



Trade Facilitation
Agreement Facility

TFAF

WTO Trade Facilitation

The Trade Facilitation Agreement

- ✓ *Why the TFA?*
- ✓ *The Trade Facilitation Agreement*
- ✓ *Implementation Flexibilities*
- ✓ *Implementation*

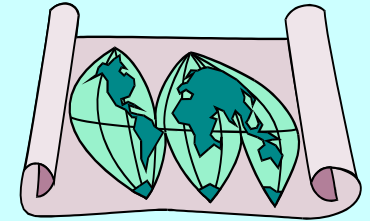
Why the TFA?



Expedite movement, release & clearance of goods

Improve cooperation between customs/other authorities

Why TFA is Unique



- ✦ Negotiated by all members
- ✦ TFA measures already used with success
- ✦ Multi agency implementation
- ✦ Implementation flexibilities
- ✦ National Committee to oversee implementation
- ✦ Developing/LDC will benefit the most
- ✦ WTO TFA Facility





WORLD TRADE
ORGANIZATION



Trade Facilitation
Agreement Facility

THE TRADE FACILITATION AGREEMENT (TFA)

Trade Facilitation Agreement

Section I:

- ❖ 12 articles with 38 technical measures

Section II:

- ❖ Special and Differential Treatment (SDT) Provisions for developing countries

Section III:

- ❖ Institutional Arrangements and Final Provisions

WT/L/940



WORLD TRADE
ORGANIZATION

WT/L/931

15 July 2014

(14-4101)

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Preparatory Committee on Trade Facilitation

AGREEMENT ON TRADE FACILITATION*

Preamble

Members,

Having regard to the negotiations launched under the Doha Ministerial Declaration;

Recalling and reaffirming the mandate and principles contained in paragraph 27 of the Doha Ministerial Declaration (WT/MIN(01)/DEC/1) and in Annex D of the Decision of the Doha Work Programme adopted by the General Council on 1 August 2004 (WT/L/579), as well as in paragraph 33 of and Annex E to the Hong Kong Ministerial Declaration (WT/MIN(05)/DEC);

Desiring to clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994 with a view to further expediting the movement, release and clearance of goods, including goods in transit;

Recognizing the particular needs of developing and especially least-developed country Members and desiring to enhance assistance and support for capacity building in this area;

Recognizing the need for effective cooperation among Members on trade facilitation and customs compliance issues;

Hereby agree as follows:

SECTION I

ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION

1 Publication

1.1 Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:

- procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
- applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
- fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
- rules for the classification or valuation of products for customs purposes;
- laws, regulations, and administrative rulings of general application relating to rules of origin;

* This document has previously been issued under the symbol WT/PCTF/W/27.

Section I - TF Measures

Transparency and Appeals

- Publication/internet publication
- Enquiry Point for trade information
- Opportunity to comment
- Consultations
- Detention (notification of)
- Test procedures
- Right of appeal

Transit

- Restrictions on fees and charges
- Use of guarantee

Import/Export/Transit Fees & Formalities

- Disciplines on fees
- Expedited shipments
- Perishable goods
- Risk management
- Acceptance of copies
- Publish average release times
- Authorized operators
- Border agency cooperation
- Review formalities and documents
- Single window
- Separate release from clearance
- Use of international standards
- Common border procedures and uniform documentation

Before the border

Issues

- ✓ Overly complex and unnecessary rules and procedures

TFA Solutions

- Prior Consultation
- Regular Consultation

Before the border

Issues

- ✓ Accurate information difficult to find

TFA Solutions

- Publication
- Information Available on Internet

At the border

Issues

✓ Inefficient border-crossing procedures



TFA Solutions

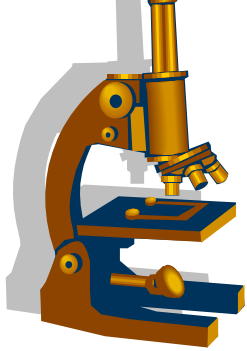
- Pre-arrival clearance
- Risk management
- Post Clearance Audit
- Authorized operators
- Detention
- Electronic Processing
 - Single window
 - Electronic payment
- Border agency cooperation
- Time release study

ARTICLE 5.1: Notifications for enhanced controls or inspections (Import alert system)

Where a Member adopts or maintains a system to notify border agencies in respect of foods, beverages, or feedstuffs- to protect health and safety- the following disciplines shall apply:

- Based on risk
- Apply uniformly
- Terminate when circumstances change
- Publish termination





5.3 Test Procedures

3.1 A Member may, upon request, grant an opportunity for a second test in case the first test result of a sample taken upon arrival of goods declared for importation shows an adverse finding.

