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

WT/L/940
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

を持っている

- 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

Liberia - Member # 163  
July 14, 2016

Afghanistan- Member # 164  
July 29, 2016
THE
FORCE
AWAKENS
Only 3 ratifications needed for entry into force of the Trade Facilitation Agreement.
107 Instruments of acceptance received

Albania
Afghanistan
Australia
Austria
Bahrain, Kingdom of
Bangladesh
Belgium
Belize
Botswana
Brazil
Brunei Darussalam
Bulgaria
Cambodia
Canada
Chile
China
Cote d'Ivoire
Croatia
Cyprus
Czech Republic
Denmark
Dominica
El Salvador
Estonia
Finland
France
Gabon
Georgia
Germany
Ghana
Greece
Grenada
Guyana
Honduras
Hong Kong, China
Hungary
Iceland
India
Ireland
Italy
Jamaica
Japan
Kazakhstan
Kenya
Korea, Republic of
Kyrgyz Republic
Lao People's Democratic Republic
Latvia
Lesotho
Liechtenstein
Lithuania
Luxembourg
Macao, China
Macedonia, former Yugoslav Republic of
Madagascar
Malaysia
Mali
Malta
Mauritius
Mexico
Moldova, Republic of
Mongolia
Montenegro
Mozambique
Myanmar
Netherlands, The
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Russian Federation
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
Saudi Arabia, Kingdom of
Senegal
Seychelles
Singapore
Slovak Republic
Slovenia
Spain
Sri Lanka
Swaziland
Sweden
Switzerland
Taipei, Chinese
Thailand
Togo
Trinidad and Tobago
Turkey
Ukraine
United Arab Emirates
United Kingdom
United States of America
Uruguay
Viet Nam
Zambia
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
### About the Facility

### The Trade Facilitation Agreement

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**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 Trade Facilitation into the WTO Agreement.

This page responds to frequently asked questions about acceptance procedures and provides guidance on 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 international law concerning valid acceptance set out below.

What must be stated in an instrument of acceptance?
There is no single, uniform approach for drawing up an instrument of acceptance for the WTO, as it would not be acceptable to international treaties and treaty amendments. However, in line with established practice, an unambiguous expression to the relevant Member’s intention and consent to be bound by the Protocol.

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, I, [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, I [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]
Common Errors

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

1. Hong Kong China
2. Mexico
3. Costa Rica
4. Korea
5. Colombia
6. Singapore
7. Chinese Taipei
8. Paraguay
9. China
10. Nicaragua
11. Mauritius
12. Turkey
13. Honduras
14. Saudi Arabia
15. Malaysia
16. Kuwait
17. Chile
18. Qatar
19. Thailand
20. Peru
21. Uruguay
22. El Salvador
23. Brazil
24. Mongolia
25. Morocco
26. Vietnam
27. Tajikistan
28. Dominican Republic
29. Sri Lanka
30. Israel
31. Philippines
32. Guatemala
33. Ecuador
34. Kyrgyz Republic
35. Panama
36. Indonesia
37. Republic of Congo
38. Cote d'Ivoire
39. Ukraine
40. Brunei Darussalam
41. Oman
42. Albania
43. Moldova
44. Tunisia
45. Jordan
46. Montenegro
47. Botswana
48. Pakistan
49. Senegal
50. Nigeria
51. Macao, China
52. Gabon
53. Egypt
54. Jamaica
55. Rwanda
56. Dominica
57. St Vincent/Grenadines
58. Burundi
59. Kenya
60. Tanzania
61. St Kitts and Nevis
62. Antigua & Barbuda
63. Trinidad and Tobago
64. St. Lucia
65. Seychelles
66. Barbados
67. Belize
68. Lao PDR
69. Macedonia FYROM
70. Grenada
71. United Arab Emirates
72. Uganda
73. Nepal
74. Samoa
75. Bahrain
76. Suriname
77. Guyana
78. Zambia
79. Solomon Islands
80. Georgia
81. Kazakhstan
82. India
83. Namibia
84. Malawi
85. Argentina
86. Cameroon
87. Papua New Guinea
88. Zimbabwe
89. Madagascar
90. Chad
91. Ghana

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

%

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

- Movement of goods: 84
- Preshipment inspection: 78
- Use of customs brokers: 72
- Temporary admission of goods: 66
- Rejected Goods: 66

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

No. of measures fully or partially notified

10.4 Single window
7.7 Authorized operators
7.6 Average release times
5.3 Test procedures
3 Advance rulings

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
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

#### Article 1: Publication and Availability of Information
- **Publication**: To be determined.
- **Information Available through Internet**: To be determined.
- **Procedures**
  - **Notification**: To be determined.
- **Opportunity to Comment, Information Before Entry into Force and Consultations**
  - **Consultations**: To be determined.

