



WORLD CUSTOMS ORGANIZATION

THE **WTO** TRADE FACILITATION AGREEMENT
AND THE **WCO** MERCATOR PROGRAMME
APPROACH TO IMPLEMENTATION



Mercator
Programme





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This publication is an adaptation of the Introduction
to the WCO Implementation Guidance for the TFA,
available on the WCO web site:

www.wcoomd.org/en/topics/wco-implementing-the-wto-atf/atf.aspx

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ABBREVIATIONS

DDA	Doha Development Agenda
LDC	Least Developed Country
NCTF	National Committee on Trade Facilitation
NGTF	Negotiating Group on Trade Facilitation
PTC	Permanent Technical Committee
RKC	Revised Kyoto Convention
SDT	Special and Differential Treatment
SPS	Sanitary and Phytosanitary
TA/CB	Technical Assistance and Capacity Building
TBT	Technical Barriers to Trade
TFA	Trade Facilitation Agreement
TFAWG	WCO Trade Facilitation Agreement Working Group
TRS	Time Release Study

01 OBJECTIVE

The objective of this publication is to provide support to Members in implementing the WTO Trade Facilitation Agreement. It complements the WCO Implementation Guidance web tool launched in May 2014, and represents an Introduction to this Guide. While the Implementation Guidance concentrates on the individual trade facilitation provisions of Section I in greater detail, this document was developed to provide an overview of the TFA, the history behind it, the key steps required for accession to and compliance with the TFA, including sequencing of implementation, provision of technical assistance/capacity building (TA/CB) and monitoring.

The tool brings forth the lessons learnt under the WCO's TA/CB activities and national best practices shared by Members, as well as TFA-related recommendations stemming from WCO working bodies. It also pulls together relevant open-source information. It may serve as support and a potential Capacity Building tool for both Members and experts in providing support in TFA implementation.



02 THE STRATEGIC CONTEXT

In December 2013, the WCO Policy Commission welcomed the WTO Agreement on Trade Facilitation (TFA) adopted at the WTO's Ninth Ministerial Conference in Bali (Indonesia), held from 3 to 7 December 2013, under the framework of the Doha Development Agenda. It was felt that full implementation of the TFA would contribute to economic growth and recovery, improved revenue collection and alleviation of poverty.

Studies show that reducing red tape at the borders can have significant economic benefits in terms of added export potential, increased foreign investment and greater access to a wider variety of goods for consumers. Developing countries, where administrative and procedural barriers tend to be more prevalent, may have the most to gain from reforms. For example, according to OECD studies, a 1% decrease in global trade costs would yield an increased global income of USD 40 billion at a minimum, the bulk of which (63%) is expected to be realized by developing countries.¹

This Agreement is the first WTO multilateral trade agreement reached since the WTO's creation in 1995. Perhaps more significantly, it is an agreement that incorporates the principle, not found in any prior WTO or GATT agreement, that a developing or least developed country's obligation to implement the provisions of the agreement shall be conditioned upon that Member's acquisition of the necessary technical capacity, which may require donor support, based on each Member's evaluation of its own needs and priorities.

ROLE OF CUSTOMS AND OTHER STAKEHOLDERS

Customs is the key border agency responsible for all international trade transactions and a central government administration responsible for implementing the TFA. With that in mind, in the past the WCO has continuously encouraged its Members to take an active approach in the WTO Trade Facilitation negotiations.

Customs administrations of many WTO Members have made positive contributions to the WTO Trade Facilitation negotiations which have culminated in the TFA. Engagement of Customs in the negotiating process has ensured that the WTO Agreement is consistent with WCO instruments and tools on trade facilitation and compliance which WCO Members have been developing and implementing over the past years. Those include the Revised Kyoto Convention for Simplification and Harmonization of Customs Procedures, but also the SAFE Framework of Standards, the Time Release Study, the Coordinated Border Management Compendium, the Single Window Compendium, the Risk Management Compendium, Post-Clearance Audit Guidelines and many others embodied in the WCO Economic Competitiveness Package.

Article 23.2 of the TFA requires each Member to establish and/or maintain a national committee on trade facilitation or designate an existing mechanism to facilitate both domestic coordination and implementation of TFA provisions. Having in mind the central role of Customs for successful national TFA implementation, it is necessary for Customs administrations to take an active role in this Committee.