3.2 A Member shall either publish, in a non-discriminatory and easily accessible manner, the name and address of any laboratory where the test can be carried out or provide this information to the importer when it is granted the opportunity provided under paragraph 3.1.

3.3 A Member shall consider the result of the second test, if any, conducted under paragraph 3.1, for the release and clearance of goods and, if appropriate, may accept the results of such test.

Article 7.9 Perishable Goods

- Shall release within shortest possible time
 - In exceptional cases outside normal business hours
- Give priority for exams
- Allow proper storage pending release
- If significant delay - provide reasons



ARTICLE 23: NATIONAL COMMITTEE ON TRADE FACILITATION

Each Member shall establish a **national trade facilitation committee** to **facilitate domestic coordination and implementation** of the provisions of the TFA.





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IMPLEMENTATION FLEXIBILITIES

***3 TYPES**

Flexible Language for National Interpretation:

Article 2.1.1 Opportunity to Comment before Entry into Force of laws & regulations

Each Member shall, to the extent practicable, and **in a manner consistent with its domestic law and legal system**, **provide opportunities and an appropriate time period** to traders and other interested parties to comment on the proposed introduction or amendment of laws and regulations of general application related to the movement, release, and clearance of goods, including goods in transit.

Level of Legal Commitment

Mandatory Provisions

- “Shall...”
- “Shall not...”



Qualified Provisions

- “may...”
- “to the extent practicable...”
- “to the extent possible...”
- “whenever practicable...”
- “are encouraged...”
- “as appropriate...”
- “shall endeavor...”

10.4. Single Window (Category C)

4.1 Members **shall endeavour to** establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.



Special and Differential Treatment (SDT)



Section II of Agreement

- ⌚ Gives flexibility in implementation of obligations
- ⌚ Applies only to developing countries (including LDCs)
- ⌚ Implementation of TFA linked with capacity
- ⌚ Each developing and least-developed county can say when it will implement each measure
- ⌚ Which measures can implement only with technical assistance



SPECIAL AND DIFFERENTIAL TREATMENT



Category A: implemented by time Agreement enters into force.
(103 WTO Members have notified)

Category B: Entry into force + (X) time
(indicative dates of implementation)
(39 Members have notified)

Category C: need extra time & TACB
(30 Members have notified)

(category notifications due at EIF
one year later for LDCs)



ABC Notification



WORLD TRADE ORGANIZATION

WT/PCTF/N/

(00-0000)

2016

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Preparatory Committee on Trade Facilitation

