTL/TLB/2010/1

Published by the
United Nations Conference on Trade and Development (UNCTAD)
Trade Logistics Branch, Division on Technology and Logistics (DTL)
Palais des Nations
Geneva
www.unctad.org

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Editorial

The partnership with the private sector plays a key role in the facilitation of international trade. The trading community's participation is necessary during the assessment of each country's trade facilitation needs and priorities, as well as during the implementation of trade facilitation reforms. To support the engagement of the private sector of developing countries in these reforms and in the negotiations on trade facilitation at the World Trade Organization (WTO), UNCTAD, in cooperation with WTO, organized a two-day Forum on "Engaging the Trading Community: WTO, Trade Facilitation and the Private Sector in Developing Countries" (page 5). The Forum forms part of UNCTAD's wider activities to support developing countries and least developed countries (LDCs) during the negotiations on trade facilitation at the WTO (page 12).

Three topical articles in this *Transport Newsletter* look at regional trade agreements and trade facilitation (page 11), liner shipping connectivity of LDCs (page 15) and recent developments regarding the controversial United States 100 per cent maritime cargo container scanning requirement (page 18).

Our colleagues at the Universal Postal Union share some interesting perspectives on how the postal sector facilitates trade (page 9), and we provide several short updates on activities, events and documents on transport and trade facilitation, including from UNCTAD, gTKP, ESCAP, ECLAC, CLECAT, IMO, IPTC, TRB, AIVP, World Bank, IAME, IMSF, ITF, several universities, and others.

Feedback, comments and suggestions for our next *Transport Newsletter* are welcome until June 2010. Please contact <u>jan.hoffmann@unctad.org</u>.

The Trade Logistics Branch Team, Geneva, March 2010



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Engaging the Trading Community: WTO, Trade Facilitation and the Private Sector in Developing Countries

The Forum on Engaging the Trading Community: WTO, Trade Facilitation and the Private Sector in Developing Countries took place in Geneva, on 15 and 16 February 2010. It was conducted by UNCTAD in collaboration with the WTO and the European Union, with financial support from the Governments of Sweden and Switzerland through the UNCTAD Trust Fund "Capacity-building in developing countries and least developed countries to support their effective participation in the WTO negotiations process on trade facilitation".

The Forum was attended by 115 participants, including Geneva-based delegations, ministries, customs and other agencies, and the private sector both from developing and developed countries, international organizations included the United Nations Economic Commission for Europe, the World Customs Organization, the World Bank, and non-governmental agencies. The Boksburg Group held a breakfast meeting on the second day of the Forum.

The partnership with the private sector plays a key role in the facilitation of international trade. The trading community's participation is highly relevant during the assessment of each country's trade facilitation needs and priorities, as well as during the implementation of trade facilitation reforms.

The first day of the event focused on the private sector's perspectives regarding perceived administrative and procedural obstacles to international trade, and the role of multilateral rules in overcoming these obstacles. The second day discussed how the private sector and development partners could contribute to the implementation of trade facilitation measures under a future WTO trade facilitation agreement.

The involvement of the private sector in the negotiations

The private sector does not directly participate in the WTO negotiations on trade facilitation, which are intergovernmental. It can, however, be involved indirectly through participating in the work and dialogues of the national trade facilitation collaborative task forces and committees.

Several participants noted that initially business sectors had been somewhat reluctant to get involved in public and private collaborative task forces to monitor and support negotiations at WTO.

One country's experience showed how a governmental focal point agency (in this case the Ministry of Commerce) identified a group of trade stakeholders to raise their awareness of the

stakes in the negotiations. This helped finding other border agencies to form a task force and bringing the private sector, through the Chamber of Commerce, to provide comments on the consolidated draft negotiating text, which were subsequently included in the country's negotiating position and fed into the joint declaration of the regional group.

National task forces can help to overcome a lack of trust and confidence by the private sector in the government agencies. Moreover, conducting awareness raising and training activities for the stakeholders and highlighting the potential tangible benefits from the WTO trade facilitation agreement for the private sector also proved vital.



Defining the trading community

"Private sector" or "trading community" might have different meanings and refer to a wide range of private sector interests at various stages of the international supply chain: such as exporters/importers, chambers of commerce, export/import agents, banks, insurance companies, consolidators, shipping lines, inspection companies and warehouses.

Different private sector entities have different strategic interests and perspectives on trade facilitation. Exporters may have different concerns than importers; customs brokers' interests may not be the same as those of importers, and the perspectives of users and the providers of transport and trade-supporting services may not always coincide. The Forum showed a divergence of opinion in areas such as the compulsory use of pre-shipment inspections, the regulations applying for express shipments, and the role of customs brokers.

Some actors may be better positioned to pursue their interests with the government agencies than others. This is particularly true in case of large and multinational companies, which have more leverage over the policy process and have resources they can dedicate to it. Small and medium-sized enterprises (SMEs) on the other hand often rely on the representation through sectoral or professional association or chambers of commerce. It is therefore important that such sectoral bodies have the necessary institutional capacity and backing of their members to be able to actively engage with the public sector. The multitude and often fragmentation of private sector representation does not facilitate the dialogue with the public sector. The latter has to strike a balance between the different interests, and ensure the involvement of all private sector actors and rally the different stakeholders behind a common objective beneficial to all.



Content of the WTO agreement

The trade facilitation negotiations on the clarification and improvement of the General Agreement on Tariffs and Trade (GATT) articles V (transit), VIII (fees and formalities) and X (transparency) and the customs cooperation issues have been progressing well. A first draft consolidated negotiating text is now available based on all members' suggestions and proposals. The draft comprises 16 articles covering about 50 measures. Its first review within the Negotiating Group on Trade Facilitation was done just a week before this Forum.

The Forum noted that a comprehensive set of multilateral trade rules under WTO translated into concrete trade facilitation measures, aimed at reducing the inefficiencies and cost of trade, would ultimately contribute to greater intraregional South–South trade growth. In this context, private sector representatives identified several major concerns related to moving goods internationally, including the time it takes for goods to reach its final destination, the costs associated with moving these goods across borders, and related trade security concerns.

The time constraint and delays are often the result of inadequate institutional capacities at the border, but also in a pre-clearance phase before goods reach the border. Lack of information on rules, procedures and documents combined with excessive paperwork, cumbersome documentary requirements, unpredictable fees and charges and non-harmonized working hours at the border all contribute to both greater delays and higher costs.