¹ OECD/WTO (2015), *Aid for Trade at a Glance 2015: Reducing Trade Costs for Inclusive, Sustainable Growth*, OECD Publishing, Paris, http://dx.doi.org/10.1787/aid_glance-2015-en.

Customs has contributed to Trade Facilitation efforts for many years. However, the TFA has brought forth high political will and momentum to further progress this trade facilitation agenda, especially in terms of bringing together all relevant stakeholders, including all border agencies and ensuring efficient Coordinated Border Management.

ROLE OF THE WCO

The World Customs Organization (WCO) has long supported the conclusion of a WTO Agreement on Trade Facilitation. The TFA highlights the role of the WCO in implementation and administration of the TFA. As Customs is the key implementing agency of the TFA, it is essential that the WCO and its Members collectively ensure smooth and effective implementation of the Agreement for it to successfully lead to the envisaged developments on national, regional and global level. As the global center of Customs expertise, the WCO is the only inter-governmental organization with competence in Customs matters and is the voice of the international Customs community.

With that in mind, the WCO Policy Commission in December 2013 issued the WCO Dublin Resolution which shows the clear commitment of the global Customs community towards successful implementation of the TFA and among others indicates that the WCO will engage with the WTO including in the framework of the to-be-established WTO Trade Facilitation Committee. As also already mentioned in the Dublin Resolution, the WCO will assist its Members to identify their needs related to TFA implementation including addressing questions related to donor funding opportunities, if and where necessary, and will, together with other international organizations and the business community, further enhance the provision of tailor-made technical assistance/capacity building (TA/CB) in an efficient and coordinated manner and based on long-standing WCO experience and approaches to CB delivery as well as on existing WCO tools and tools under preparation. Such support will be based on Members' needs and follow results-based management principles. In addition, the WCO will further enhance its communication activities to raise its profile and that of national Customs administrations among political and business leaders.

Consequently, the WCO has established a Working Group on the TFA (TFAWG), developed the TFA Implementation Guidance web tool and launched the Mercator Programme.

Facilitating trade is one of the key objectives of the WCO and, over the years, it has continuously developed instruments and tools for this purpose, now embodied in the Economic Competitiveness Package (ECP) which fully supports the implementation of TFA provisions. The core element of the ECP is the Revised Kyoto Convention (RKC) which has been recognized as the key implementing instrument in the WTO Trade Facilitation negotiations and in May 2016 has 103 Contracting Parties.

Throughout the negotiations, the WCO was active in terms of supporting its Members contribute to the negotiating process and further. This included: developing studies and guidance tools; making available the relevant information on the negotiations, reports and documents to the Members, including publishing on the WCO Website; referencing WTO Members' proposals to WCO instruments and tools (WTO Trade Facilitation Toolkit); regular updates to the Permanent Technical Committee (PTC); providing expertise for WTO needs assessments, etc.