Original: English

NOTIFICATION OF CATEGORY [A], B AND C COMMITMENTS UNDER THE AGREEMENT ON TRADE FACILITATION

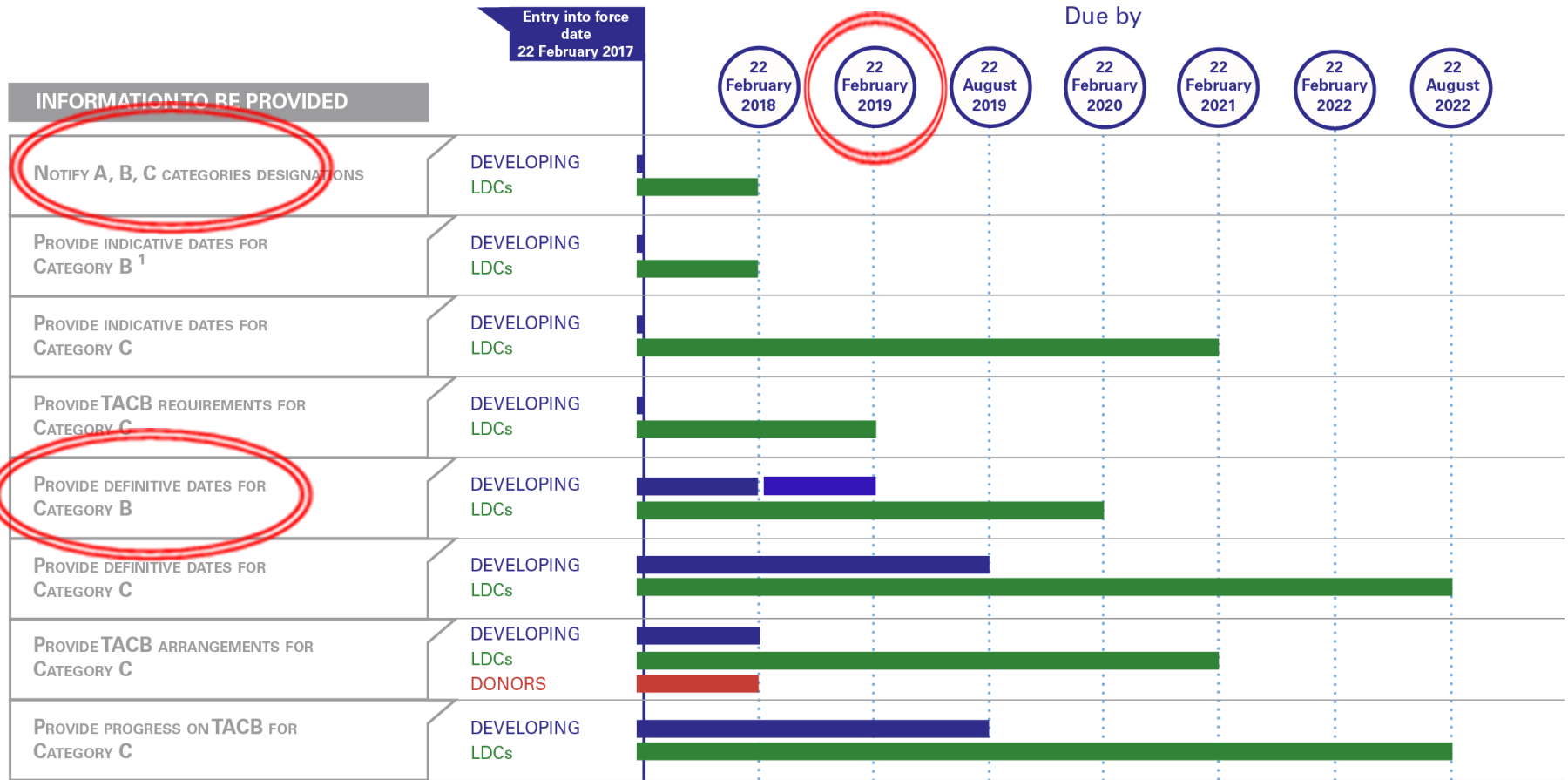
COMMUNICATION FROM [MEMBER]

The following communication, dated [date submitted 2016], is being circulated on behalf of [WTO Member] for Members' information.

The Government of [Member] hereby makes the following notifications in accordance with Articles 15 and 16 of the Trade Facilitation Agreement (WT/L/931):

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)
Article 1.1	Publication	B	January 1, 2018	To be determined	
Article 1.2	Information Available through Internet	C	July 1, 2020	To be determined	<ol style="list-style-type: none"> Develop and implement policy guidelines on publication of trade-related information. Ensure timely review and update of trade-related information on internet by the relevant agencies. Ministry of Trade to set up a dedicated website for trade-related information. Provide capacity building in institutions.

TIMELINES FOR NOTIFICATIONS UNDER THE TRADE FACILITATION AGREEMENT



TACB = Technical Assistance and Capacity Building

DEVELOPING = developing members
LDCs = least developed members
DONORS = donor members

¹As per Article 16.2(a): no later than one year after EIF, a least developed country Member shall notify the Committee of its category B provisions and may notify their corresponding indicative dates (.....).



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IMPLEMENTATION

Current state of implementation

53.9%

rate of implementation commitments **today** and an additional **3.3%** by February 2018
(including developed countries)

4.6%

rate of implementation commitments **from February 2018 to February 2024** without capacity building support

4.9%

rate of implementation commitments **from February 2018 to February 2032** upon receipt of capacity building support

33.3%

rate of implementation commitments yet to be designated

IMPORTANCE OF COOPERATION IN NATIONAL COMMITTEE



Overall TFA implementation

- ✓ Coordinate stakeholders
- ✓ ABC Notifications for delayed implementation
- ✓ TACB needs
- ✓ Oversee TACB projects
- ✓ Monitor deadlines

Implement specific provisions

- ✓ WTO notifications (URL addresses, websites)
- ✓ TRS-Establish & publish average release times
- ✓ Acceptance of copies
- ✓ Border agency co-operation
 - ✓ National
 - ✓ Cross border
- ✓ Single window

Trade Facilitation Agreement Facility



Launched July 2014

Operational November 27, 2014



www.TFAFacility.org



ENGLISH | FRANÇAIS | ESPAÑOL

About the Facility	The Trade Facilitation Agreement	Notification & Ratification	Donors & Organizations	National contact points	TFAF Assistance	Media and Resources
		Notifications list	<p>Trade Facilitation Agreement Facility</p> <p>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.</p>			
		How to present notifications?				
		Ratifications list				
		How to present the instrument of ratification?				
		Statistics and Charts				



Thank you!

Sheri Rosenow
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TFAF@wto.org

NewsBytes



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.