The use of new technologies, just-in-time operations and security concerns has changed the perspectives on trade facilitation. Several speakers raised concerns with regard to release of goods and customs clearance procedures. Customs automation systems such as the Automated SYstem for CUstoms DAta (ASYCUDA) can also help in implementing a number of other measures, as proposed in the framework of the WTO trade facilitation agreement. These include simplified formalities and documentation requirements, the use of international standards, and risk management techniques.

Many participants found that, if sequenced properly, a single-window implementation could accommodate the implementation of a series of trade facilitation measures. A country case study in establishing a single window was highlighted as a good practice example, where a homegrown technology and know-how was developed as a public-private partnership project.

Some measures relating to public availability of information and transparency, which is critical to the private sector, were also addressed. Other issues highlighted by discussants concerned advance rulings and the establishment of an effective appeal mechanism that would prevent discretionary practices at the border.

Trade Facilitation Task Forces and other collaborative platforms

For the purpose of national trade facilitation needs assessments, WTO member countries have created or revived a previously existing inter-agency task forces, working groups, trade facilitation committees or other collaborative platforms. These platforms have also been active providing regular inputs to the WTO delegates, allowing private sector members to influence the negotiating positions in Geneva.

Trade promotion and facilitation agencies, committees or associations, have been acting as a catalyst to improving the trade facilitation environment at the national, regional and global level. Their role has also been to contribute to building trust and sustainable working relations among public and private stakeholders.

Collaborative platforms provide a mechanism for maintaining a regular dialogue on various trade facilitation issues. These issues may include ongoing national or regional trade facilitation reform programmes as well as bilateral, regional or multilateral negotiations. The platforms also may be entrusted with awareness raising and training activities or helping with the implementation of the concrete trade facilitation measures.

Subregional and regional public-private coordination mechanisms are being increasingly established. Such coordination mechanisms provide a useful tool for those countries in the region that have greater trade facilitation experience and resources available to assist others with less experience and/or resources.

The lessons learned from successfully operating collaborative platforms between public and private sectors can be summarized as follows:

- Meaningful dialogue: formalizing a dialogue and collaboration between the government and the private sector;
- Setting priorities: identifying priority focus trade facilitation areas or measures, rather than trying to cover the whole agenda;
- Inclusiveness: engaging all the stakeholders representing all the government agencies and the private sector;
- Trust and commitment building: building trust through the management of expectations, distribution of clear responsibilities, and transparency of the process; and
- Managing change: understanding trade facilitation as a process of change, which has to be managed properly at all levels, rather than the legislative/regulatory process only.

The way forward

Contributions from the private sector

The private sector can provide advice, opinions or feedback to governments on setting policies and regulations to create an enabling environment for international trade. Business can provide managerial and technical skills in assessing the obstacles to trade on the ground and suggesting specific measures to address these obstacles. It can engage in the implementation of solutions through public—private partnership projects.

Specific areas where the private sector can assist the government with the analysis, the design or the implementation of specific measures include the following:

- (a) Active participation in collaborative platforms: the private sector may help in creating, maintaining and making most efficient use of national task forces (i.e. implement Article 14 of the consolidated text, which is about the national committee on trade facilitation):
- (b) Diagnosis surveys and Business Process Analysis: private sector associations can carry out surveys to determine impediments in the supply chain and suggest improvements;
- (c) Voluntary partnership schemes to reduce fraud and the need for controls: the private sector may set up voluntary schemes for developing standards for secure trade and trusted supply chain operators;
- (d) Public-private partnerships for technology intensive solutions: private financial and managerial capacities and skills are often needed in the creation and operation of Single Windows to serve both public agencies and trading communities;
- (e) Capacity-building and training activities: sectoral associations and chambers of commerce can provide training to their business community members in the use of international standards and best commercial practices.

Contributions by the international community

Attention by the international community to supporting transport and trade facilitation initiatives and programmes in developing countries is incremental. This includes the implementation of facilitation measures under the bilateral, regional and multilateral trade arrangements. Particular attention needs to be given to concerns of LDCs where trade facilitation may face particular challenges.

- (a) Development partners should help the private sector to play a key role in the work of collaborative platforms at national and regional levels to prepare for and undertake assessments of trade facilitation needs and priorities as well as to implement trade facilitation measures;
- (b) The Annex D organizations should continue producing technical information material to enhance understanding of all private and public agencies of the implications and requirements of specific trade facilitation measures;
- (c) Developing countries should further explore how the use of international trade facilitation standards could increase their competitiveness and how they could participate more actively in the development of such standards. This is an area where further international collaboration is required;
- (d) To advance the trade facilitation agenda of developing countries and least-developed countries, the international community, the private sector and governments will need to continue their collaboration and support, including organizing regional forums as well as further follow-up events in Geneva to continue "Engaging the Trading Community".

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Universal Postal Union: How the postal sector facilitates trade

When we talk about trade facilitation, more often than not, the postal sector is not included in the conversation. Nevertheless, with around 660,000 post offices across the globe, mostly located in outlying areas, the postal sector has the world's largest physical distribution network. Furthermore, 5.5 million postal employees around the world distributed more than 6.7 billion parcels in 2008.

The Universal Postal Union (UPU) is the principal forum for cooperation between governments, posts and other postal sector stakeholders. As an intergovernmental organization and a United Nations specialized agency, the UPU is working to ensure the postal sector is considered a key partner in trade facilitation activities. This article introduces the UPU's role in this domain, and it presents Brazil's Exporta Fácil programme, an innovative trade facilitation approach making the best of the postal network.

The UPU's role in trade facilitation

The UPU works closely with the airline industry through the International Air Transport Association (IATA) and with customs authorities through the World Customs Organization (WCO) to facilitate the supply-chain process and ensure access to different markets. One of the UPU's main objectives is to foster the role of posts in economic development. International trade, particularly for micro, small and medium-sized enterprises (MSMEs), plays a key role in this process.

The posts and UPU facilitate the integration of the supply chain. From the sales process (e-commerce via a postal operator's website) to product collection (at the exporter's premises or at a post office), customs clearance, delivery via the international postal network (comprising 191 member countries) and even payments (electronic postal money orders), the posts act as a key facilitator of trade for MSMEs. Moreover, customers have a great deal of confidence in the postal network, which means the Posts can act as a trusted third party in commercial processes involving this economic sector.