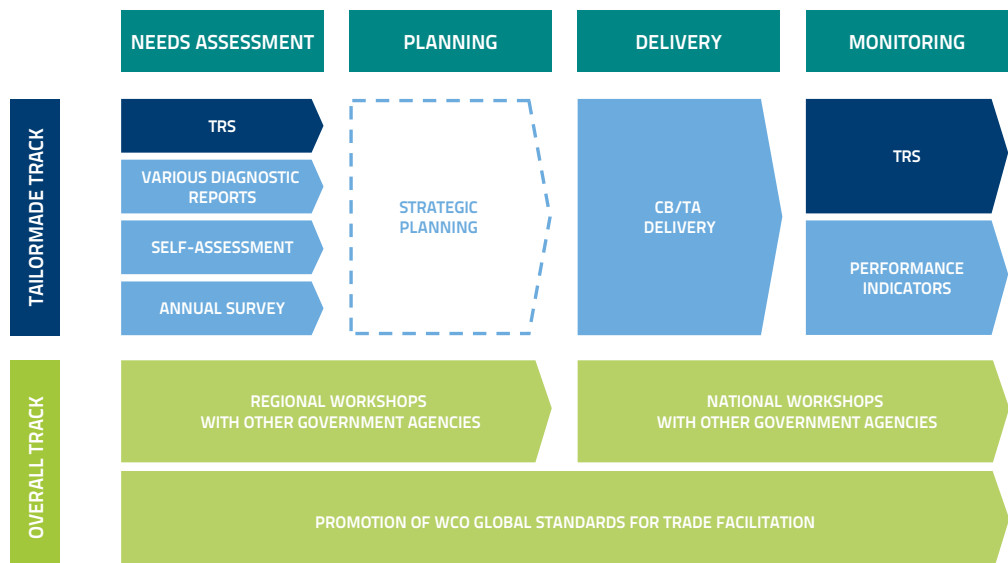
WCO Mercator Programme

Recognizing that a holistic approach to Customs capacity building has to take all key strategic and political drivers into account and that thus, Customs Capacity Building is a key priority for Governments in their development agenda, the WCO has already long been committed to assisting its Members with the implementation of international Customs standards and their modernization programmes.

The WCO today has at its disposal a sizable number of Customs experts from its Member administrations who have been accredited by the WCO to deliver Capacity Building assistance. In all six WCO regions, Regional Offices for Capacity Building as well as Regional Training Centers, actively participate in WCO Capacity Building delivery. Emphasis is also put on the coordination with development partners to accommodate Members' needs and to achieve a consistent approach while avoiding duplication and overlap.

Based on these principles and using the WCO TA/CB methodology, instruments, tools and infrastructure, the WCO has in June 2014 launched a trade facilitation-specific programme called the Mercator Programme to assist Members in implementing trade facilitation reforms, including the TFA, in a harmonized way, by using WCO instruments and tools.

Mercator Programme Dual-track approach in support of trade facilitation



The Mercator Programme follows a dual-track approach, as shown in the diagram above. Support is provided via a 'tailor-made track' and an 'overall track'. The 'overall track' is based on available WCO tools and instruments related to implementation of TFA contents, and is designed to deal with broader interests, including awareness raising at global, regional and national level, as well as developing and updating and enhancing those existing trade facilitation standards and tools. The 'tailor-made' track focuses on the individual requirements of Members (or alternatively sub-regions or regions) and follows the traditional WCO Capacity Building approach of needs assessment/diagnostics, followed by strategic planning

and implementation, leading to monitoring and evaluation. The tailor-made track includes e.g. support in validating the results on needs assessments, establishing NCTFs, action planning, technical assistance in specific areas, etc.

The WCO Working Group on the TFA (TFAWG)

Critical factors for successful implementation of the TFA and trade facilitation measures in general include sustainable cooperation and collaboration at national, regional and international levels among all stakeholders involved in cross-border trade. The WCO Working Group on the Trade Facilitation Agreement (TFAWG) has proven to be an important forum for bringing different stakeholders together and for sharing experiences and national practices in achieving consistent implementation of the TFA. The aim of the TFAWG is to meet all practical expectations arising from TFA implementation.

The TFAWG met for the first time in March 2014 and usually meets twice a year. It brings together delegates from Customs administrations, other border agencies, trade and other ministries, international organizations including the WTO, development partners, private sector and academia. The meeting is held in three languages: English, French and Spanish.

The Working Group operates at two levels: one level dealing with policy matters concerning which it is guided by and reports to the WCO Policy Commission; and a second level dealing with more technical matters regarding which it is guided by and reports to the Permanent Technical Committee and the Capacity Building Committee in matters of their respective competence.

THE KEY DELIVERABLES OF THE TFAWG ARE TO:

- Analyze, prepare and evaluate relevant actions and measures in relation to practical aspects of meeting expectations arising from the WTO TFA; and
- Submit timely reports to the Policy Commission, Permanent Technical Committee and Capacity Building Committee as appropriate, that shall:
 - a/ Provide recommendations of the TFAWG based on an analysis of the needs assessments which includes TA/CB, and
 - b/ Describe the progress achieved in - but not limited to - areas of special and differential treatment, and determination of measures to be taken in view of the preparation of or implementation of the WTO TFA;
- Establish and maintain an annual work plan, including timelines, for TFA-related activities.

In accordance with Article 23.1, the WTO Trade Facilitation Committee is going to maintain close contact with the World Customs Organization with the objective of securing the best available advice for the implementation and administration of the TFA and in order to ensure that unnecessary duplication of effort is avoided. The TFAWG aims to support this objective.