NOT a newsletter.

Sent to subscribers only when we have new information to Share.

www.TFAFacility.org

Subscribe at bottom of home page



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.

TFA Database



EN  Login


Home


Notifications


Ratifications


Member Profiles

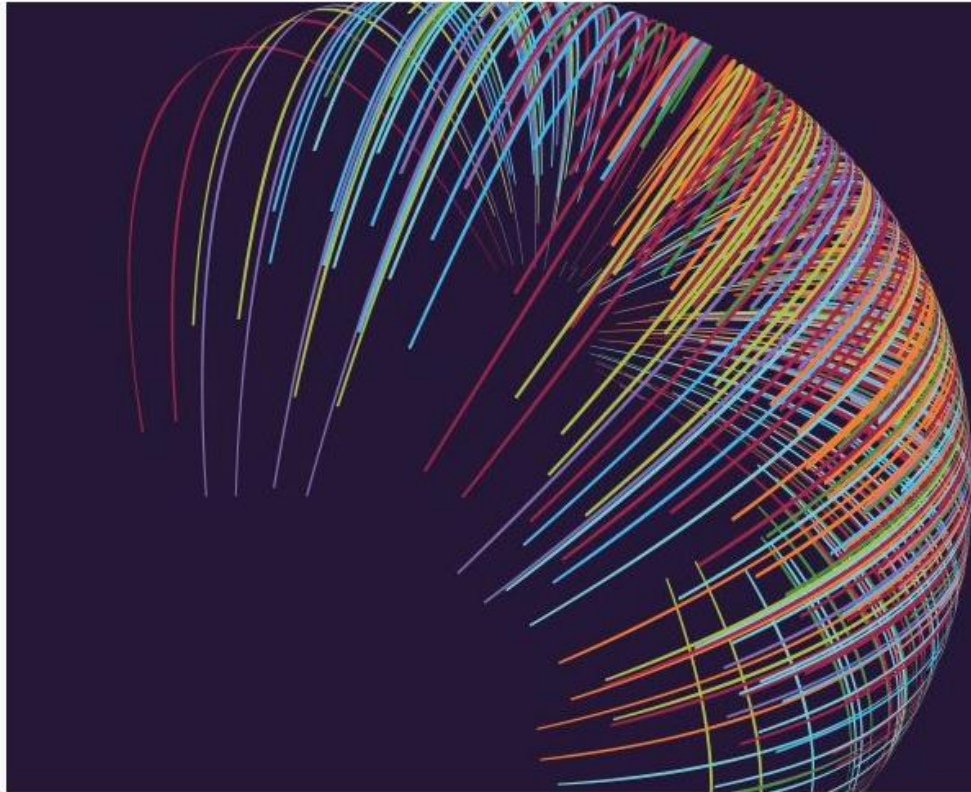

TFA Text


Methodology


Resources


TFA Facility


NewsBytes

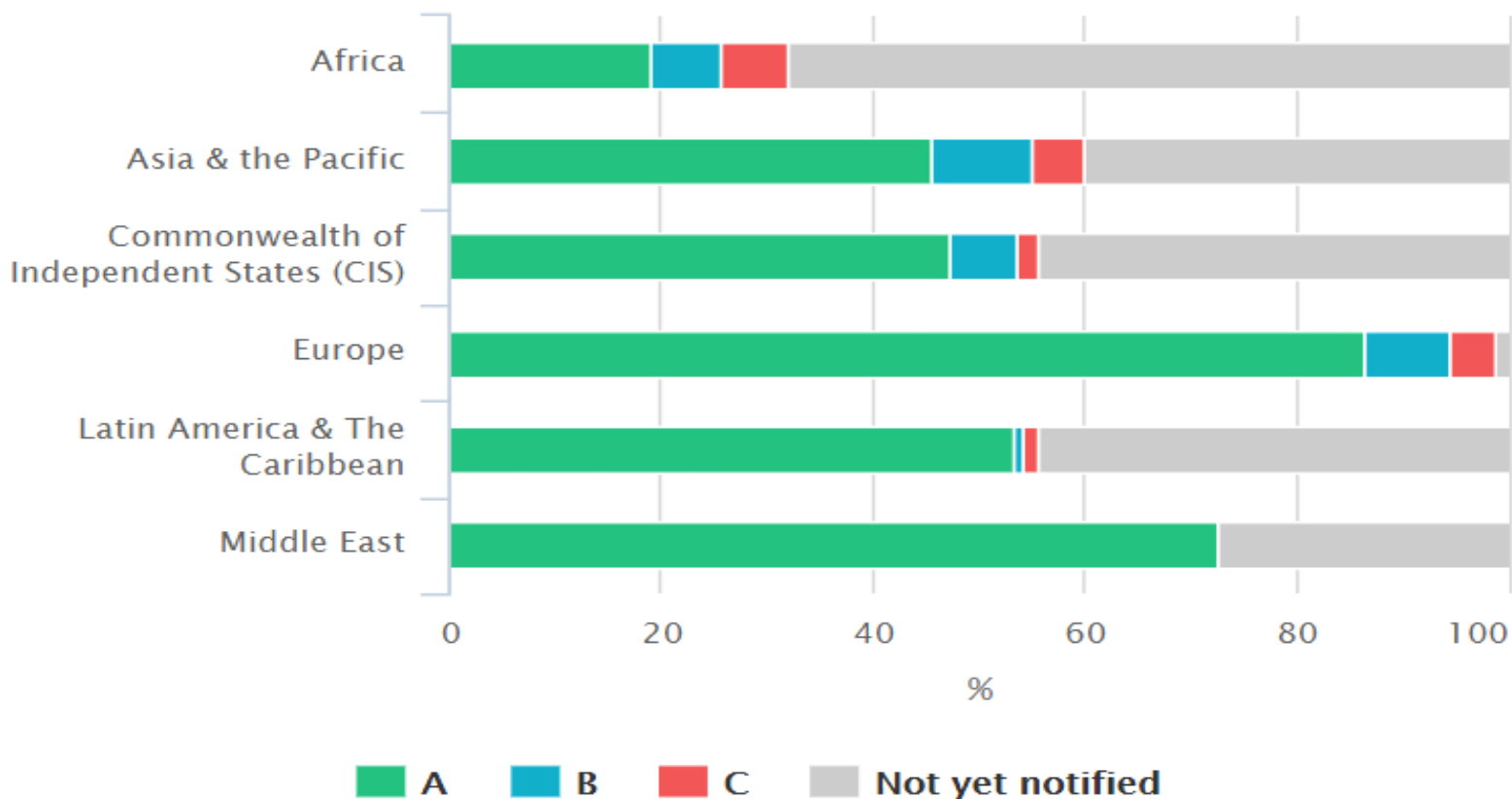


The Trade Facilitation Agreement Database is a tool to search, filter and analyse the notifications and ratifications received under the Trade Facilitation Agreement.