UPU supports the entire process by providing a legal framework for ensuring the unity of the worldwide postal network (the UPU Acts) and developing technical solutions through its Postal Technology Centre. The latter include an electronic postmark for the identification of buyers and sellers, an electronic data interchange solution linking postal operators, customs and air carriers (Post*Net), a track and trace solution and an electronic postal payment network.

The Brazilian Exporta Fácil experience

Exporta Fácil (Easy Export) was developed in Brazil in 1999 as one policy to facilitate the trade of low-value exports sent through the postal and express carrier networks. These policies have two dimensions: simplifying legal export procedures and increasing the viability of low-value exports through the postal network.

The Exporta Fácil programme offers a number of advantages:

- Fewer documents needed for exporting;
- Less time needed for customs clearance: and
- Greater access for MSMEs located in rural areas.

Between 2002 and 2006, the Exporta Fácil programme enabled 7,626 different Brazilian firms and individuals to export products. By 2008, more than 10,000 businesses that had never exported before were able to access external markets, a success unmatched by any other trade facilitation programme for MSMEs. Exporta Fácil is currently offered in more than 8,000 post offices throughout Brazil. Exporta Fácil substantially reduces the number of steps required to register an export. The process can be summarized as follows:

- An individual takes the package to the nearest post office, where free packaging is offered (a pick-up service from the post office is also available);
- The sender completes a simplified export declaration online (also available at the post office);
- The post office weighs the package and scans the export declaration form;
- The sender pays a fee based on the type of service desired;
- The post takes care of the rest.

For exported products, there are a number of value and weight limits. In Brazil, the programme was initially intended for exports with a value below \$10,000 and weighing less than 10 kg. These limits have gradually been increased to \$50,000 and 30 kg. This programme has also been introduced in Uruguay, Peru (which was lauded for its successful and innovative approach by the International Finance Corporation) and Ecuador. Many other Latin American countries are either working to replicate the programme or have recently implemented it (Colombia, Costa Rica and the Dominican Republic). According to an economic study conducted by UPU in 2008, the Exporta Fácil programme meets the needs of the poorer, less industrialized and less service-oriented areas of Brazil.

Easy Export Asia

With its physical, electronic and financial capabilities, the postal sector can help provide greater access to international trade. By replicating the Exporta Fácil experience in other parts of the world, UPU intends to build on its assets and help developing countries and least developed countries take advantage of international trade opportunities.

In 2010, UPU plans to launch two pilot projects in Asia (Thailand and the Lao People's Democratic Republic), comprising the following four phases:

- (a) Phase 1: raising general awareness of this issue in the following:
 - High-level governmental authorities, to lead the project;
 - All stakeholders involved in international trade (governmental agencies, trade associations, customs, export authorities, etc.), to participate in the project;
 - National posts to implement the project in cooperation with the above-mentioned.
- (b) Phase 2: preparation of a simplified export procedure in cooperation with all stakeholders:
 - Formation of a national inter-agency working group;
 - Assessment of national regulations potentially in need of reform;
 - Design of a simplified export procedure;
 - Implementation of procedure;
- (c) Phase 3: consolidation of the logistical platform of the national Post and implementation of the Easy Export programme:
 - Assessment of the post's particular needs;
 - Selection of post offices where service will be available;
 - Acquisition of equipment to be used in selected post offices;
 - Preparation of new procedures for selected post offices;
 - Implementation of the service in selected post offices (including staff training);
- (d) Phase 4: promotion and gradual development of the service.

We estimate that two years will be needed to reach Phase 4 and that, within two years of operation, substantial results could be achieved. A further roll-out of the model could then take place in other countries in the Asia–Pacific region. Coordination would then need to be ensured with all trade facilitation stakeholders.

For more information on the UPU's trade facilitation projects, visit www.upu.int, or contact Nils Clotteau, Executive Office, Universal Postal Union, nils.clotteau@upu.int.

Regional trade agreements and trade facilitation

A forthcoming UNCTAD report and ad hoc expert meeting scheduled for the second half of 2010 will take a comprehensive look at trade facilitation provisions in existing regional trade agreements.

Trade facilitation has emerged as an important trade policy tool in an international environment, where tariffs and quotas are falling and represent less of a barrier to trade. Over the past two decades, the number of trade facilitation-related provisions in the growing number of regional trade arrangements has tripled. Currently, there are 462 regional trade agreements (RTAs) that have been notified to WTO, of which 271 are in force (as of February 2010), with 85 of them including some type of provisions related to trade facilitation. Analysed RTAs include both, bilateral and plurilateral agreements, covering all four categories as follows: (a) preferential agreements, (b) free trade agreements, (c) free trade agreements and economic integration agreements, and (d) customs unions.

UNCTAD has analysed the trade facilitation-related provisions in the existing RTAs with the preliminary findings summarized below. The main objective of this analysis is to examine the scope and depth of trade facilitation provisions contained in the RTAs. This analytical work will result into a comparative study that will highlight convergences and divergences among such provisions and measures among the RTAs and vis-à-vis the future multilateral trade facilitation agreement under the WTO. Outcomes of this analytical work and the forthcoming study will be discussed at an ad hoc expert meeting dedicated to this subject, which will be organized by UNCTAD during the second half of 2010.

A moving target: from a narrow to a broad scope of trade facilitation-related provisions

The scope of trade facilitation measures included in RTAs greatly differs. Issues covered range from a narrow scope of the "at-the-border" measures, such as customs-related matters and freedom of transit, to the broader "behind-the-border" measures that include transport and logistics development, technical standards and sanitary and phytosanitary measures, electronic commerce and mobility of business people.

