

# WTO Agreement on Trade Facilitation (ATF)

Regional IPPC Workshops  
2014

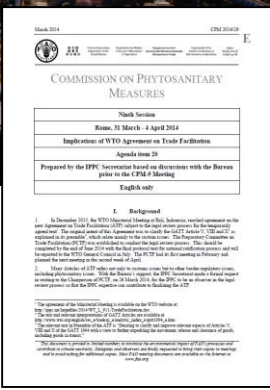


# Why discuss the ATF here?

The ATF refers not only to customs issues but to other border regulatory issues, including plant health issues

At the CPM-9(2014), NPPOs raised concerns:

- lack of consultation with customs authorities
- possible conflicts with ongoing phytosanitary measures
- scope of application of the ATF



# What is the ATF?

- A new WTO treaty whose negotiation was launched in July 2004, and finalized in Dec. 2013 at the WTO Ministerial Conference
- The original intent of the ATF is to clarify the \*GATT Article V, VIII & X with a view to:
  - expediting movement, release & clearance of goods
  - enhancing technical assistance & support for capacity building
  - improving cooperation between customs & other authorities

\*GATT Article V: Freedom of Transit

Article VIII: Fees and Formalities connected with Importation and Exportation

Article X: Publication and Administration of Trade Regulations



# Intended benefits

## Benefits for Exporters

## Benefits for Government

### Transparency & Fairness

- Predictability
- Reduced time/costs

- Better compliance
- Better quality decisions

### Good Governance

- Reduced costs
- Reduced delays
- Reduced complexity

- Better compliance
- More effective government
- More efficient government

### Modernization

- Reduced clearance times and costs

- Align with modern business practice
- More effective government
- More efficient government

Excerpt from Symposium presented by the WTO Secretariat (Nov. 2012)

# The ATF development process

- **2004 July: ATF negotiation began**
- **2013 Dec: ATF negotiation concluded**

**From now on:**

- **Until 2014 July: subject to legal review process**  
(not affect the substance of the ATF)
- **Until 2015 July: open for acceptance**
- **Once accepted by two thirds of Members, enter into force**  
(incorporation into Annex 1 A of the WTO Agreement)

# Content of the ATF

- **Preamble**
- **Section I**
  - **Article 1 – 13 (substantive obligations)**
- **Section II**
  - **Special and differential treatment**
- **Final Provisions**



# Relationship between the ATF and SPS(&IPPC)

Many Articles of the ATF refer not only to customs issues but to other border regulatory issues, including plant health issues

- Member shall make available importation, exportation and transit procedures through the Internet, in the WTO official languages (Article 1.2)
- Member shall provide opportunities and an appropriate time period to comment on proposed introduction or amendment of laws (Article 2.1.1)

Some ATF obligations duplicate the SPS, and/or introduce new SPS obligations



## Possible issues (1)

- Final Provision includes *“nothing in this Agreement shall be construed as diminishing the right and obligations of Members under the TBT Agreement and the SPS Agreement”*
- The specific Articles refer to the border regulatory measures other than customs operation (Article 4.1.6 , 5.1, 7.4.3)
- The ATF does not have any explicit reference to clarify the relationship with other international conventions such as IPPC



This may create diverse interpretations of the ATF and application of its obligations at national level



## Possible issues (2)

As the enforcement mechanisms under the ATF, a Committee on Trade Facilitation is established (Article 13)



There could be overlaps or conflicts in the scope of discussions and activities between the existing SPS Committee and new Committee on Trade Facilitation

# Special and Differential Treatment

The Section II of the ATF provides a mechanism to allow the developing countries to have grace period and technical/financial assistance before meeting their obligations