Share of Categories A, B, C by region

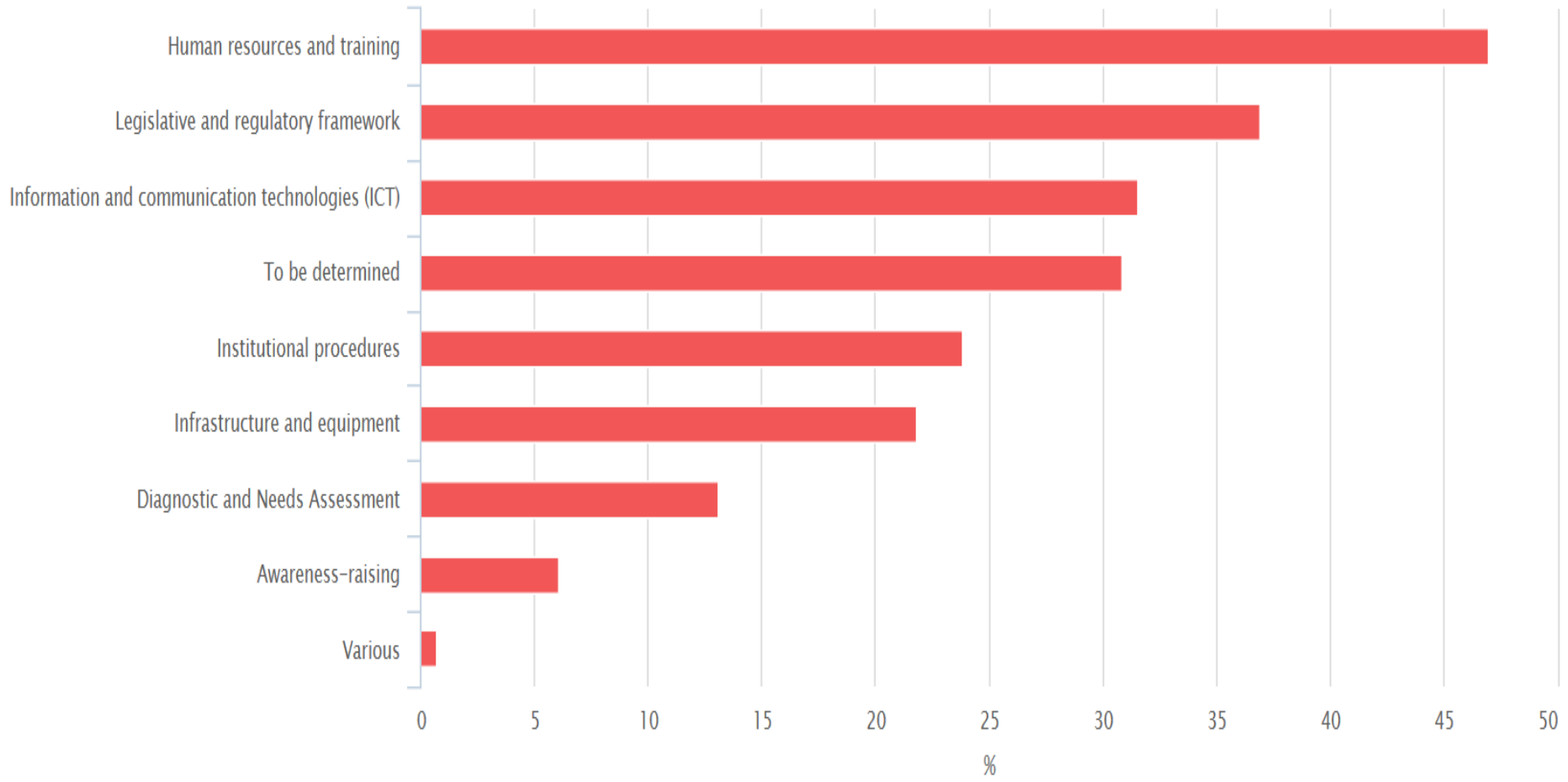


Based on % of all notifiable article items