Initial findings of UNCTAD's research show the following:

- (a) There are main differences in the scope and depth of the trade facilitation-related provisions in RTAs, depending on the following major factors:
 - (i) *The time factor*: i.e. the date when the agreement was concluded. The early-stage RTAs that started emerging in the 1970s and 80s aiming at dismantling tariffs and quotas versus the so-called "new-generation" RTAs that are more comprehensive and go beyond the creation of a free or preferential trade area;
 - (ii) Objective of an RTA: The RTAs with an objective to establish a closer economic cooperation or a common market providing for a greater economic integration contain more elaborate trade facilitation provisions with broader and deeper commitments beyond general customs cooperation provisions (e.g. Asia-Pacific Trade Agreement, COMESA, Trans-Pacific Strategic Economic Partnership Agreement), as opposed to the traditional RTAs aiming solely at liberalization of trade in goods;
 - (iii) Specific conditions of the contracting parties: i.e. the level of economic development, geographical conditions, and the level of transport and information and communications technology (ICT) infrastructure development (i.e. North–South, South–South and landlocked transit developing countries). If an RTA involves at least one landlocked country, it usually includes elaborate transit-related provisions, which are in some cases linked to provisions on development of transport infrastructure and logistics (e.g. COMESA, Southern African Customs Union, FTA between Kazakhstan-Kyrgyzstan). Some bilateral RTAs concluded even among remote trading partners contain articles on goods in transit and storage and on temporary admission (e.g. Japan-Mexico and

¹ Source WTO, www.wto.org, March 2010.

Singapore–Republic of Korea FTAs). RTAs concluded between the countries with well-developed ICT infrastructure contain provisions encouraging the use of ICT solutions ranging from customs automation, over paperless trade to electronic commerce transactions between business operators (e.g. United States–Singapore, ASEAN–Japan, Australia–Thailand);

- (b) Most provisions on customs-related provisions in the analysed RTAs are contained in a separate chapter on Customs Procedures. Over time, the scope of these chapters evolved and became more comprehensive, covering a wide range of measures such as transparency and administration, simplification of customs procedures, use of ICT, application of risk management techniques, advance rulings, appeal procedures, confidentiality, and cooperation among customs authorities (e.g. Asia–Pacific Trade Agreement, COMESA, Trans-Pacific Strategic Economic Partnership Agreement, Japan-Philippines, Japan-Thailand, Peru-Thailand). In some cases, customs procedures chapters are closely linked with a chapter dedicated to rules of origin and procedures related to certificate of origin.
- (c) In most RTAs, the application of multilateral trade agreements under the WTO (such as GATT articles VII and X and the Customs Valuation Agreement) and international conventions and standards of the WCO (such as the Revised Kyoto Convention and WCO Data Model) are being explicitly reaffirmed. This suggests that the incorporation of trade facilitation provisions in RTAs not only contributes to the regional integration, but may also be conducive to the convergence of trade and customs procedures worldwide.

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UNCTAD's activities to support developing countries and LDCs during the negotiations on trade facilitation at WTO

The following text is based on a verbal statement made by UNCTAD at the February 2010 session of the Negotiating Group on Trade Facilitation of the World Trade Organization.

In the current phase of negotiations, UNCTAD's activities focus above all on capacity-building and advisory services. While at the beginning of the negotiations UNCTAD had mainly organized and contributed to awareness raising and training seminars, today we have moved towards more tailor-made national and regional cooperation, while also continuing the development and updating of technical material.

1. Supporting national collaborative mechanisms/ task forces

UNCTAD considers that it is very important that at the national level countries can count on a functioning mechanism to prepare, undertake and continuously update the national assessments of trade facilitation needs and priorities. These mechanisms may be called, for example, collaborative platforms, task forces, inter-institutional working groups or trade facilitation committees. They involve all key stakeholders from the public and private sector who have a role to play in the national trade facilitation agenda. The same collaborative mechanisms are also required when implementing trade facilitation reforms.

UNCTAD and the United Nations Economic Commission for Europe (ECE) have together created a web-based repository of such trade facilitation working groups, where so far 13 countries share information about the structure and scope of activities of their national task forces. This information helps annex organizations to understand the challenges such task forces face and provide further tailor-made support to strengthen their capacity.

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² http://r0.unctad.org/ttl/repository/TFWGintro.htm.

The Negotiating Group on Trade Facilitation (NGTF) document JOB(09)/11 of March last year, a communication by Saint Lucia, includes a "checklist of indicative actions for the establishment and sustainability of a multi-agency working group on trade facilitation" and benefited from a technical note prepared by UNCTAD.

UNCTAD's continued support to national working groups through flexible tailored activities contributed in several countries to maintaining these collaborative national trade facilitation platforms beyond the national WTO trade facilitation needs assessment. The activities strengthen the capacity of the working groups to play an active role in the negotiating process. As the national working groups are expected to play an important role in the future of the implementation of trade facilitation reforms, UNCTAD shares lessons learned from supporting these working groups with other development partners.

In this context, especially the secretariats of regional organizations are an effective multiplier of UNCTAD's support – which leads to the second area of UNCTAD's interventions.

(2) Collaboration with regional organizations

This activity aims at achieving synergies between the regional and multilateral trade facilitation agendas. In particular, UNCTAD has developed a close partnership with the secretariats of the Organization of Eastern Caribbean States and *Union Economique et Monétaire Ouest Africaine*, and initiated a similar cooperation with the *Mercado Común Centroamericano*.

In the Caribbean and West Africa, UNCTAD has provided advisory services and expertise to the secretariats and its member States with regards to the trade facilitation negotiations at WTO. This support has strengthened the regional secretariats' coordinating role and underpins the importance of regional trade facilitation reforms as components of regional integration processes. Working through the regional level allows national governments to better link the multilateral negotiations with other on-going negotiations at the regional or bi-lateral level.

Both at the national and at the regional level, the private sector is a key stakeholder that needs to be actively involved in the national or regional task forces. This leads to the third area of our activities.

(3) Providing a forum for the private sector from developing countries

The trading community is vital for any country's trade facilitation agenda. First, it is the traders and the service providers who need to identify their needs and priorities regarding the trading environment and the potential implications of commitments resulting from a multilateral agreement. Secondly, for numerous specific measures, the private sector may also actively participate in their implementation.

To support the private sector's engagement in the negotiations on trade facilitation, UNCTAD has organized a Forum on "Engaging the Trading Community: WTO, Trade Facilitation and the Private Sector in Developing Countries".

(4) Round tables and support to Geneva-based delegations

An important area of concern for the NGTF and especially the delegations from developing countries and LDCs has been the issue of special and differential treatment (SDT), combined with requirements for technical assistance and capacity-building.