Each developing country designates list of provisions

## Category A

Implement upon entry into force

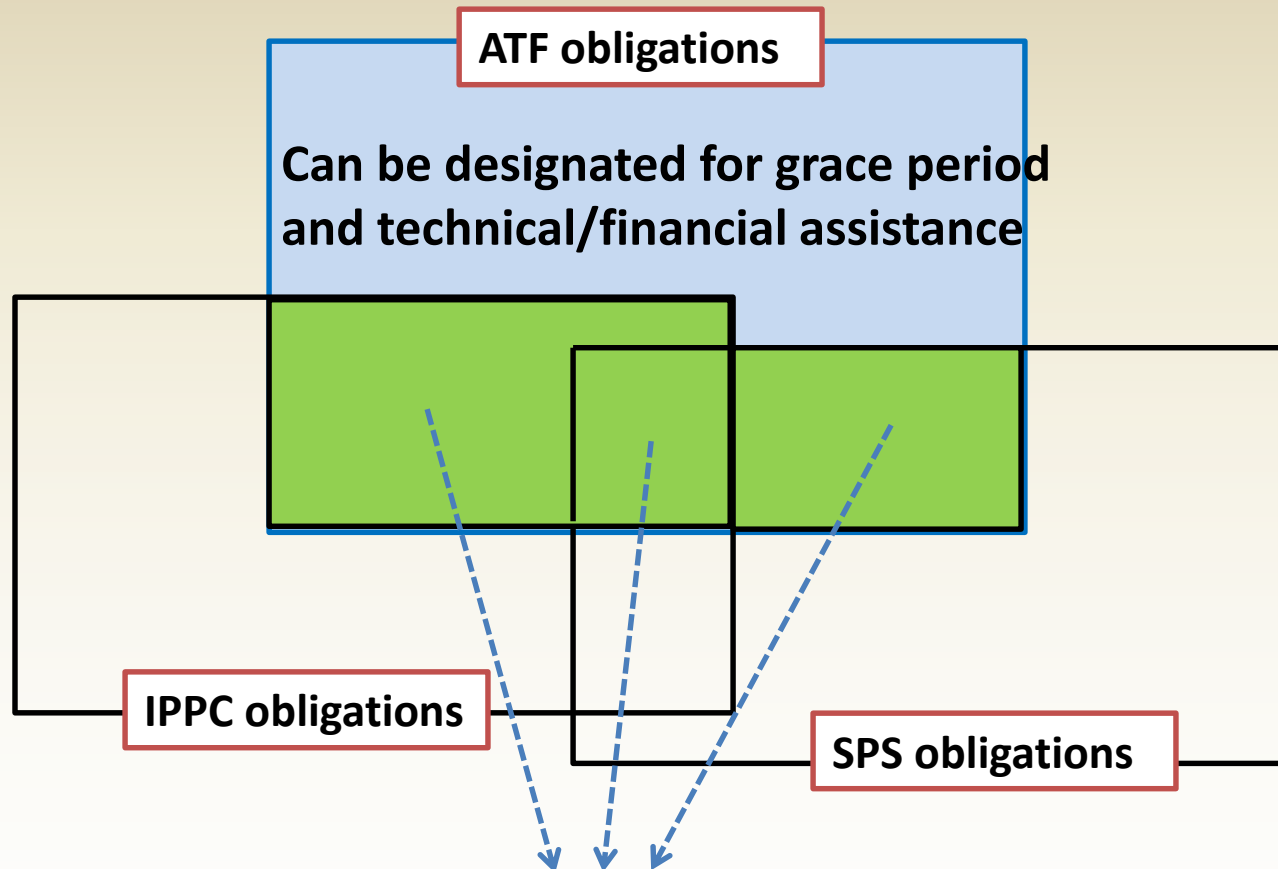
## Category B

Implement with grace period

## Category C

Implement with grace period and technical/financial assistance

# Possible issues (3)



The IPPC and/or SPS obligations may be improperly designated for grace period and technical/financial assistance

## Decisions of the CPM-9

- **NPPOs were encouraged to be aware of the ongoing ATF review process and to contact their national representative to share views and possible concerns in terms of plant health issues**
- **The IPPC Secretariat was requested to enhance dialogue with the Codex and OIE, and to seek opportunities to contribute to international discussions to clarify rights and obligations under the ATF in relation with those under the IPPC**
- **The Bureau was requested to carry out analysis, discuss this in its June meeting, and make recommendation to the NPPOs and the Secretariat**



# Recommendation

**NPPOs should:**

- **carefully review the ATF to identify possible plant health issues**
- **ensure that plant health issues should be regulated by the NPPOs in accordance with the IPPC and the SPS Agreement as well as the ATF**

**NPPOs of the developing countries should:**

- **contact their national representative to consider the designation of categorizations, taking into account existing the IPPC and SPS obligations**



# Discussion

- **Have you carefully considered the implications of the ATF within your NPPO?**
- **Have you identified what obligations need to be addressed by the NPPO?**
- **Is there any possible concerns in terms of plant health issues in your NPPO?**