Category C - TACB Notified

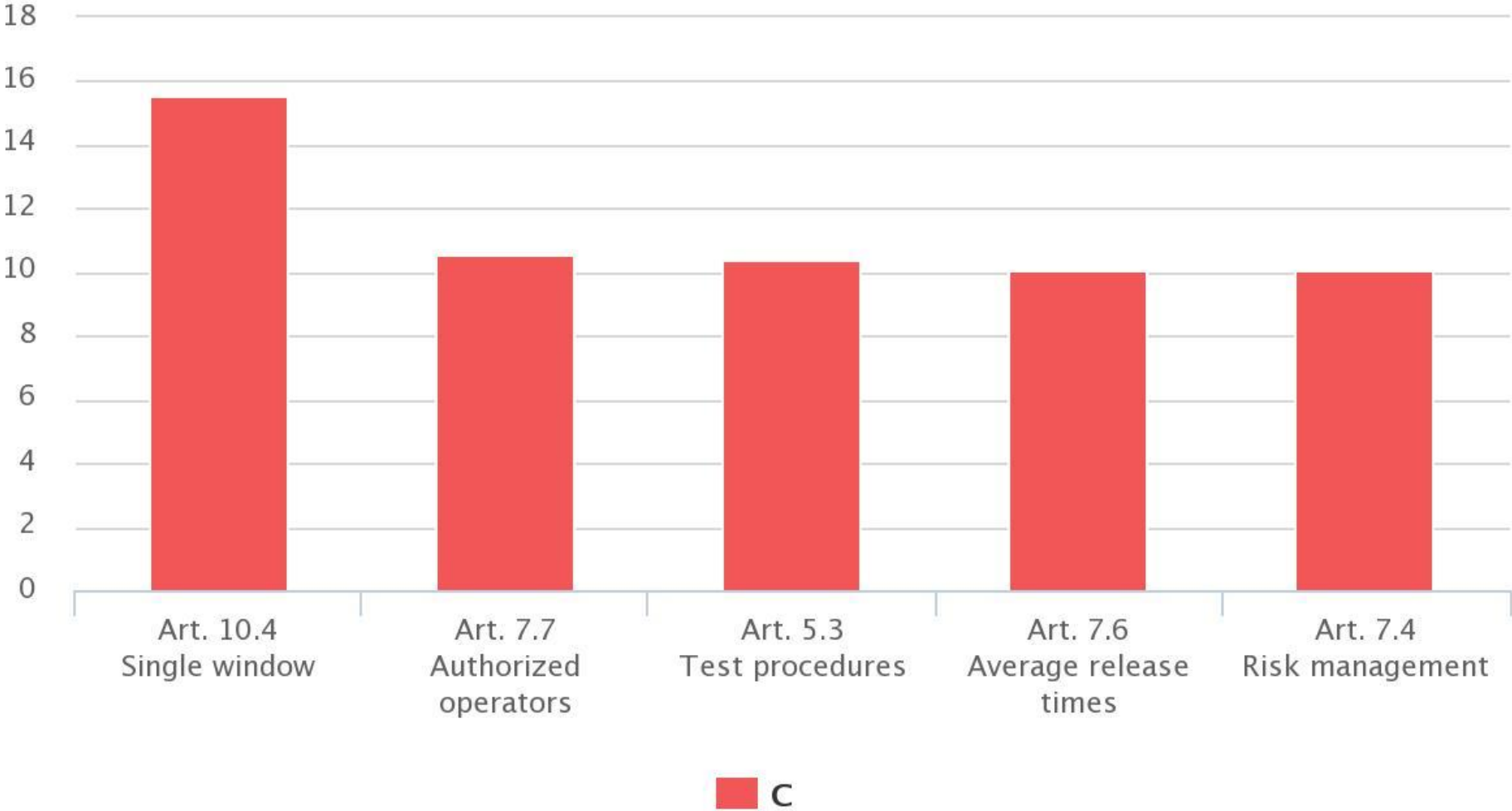
Type of technical assistance requested