UNCTAD has prepared a comparative study on SDT in selected WTO instruments and possible lessons that can be drawn for a future trade facilitation agreement. While working on the study, we have benefited from insights from delegations who participated in two related brainstorming sessions here in Geneva. In one of the sessions, preliminary results of the study had been presented and were discussed among delegates. The first draft was very much appreciated and received both valuable comments and good reviews from delegations from developing and developed countries, which helped UNCTAD to finalize the study.

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³ See above, article on p. 5 ff.

We are planning further events here in Geneva, to provide a Forum for Delegates to discuss technical issues outside the negotiating room.

The fifth area of our contribution to better understanding of the issues discussed during the negotiations is that of Technical Notes on Trade Facilitation.

(5) Technical Notes on Trade Facilitation

UNCTAD has produced and published on-line about 20 Technical Notes on specific Trade Facilitation Measures. Usually between four and eight pages long, these short documents aim at providing a brief introduction to the measures, put them into the context of the WTO negotiations, and provide some sources for further reading.⁴ A printed and edited version of the main Technical Notes will soon be made available in English, French and Spanish language.

Beyond these Technical Notes, which are written specifically in the context of the WTO negotiations, UNCTAD is active in a wide range of trade and transport facilitation programmes. These include the ASYCUDA programme, national trade facilitation projects, support to the Almaty Programme of Action, and research and publications such as our Review of Maritime Transport and the Transport Newsletter. We also organize experts meetings on issues such as public–private partnerships and transit ports. It is this broad range of UNCTAD's trade and transport facilitation activities that provides the technical basis for the substantive contributions that UNCTAD makes to the NGTF.

Finally, UNCTAD contributes to the national self-assessments and our collaboration with WTO and other Annex D partners.

(6) National self-assessments and collaboration with WTO and other Annex D partners

During the last three years, UNCTAD has provided facilitators for 17 national self-assessment workshops. UNCTAD considers the national self-assessment workshops to be an important contribution to the process of analysis of technical assistance needs, and we are proud to be associated with this WTO technical assistance programme. At the same time, UNCTAD has also complemented this programme through the range of activities mentioned above.

These complementary activities described earlier are of course very much linked. National and regional collaborative platforms need to communicate with each other. The private sector is consulted through these collaborative platforms, but also here in Geneva. The results of our technical work are transmitted to our counterparts here in Geneva and in the capitals.

All in all, UNCTAD finds that the collaboration with delegates in Geneva, with counterparts in the capitals and with our partners in WTO and the other Annex D organizations has been very fruitful. During recent years, this collaboration has already helped to advance the trade facilitation agenda of developing countries and LDCs, and UNCTAD will continue its efforts to advance the reform processes.

UNCTAD expresses its appreciation to the Governments of Sweden, Spain, Switzerland and Norway, who are financially supporting our Trust Fund and thus complement UNCTAD's regular budget resources assigned to these activities.

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⁴ http://r0.unctad.org/ttl/technical-notes.htm

Liner shipping connectivity of LDCs

Most international trade in manufactured goods is transported by containerized liner shipping services. These liner services form a global maritime transport network, through which basically all coastal countries are connected to each other. The level of "connectivity" of countries to this global network varies, and UNCTAD publishes an annual index that aims at capturing trends and differences in countries' liner shipping connectivity. The annual UNCTAD "Liner Shipping Connectivity Index" (LSCI) has been generated since 2004. It covers 162 coastal countries and comprises five components: (a) the number of ships, (b) their container carrying capacity, (c) the number of companies, (d) the number of services provided, and (d) the size of the largest vessels that provide services from and to each country's seaports.⁵

Most LDCs are also among the least connected countries. The average ranking of LDCs in 2009 was 109, compared to an average ranking of 76 for other developing countries and 68 for developed countries (table 1).⁶ Container shipping companies are less likely to provide services to and from LDC seaports because (a) national trade volumes tend to be lower, and (b) a lower level of development will often make ports less attractive for transshipment and transit cargo.

Developing Developed Economies in **LDCs** Grand total countries transition countries Africa 70 104 89 Asia 70 136 108 60 69 Europe 63 100 68 Latin America and the Caribbean 83 92 124 92 North America 86 86 Pacific 79 92 132 103 68 76 109 106 81.5 Grand total

Table 1. Average LSCI rankings of country groups, 2009

Source: UNCTAD calculations, based on data provided by Containerization International On-line.

On average, the ranking of LDCs among the 162 coastal countries improved slightly by 3 points between 2004 and 2009. Starting from a low base, and catching up with port infrastructure investment and the introduction of private sector operations, seaports in several LDCs have managed to become more attractive as ports of call for international liner shipping companies.

Several LDCs have thus been able to improve their connectivity during the last five years. Among those that significantly moved up in the global LSCI ranking are Djibouti (+40 points), the Gambia (+16), Bangladesh (+15), Mozambique (+14), Maldives (+13) and Senegal (+9). Djibouti and Senegal are today the best-connected LDCs, both benefiting from their geographical position near major liner shipping routes and from private sector investments in their seaports. Other LDCs saw their place in the global ranking worsening during 2004–2009, including Yemen (-28 points), Equatorial Guinea (-14), Comoros (-12), Samoa (-12) and Somalia (-9).

⁶ For the list of countries in each country grouping, see annex I of UNCTAD, *Review of Maritime Transport 2009*, Geneva, 2009, pages 181ff. www.unctad.org/en/docs/rmt2009 en.pdf. For the list of LDCs, see the United Nations Office of the High Representative for LDCs, LLDCs and SIDs under http://www.unohrlls.org/en/ldc/related/62/.

⁵ For more details about the components and calculation, see UNCTAD, *Review of Maritime Transport 2009*, Geneva, 2009, pages 121ff. www.unctad.org/en/docs/rmt2009 en.pdf. Note that the LSCI does not cover landlocked countries, whose LSCI is by definition set to zero (except very few cases where landlocked countries are connected to the global liner shipping network through containerized inland waterway services).

Table 2. Average of maximum vessel sizes by country groupings, 2009

Twenty Foot Equivalent Units (TEU), change 2004–2009 in italics

	Developed	Economies in	Developing	LDCs	Grand total
	countries	transition	countries		
Africa			4063	2319	3099
			+1730	+768	+1199
Asia	5170	976	6545	2027	5717
	+801	0	+2652	+90	+2113
Europe	6623	2937			6065
	+2929	+1334			+2687
Latin America and the Caribbean	3694		2952	1203	2965
	+788		+745	+252	+735
North America	4889				4889
	+669				+669
Pacific	2642		2548	1085	2042
	-473		-163	+119	-145
Grand total	5842	2611	4441	2077	4275
	+2147	+1112	+1562	+559	+1512

Source: UNCTAD calculations, based on data provided by Containerization International On-line.