#### Article 2: Other Measures to Enhance Importer, Non-Discrimination and Transparency
- **Other Measures**
  - **Notification for Enhanced Controls or Inspections**: To be determined.
- **Declaration**: To be determined.
- **Other Procedures and Charges Imposed on or in Connection with Importation and Exportation**
  - **General Disciplines**
    - **Processing**: To be determined.
  - **Specific Disciplines**
    - **Processing**: To be determined.

#### Article 3: Border Agency Cooperation
- **Movement of Goods Intended for Import under Customs Control**
  - **Movement of Goods Intended for Import under Customs Control**
  - **Registration of Goods**: To be determined.

#### Article 4: Freedom of Transit
- **Freedom of Transit**: To be determined.

### Note to Least Developed Countries
If at this time you do not wish to provide the indicative dates or Assistance and Support for Capacity Building Required for Implementation, then please add “To be determined” to these two columns.

---

Feel free to add a column to include additional information such as the information mentioned in footnote 18 to TFA Article 16.1(b) which states that Members may also include information on national trade facilitation implementation plans or projects, the domestic agencies or entities responsible for implementation, and the donors with which the Member may have an arrangement in place to provide assistance.
Timelines run from date TFA enters into force (regardless of ratification date)

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

* 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
Notification template available at www.tfafacility.org

<table>
<thead>
<tr>
<th>Provision</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>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 1.1</td>
<td>Publication</td>
<td>B</td>
<td>January 1, 2018</td>
<td>To be determined</td>
<td></td>
</tr>
</tbody>
</table>
| Article 1.2 | Information Available through Internet | C        | July 1, 2020                                               | To be determined                                            | 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 |
| Article 3 | Advance Rulings                     | B        | January 1, 2019                                            | To be determined                                            |                                                                                          |
| Article 4 | Procedures for Appeal or Review     | A        |                                                             |                                                             | 32                                                                                       |
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

Member X ratifies
June 2016

Member Y ratifies
July 2017

TFA entry into force

ABC notification due for Member X

ABC notification due for Member Y

January 2017

January 2018

Etc.

ELF plus 1 year
Definitive date notification due for X and Y
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 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
NATIONAL TRADE FACILITATION COMMITTEE
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**
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.
Assistance in Identification Of Possible Development Partners

• Information platform
  – Information on donor/organizations support programs  www.tfafacility.org

• Matchmaking
  - As needed
Donors and Organizations

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)

wwwTFAFacility.org
World Bank Group

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: stf@worldbankgroup.org and www.tradefacilitationsupportprogram.org

There is no standard format or template for requesting assistance.

Mr. Marcus Bartley Johns
Trade and Competitiveness Specialist
Geneva
Switzerland
E-Mail: mbartleyjohns@worldbank.org

Mr. Gerard McLinden
Lead Customs and Trade Facilitation Specialist
Headquarters
Washington DC
USA
E-Mail: gmclinden@worldbank.org

Mr. Bill Gain
Global Program Manager, Trade Logistics
Headquarters
Washington DC
USA
E-Mail: wgain@worldbank.org

Links
- [http://www.tradefacilitationsupportprogram.org](http://www.tradefacilitationsupportprogram.org)
Malawi

Government official(s) responsible to coordinate with donors:

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Media and Resources

www.tfafacility.org
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 Support Project
- Peru - Single Window
- The Kenyan Experience and Implementation of the National Single Window - CS #24 Aid for Trade SGTR
- UNCTAD - Single Window for Trade
- Japan's experience
- Colombia - Single Window
- El Salvador - Single Window
- Korea - Single Window
- Nigeria - Single Window
- Peru - Single Window
- Sri Lanka - Single Window
- TIMA - Renamed
- UNICEF - Single Window
- UNRIGS - TF and America and the Americas
- UNIPSID - Single Window for Trade

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 Audit
- Malaysia - Time Release Study
- Hong Kong, China - Authorized Economic Operator Programme
- Thailand - Economic Instruments
- Jamaica - Case Study on Authorized Economic Operators

General case studies
- UNCTAD - Reaping benefits from trade facilitation - Policy brief 2013
- UNRIGS - 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 NCTF - 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
- UNICEF - Guide to drafting a National Trade Facilitation Roadmap
- UNICEF - 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

Trade Facilitation indicators
- World Bank - Doing Business
- Aid for Trade Country Profiles
- Global Express Association Customs Capabilities
Funding- Grants

If can’t find assistance needed

- Project preparation (max $30,000)
- Project implementation (max $200,000)
Take us with you

WTO
TRADE FACILITATION

http://www.tfafacility.org
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!
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