■ Share of technical assistance requested

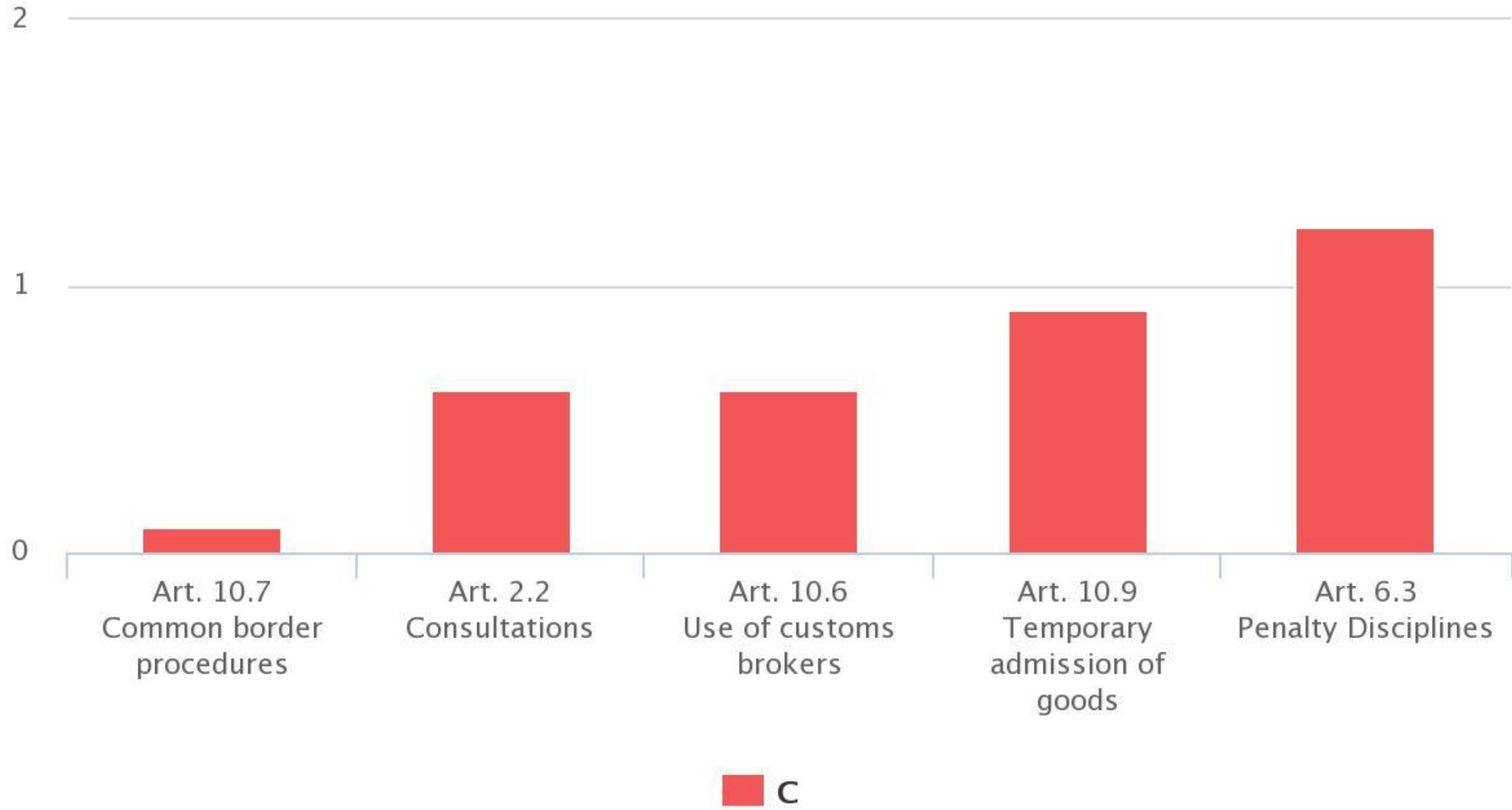
The 5 most notified measures in Category C