Looking at some of the components of the LSCI, additional trends for LDCs can be made out (tables 2 and 3). On average, the largest container ships that call in LDCs seaports are less than half as big as those providing services to other developing countries. This is as much a reflection of the lower traded volumes as it is a consequence of less developed seaport infrastructure. Larger container ships require more dredging and specialized cranes which are less likely to be found in the ports of LDCs. Between 2004 and 2009, the global country-average size of the largest containerships increased by 55 per cent, from 2763 TEU in 2004 to 4275 TEU five years later. During the same period, the average size of the largest vessels calling at LDC ports increased by only 37 per cent, to 2077 TEU.



While vessel sizes have increased in recent years, the number of liner shipping companies has continued to decline. Both developments are part of the same long term trend towards industry concentration and the seeking of economies of scale.

The average number of container shipping companies providing services to and from the ports of LDCs is only one third of the global average. This means that importers and exporters from LDCs have fewer choices when contracting containerized maritime transport. Empirically, the lower level of competition is closely correlated with higher freight rates, i.e. LDCs will also be confronted with a higher transaction costs for their foreign trade.⁷

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⁷ See also "Ports and International Transport Costs" in UNCTAD *Transport Newsletter*, No. 31, First Quarter 2006; and "Trade, Liner Shipping Supply, and Maritime Freight Rates" in UNCTAD *Transport Newsletter*, No. 33, Third Quarter 2006. www.unctad.org/transportnews.

Table 3. Average number of companies providing services per country, 2009

Change 2004–2009 in italics

	Developed countries	Economies in transition	Developing countries	LDCs		Grand total
Africa				15	6	10
				-2	-0.4	-1
Asia	26	6		29	7	25
	-9	+2		-4	-0.4	-4
Europe	30	11				27
	-11	-1				-9
Latin America and the Caribbean	15			12	5	12
	-3			-1	-6	-1
North America	30					30
	-3					-3
Pacific	22			7	4	10
	-7			-4	-2	-4
Grand Total	28	10		19	6	18
	-9	+1		-3	-1	-4

Source: UNCTAD calculations, based on data provided by Containerization International On-line.



The global trend of mergers and acquisitions has not only affected the supply of services to LDCs. In fact, the decline in the number of companies servicing developed countries has been even more marked. However, on average, there are still 28 container carriers that deploy vessels on routes from and to developed countries, which is usually more than sufficient to ensure an adequate level of competition to avoid monopolistic pricing practices. For many LDCs, however, the further reduction of supply from already low levels may raise concerns at national competition authorities. In 2009, there were 15 LDCs with only one to four service providers – almost a doubling compared to 2004, when there had been just 8 LDCs with such low levels of competition.

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Postponement of the United States' 100% container scanning requirement

A number of regulatory and other initiatives aimed at enhancing the security of maritime container transport have been adopted in the United States and elsewhere in recent years⁸. While most of the security-related initiatives have enjoyed broad national and international acceptance and support, one legislative requirement introduced in 2007 into United States law, envisaging the 100 per cent scanning of all United States-bound containers before loading at a foreign port by July 2012 has proved to be very controversial. However, it appears that the Department of Homeland Security (DHS) has recently decided to postpone the implementation of the requirement to July 2014.

The relevant legislative background

In October 2006, the **Security and Accountability for Every Port Act of 2006** ("SAFE Port Act"), was signed into law. Its provisions were an initial step towards the introduction of a 100 per cent container scanning requirement. Section 232(a) provided that the Secretary of the DHS should ensure that "100 per cent of all cargo containers originating outside the United States and unloaded at a United States seaport undergo a screening to identify high-risk containers" and that "100 per cent of containers that have been identified as high-risk are scanned or searched before such containers leave a United States seaport facility" Section 232(b) further envisaged full-scale implementation of scanning, i.e. the full deployment of "integrated scanning systems to scan, using non-intrusive imaging equipment and radiation detection equipment, all containers entering the United States before such containers arrive in the United States". This would be subject to a number of conditions, including the implementation of pilot integrated scanning systems at three foreign ports, under Section 231.

In response to the "SAFE Port Act" requirements, in December 2006, the Secure Freight Initiative (SFI) pilot program was established, to test the feasibility of 100 per cent scanning of United States-bound containers at three foreign ports: Puerto Cortes, Honduras; Qasim, Pakistan; and Southampton, United Kingdom. In addition, in order to fully demonstrate the capability of the scanning system at large, more complex ports, such as the ports of Busan, Republic of Korea; Hong Kong, China; Salalah, Oman; and Singapore were selected. Scanning equipment was deployed in these ports, and as of October 2009, SFI was operational at five of them.

On 3 August 2007, the Implementing Recommendations of the 9/11 Commission Act of 2007," was signed into law. Section 1701(a) of the legislation amended Section 232(b) of the "SAFE Port Act", requiring, for the first time, the 100 per cent scanning of all United Statesbound containers before loading at a foreign port. All such cargo containers would have to be scanned by non-obtrusive imaging equipment by 1 July 2012, unless the Secretary of the Department of Homeland Security, (DHS), extended the deadline by two year increments.

⁸ See, for instance, Container security: major initiatives and related international developments UNCTAD/SDTE/TLB/2004/1, available at www.unctad.org. On related issues, see also Maritime Security: ISPS Implementation, Costs and Related Financing UNCTAD/SDTE/TLB/2007/1

⁹ Public Law 109-347, 13 October 2006. Full text is available at the United States Government Printing Office website, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:h4954enr.txt.pdf

¹⁰ While "screening", as defined in Section 2 of the Act refers to "a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States" for the purposes of identifying misdeclared, restricted or prohibited cargo and an assessments of the related threat-level, the term "scanning" means "utilizing non-intrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container".

Public Law 110-53, 3 August 2007. The full text is available at, http://frwebgate.access.gpo.gov/cgibin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ053.110.pdf.

Such extension could be granted if the Secretary of DHS certified to Congress that two of a list of conditions existed, i.e. if systems to scan containers in accordance with the provision:

- Are not available for purchase and installation;
- Do not have a sufficiently low false alarm rate for use in the supply chain;
- Cannot be purchased, deployed, or operated at ports overseas, including, if applicable, because a port does not have the physical characteristics to install such a system;
- Cannot be integrated, as necessary, with existing systems;
- Do not adequately provide an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel; or if
- The use of such systems will significantly impact trade capacity and the flow of cargo.

Concerns regarding the 100% container scanning requirement expressed at international and national level and challenges to implementation

Since its approval, the 100 per cent container scanning requirement has been the subject of considerable controversy, with many industry representatives, customs organizations, government officials and entities, both outside and inside the United States, expressing criticism regarding its effectiveness, viability and costs of implementation.

For instance, in a World Customs Organization (WCO) resolution¹² adopted in December 2007, member customs administrations expressed concern that the implementation of 100 per cent container scanning would be detrimental to world trade, economic and social development, and could result in unreasonable delays, port congestion, and international trading difficulties. Similarly, in 2009, the European Parliament adopted two resolutions,¹³ calling on the United States to modify the regulation providing for the scanning of 100 per cent of inbound cargo and urged it to work closely with the EU to ensure the implementation of a multi-layered approach based on actual risk. This would include mutual recognition of the EU and United States trade partnership programs, in accordance with the WCO SAFE Framework of Standards.

More recently, in February 2010, the European Commission issued a report¹⁴, entitled "Secure Trade and 100 per cent Scanning of Containers", which concluded that the implementation of the 100 per cent scanning by the EU would have serious repercussions for European and global maritime transport, trade and welfare. The report lists a number of potential areas of concern regarding the 100 per cent scanning of outbound containers under different headings:

- (a) An unnecessary economic burden for European ports: sizable investment in equipment, new technology, operational and other costs would be required;
- (b) An expensive disruption of European transport: implementation of 100 per cent scanning would add around 10 per cent to direct transportation costs for consignment, and would negatively affect the competitiveness of ports, especially those with small United Statesbound export volumes;
- (c) A potential new trade barrier: higher transport costs would pass on to consumers through prices of final products, causing the effects of the 100 per cent scanning legislation to spread economy wide, and cause huge welfare loss to world GDP;
- d) A diversion from EU security priorities: it could not be demonstrated that 100 per cent scanning in foreign ports was superior to or could substitute alternative measures for improving security, such as a multilayered risk-management system at home. On the contrary, there were valid reasons to believe that the implementation of 100 per cent scanning rule would not improve security. In addition to technological difficulties, it is noted

¹³ Resolutions P6_TA(2009)0193 and P7_TA(2009)0058, are available at the European Parliament's website, www.europarl.europa.eu.

The full text of the Commission Staff Working Document SEC(2010) 131 final is available at http://ec.europa.eu/taxation_customs/resources/documents/common/whats_new/sec_2010_131_en.pdf.

¹² See www.tradeinnovations.com/Documents/News/Resolution%20CPG_PSCG%20E.pdf.

that 100 per cent scanning did not eliminate the risk of tampering with cargo after the scan was performed, focused only on maritime containerized cargo, and did not address biological and chemical threats.

As an alternative way forward, the EU report proposes to address the supply chain as a global challenge, to enhance international cooperation and strengthen all its elements, and to implement multilayered risk management for both exports and imports.

In the United States, a General Accountability Office (GAO) report¹⁵, issued in December 2009, found that the SFI programme was being carried out with limited success in the five designated pilot ports, three of which represented relatively low volume of container traffic to the United States, and two representing high volume traffic. In the low-volume ports, only 54 per cent to 86 per cent scanning had been achieved, on average, whereas in the high-volume ports less than 5 per cent of container cargo was being scanned. Among the challenges encountered at these SFI ports were their level of participation in terms of duration or scope, as well as logistical problems with containers transferred from rail or other vessels.

The DHS itself has also identified a number of serious challenges to implementing the 100 per cent scanning requirement, including (a) logistical challenges related to port configuration and design incompatibility with current scanning systems; (b) absence of technology to detect anomalies within cargo containers which would necessitate further inspections; and (c) high deployment and operating costs. Relevant challenges to implementation were detailed by the Secretary of the DHS, in December 2009, in her testimony¹⁶ on "Transport Security Challenges" before the United States Senate Committee on Commerce, Science and Transportation.

In her testimony, the Secretary noted that "in order to meet the 100 per cent scanning deadline by the 2012 deadline, DHS would need significant resources for greater manpower and technology, technologies that do not currently exist, and the redesign of many ports. These are all prohibitive challenges that will require the Department to seek the time extensions authorized by law". In this context, she pointed out that "DHS equipment costs alone would be about \$8 million for every one of the 2,100 shipping lanes at the more than 700 ports that ship to the United States". Moreover, "about 86 per cent of the cargo was sent from only 58 of more than 700 ports around the world that ship to the United States".

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New contracting parties to international maritime conventions adopted under the auspices of UNCTAD

United Nations Conventions on Maritime Liens and Mortgages, 1993

Entry into force: 05 September 2004; Contracting States: 14 Benin – 3 March 2010 (a)

United Nations Conventions on Arrest of Ships, 1999

Entry into force: Not yet in force; Contracting States: 8 Benin – 3 March 2010 (a)

For more information on the latest status of this and other Conventions, please visit www.unctad.org/ttl/legal.

¹⁵ The report (GAO-10-106) is available at the GAO website, <u>www.gao.gov/new.items/d10106.pdf</u>.

¹⁶ See http://commerce.senate.gov/public/?a=Files.Serve&File id=77bc2a79-88f2-4801-a201-01eb1ddbc823.

ASYCUDA updates



22/2/2010: The LAO People's Democratic Republic and UNCTAD sign agreement for the deployment of ASYCUDA World.

1/1/2010: Cambodia - ASYCUDA goes live. The Minister for Finance and the Director General of Customs launched ASYCUDA in PPIA airport and Dryport.

28/12/2009: Sri Lanka – Customs automated from 1 January. The gradual upgrade of ASYCUDA in Sri Lanka saw the introduction of the automated electronic submission of manifest implemented on 1 January 2010.

www.asycuda.org/whatsnew.asp

Global Transport Knowledge Partnership qTKP

The new gTKP website features a user-friendly design with a centralized knowledge database containing hundreds of pieces of knowledge. Visitors can locate papers, publications, guidelines, presentations, photographs and videos related to your sector of interest through multisearch criteria. The event list contains all major road transport related events.

www.gtkp.com/

Global Express 2010

A new report on express parcels industry with special reference to emerging markets.