Based on % of all notifiable article items



The 5 least notified measures in Category C

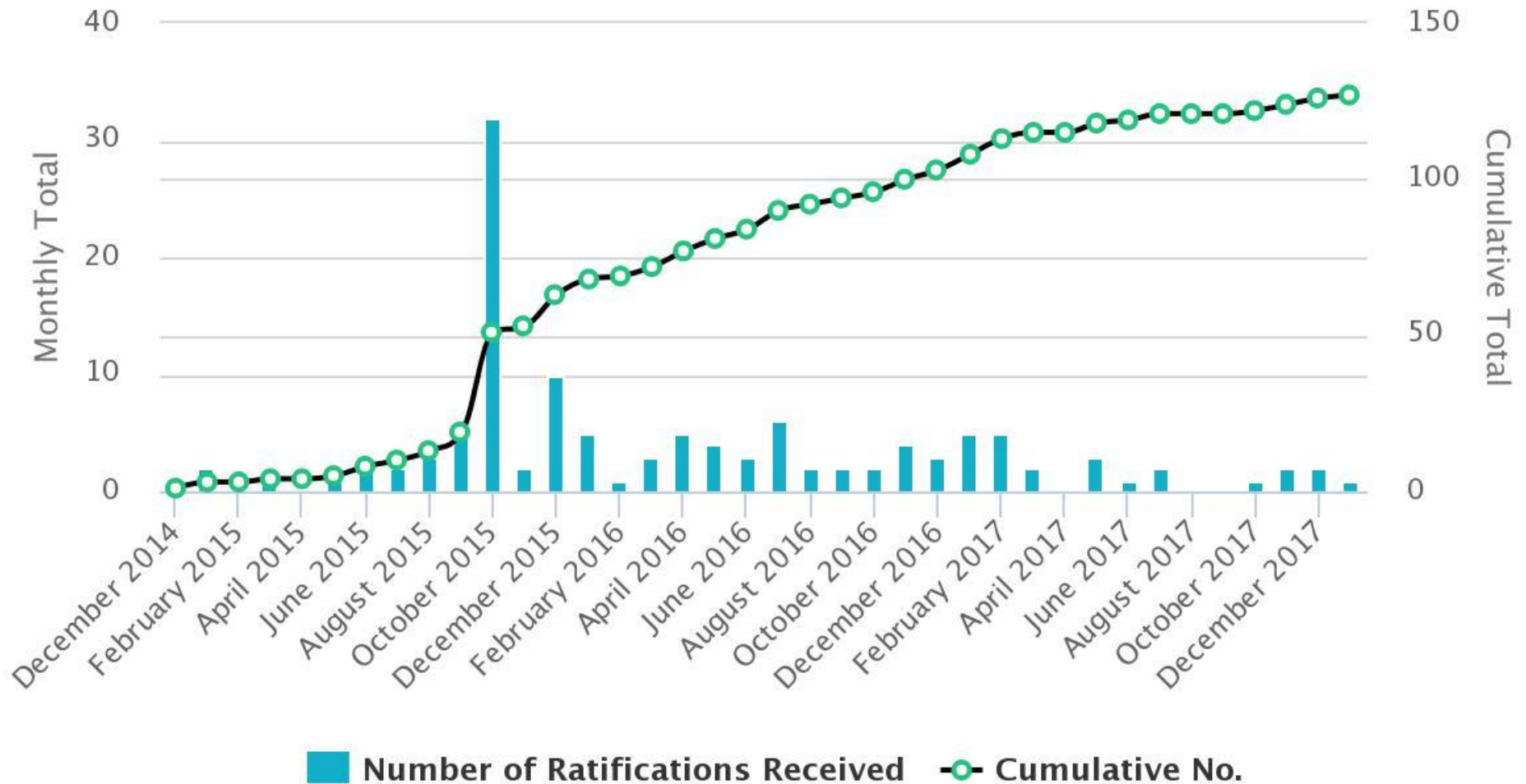
Based on % of all notifiable article items



TFAD (Trade Facilitation Agreement Database) www.tfadatabase.org

127 RATIFICATIONS RECEIVED

Timeline of Ratifications received to date (no. of Members having presented an instrument of acceptance)



WTO Trade Facilitation Committee

- 📌 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
 - finding donor support