According to the report, the global express sector has witnessed unprecedented growth in recent years, right up until the start of the economic downturn. The industry has grown as it fulfils a need for faster, more reliable services, which also provide customers with an increased level of supply chain visibility. According to the report, the express industry's success has been based upon the systemic changes which it has been able to facilitate in global manufacturing and the associated supply chains. Freight forwarders rapidly lost market share in the lucrative small parcel sector to the integrators.

www.transportintelligence.com

UNCTAD's Trade and Development Commission

The second session of the Trade and Development Commission was held from 3 to 7 May 2010. The role of the Commission is to conduct policy dialogue on selected issues, consider reports of expert meetings, manage and recommend for approval the work programme of expert meetings within its purview, and promote and strengthen synergies among the three pillars of UNCTAD's work. Among the items on this session's agenda was the December Expert Meeting on Transport and Trade Facilitation.

www.unctad.org

Business Process Analysis Guide by ESCAP

Today's international supply chains face increasingly competitive environment, with new product safety regulations, and border security concerns. The need for traders to comply with all procedural, regulatory, and documentary requirements has become



extremely important in order to remain competitive. To improve the efficiency and effectiveness of processes and information flows throughout the supply chain, it is crucial that the existing "as-is" conditions are well understood, prior to implementing trade facilitation reforms. Adapted from the business process modeling techniques that have been originally applied in the automation of mechanistic business processes, this Business Process Analysis Guide to Simplify Trade Procedures aims at providing a simple methodology to document the "as-is" business processes in international trade transactions.

www.unescap.org/tid/publication/tipub2558.asp

Maritime Transport in the Caribbean

The document by the United Nations ECLAC assesses the situation of the maritime sector in CARICOM. It presents a series of challenges and barriers created through inefficiencies, focusing on maritime freight transport, cruise shipping, ports, and yachting.

www.eclac.org/publicaciones/xml/6/36706/lcl3008i.pdf

Shipping and Logistics Management

Book by Venus Lun, Kee Hung Lai, Tai Chiu Edwin Cheng.

The term "shipping" has evolved from its original relationship to ships and seaborne trade, to encompass any mode of transport that moves goods between two points. The implication of the extended meaning of "shipping" is that the shipping industry has become more complex, as well as more dynamic.

Against the background of a global business environment, the book explains how the shipping market functions, examining the strategic and operational issues that affect entrepreneurs in this industry. The authors discuss global trends and strategies in the shipping business, looking at the role of logistics service providers and at how the use of information technology can help shipping operations..

www.springer.com/engineering/production+eng/book/978-1-84882-996-1

CLECAT

The European Association for Forwarding, Logistics and Customs services has published a 25-page "Security Compliance Handbook", providing an overview of EU and global voluntary and compulsory schemes.

www.clecat.org/dmdocuments/sr006osecu091203clecatscscomplhb.pdf

International Port Training Conference proceedings

The international Port Training Conference (IPTC) is a biannual meeting of experts in the field of Human Resource Development and Training in the Port environment. The objective of the conference is to promote dialogue on the consequences of actual developments in the port industry for port-training, port-training programmes and port-training institutes.

Proceedings of the 2009 conference held in Constanta, Romania, are now available on-line.

www.iptc-online.net/main/mprogramme.html

IMO News

Quarterly Newsletter of the International Maritime Organization, available via the IMO website. The 4-2009 issue covers Spotlight on seafarers for 2010, further development on the IMO Member State Audit scheme, E-navigation, container security, and the World Maritime Day.

www.imo.org/Newsroom/mainframe.asp?topic_id=1793

Transportation Research Board

The search tool of the TRB. Transportation Research Information Services (TRIS) now contains more than 650,000 records of published research covering all modes and disciplines of transportation. TRIS is produced and maintained by the United States Transportation Research Board of the National Academies.

http://tris.trb.org/

AIVP

The World Wide Association of Port Cities will hold its 12th *International Conference Cities and Ports* in Argentina on 15-19 November 2010.

www.aivp.org/index en.php

International Conference on Marine and Maritime Affairs

Plymouth, 15-16 September 2010.

The University of Plymouth is establishing a biennial international conference on Marine and Maritime Affairs. The theme of this year's Conference is "Sustainability in the Marine and Maritime Industries". The conference is directed at stimulating dialogue between academics, policy-makers and professionals within and between the marine and maritime fields.

www.icmma.info/default.asp

LPI

The World Bank's Logistics Performance Index (LPI) is based on a worldwide survey of operators on the ground (global freight forwarders and express carriers), providing feedback on the logistics "friendliness" of the countries in which they operate and those with which they trade.

The LPI consists of both qualitative and quantitative measures and helps build profiles of logistics friendliness for these countries. It measures performance along the logistics supply chain within a country and offers two different perspectives: International and Domestic.

www.worldbank.org

Port Performance Research Network

The Eighth Port Performance Research Network (PPRN) Meeting will be held in Lisbon, Portugal, on Tuesday 6th of July 2010, just prior to the annual conference of the International Association of Maritime Economists (IAME).

www.porteconomics.eu

International port-city congress

An international port-city congress is planned in Cartagena, Colombia, on 20-22 October 2010. The programme will focus on the relationship between port cities and ports.

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Transport statistics

The International Transport Forum (ITF) makes international transport statistics available online. Recent items include data on rail freight, 2008 data on transport trends, an ITF statistical paper on road safety, and a glossary for transport statistics.

www.internationaltransportforum.org/statistics

IFSPA 2010

The Department of Logistics and Maritime Studies and the C.Y. Tung International Centre for Maritime Studies of The Hong Kong (China) Polytechnic University are organizing the Fourth International Forum on Shipping, Ports and Airports (IFSPA) in Chengdu, China, from 16 to 18 October.

www.icms.polyu.edu.hk/ifspa2010

International Maritime Statistics Forum

A meeting of the International Maritime Statistics Forum (IMSF) was hosted by the European Maritime Safety Agency (EMSA) in Lisbon on 10–12 May 2010.

www.imsf.info