03

THE WORLD TRADE ORGANIZATION AND THE TRADE FACILITATION NEGOTIATIONS

THE WORLD TRADE ORGANIZATION

Detailed information on the role and responsibilities of the World Trade Organization can be obtained from its website: www.wto.org.

THE DOHA ROUND

The Doha Round is the latest round of trade negotiations among the WTO Membership. Its aim is to achieve major reform of the international trading system through the introduction of lower trade barriers and revised trade rules. The work programme covers about 20 areas of trade, including trade facilitation. The Round is also known semi-officially as the Doha Development Agenda (DDA), as a fundamental objective is to improve the trading prospects of developing countries.

The Round was officially launched at the WTO's Fourth Ministerial Conference in Doha, Qatar, in November 2001. After the launch of the DDA negotiations, some new Customs related items have been emerging into the WTO agenda. Thus, the Customs community and the WCO have been closely following and contributing to the WTO negotiations. The WCO Policy Commission discussed the WTO negotiations at its 60th Session in Buenos Aires in December 2008, and as part of the discussion some delegates raised the need to analyze the possible impacts of the DDA negotiations on Customs more thoroughly. As a conclusion, the Policy Commission instructed the Secretariat to carry out a preliminary analysis on the subject and to report the results back at its Session in June 2009. The analysis can be found on the WCO web site: [www.wcoomd.org/en/topics/facilitation/activities-and-programmes/~media/C62DA412BF914FF5BE23B35D555CC046.ashx](http://www.wcoomd.org/en/topics/facilitation/activities-and-programmes/~/media/C62DA412BF914FF5BE23B35D555CC046.ashx).

THE TRADE FACILITATION NEGOTIATIONS

Trade facilitation became a topic of discussion at the WTO at the Singapore Ministerial Conference in December 1996, when WTO Members directed its Council for Trade in Goods "to undertake exploratory and analytical work ... on the simplification of trade procedures in order to assess the scope for WTO rules in this area" (Singapore Ministerial Declaration (paragraph 21)).

After several years of exploratory work, WTO Members formally agreed to launch negotiations on trade facilitation in July 2004, on the basis of modalities contained in Annex D of the so-called "July package"². Under this mandate, WTO Members were directed to clarify and improve GATT Article V (Freedom of Transit), Article VIII (Fees and Formalities connected with Importation and Exportation), and Article X (Publication and Administration of Trade Regulations).

Negotiations were also aimed at "enhancing technical assistance and support for capacity building in this area" and at developing "provisions for effective cooperation between

² More on the 'July Package' and its Annex D can be found on the WTO web site at the following link: www.wto.org/english/tratop_e/dda_e/draft_text_gc_dg_31july04_e.htm.

Customs or any other appropriate authorities on trade facilitation and customs compliance issues". It was determined that the results "shall take fully into account the principle of special and differential treatment for developing and least-developed countries".

On 12 October 2004, the Trade Negotiations Committee established the Negotiating Group on Trade Facilitation (NGTF). Hundreds of proposals made by Members, individually or through groups or alliances, were submitted for consideration by the NGTF³. After almost ten years of streamlining and revisions, the proposals became part of the final text of the Trade Facilitation Agreement agreed by Members at the Bali Ministerial Conference in December 2013.

Role of WCO as an Annex D organization

The WCO is often referred to as an Annex D organization. The name derives from the Annex D of the WTO General Council's Decision on the Doha Agenda work programme, the so-called July Package. Its Annex D relates to the Modalities for negotiations on trade facilitation. Those Modalities recognize the importance of technical assistance and capacity building support for developing and least-developed countries to enable them to fully participate in and benefit from the negotiations. In order to make technical assistance and capacity building more effective and operational and to ensure better coherence, certain relevant international organizations - including the IMF, OECD, UNCTAD, World Bank and the WCO - have been invited to undertake a collaborative effort in this regard. The international organizations concerned are referred to as the "Annex D Organizations".

The WCO and the Customs community have been actively following the discussions under the DDA since trade facilitation had been identified as a new Agenda item. At the 5th WTO Ministerial Conference held in Cancun, Mexico in September 2003, trade ministers were expected to reach agreement on the modalities for negotiations on trade facilitation. In the run-up to the Cancun Conference, the June 2003 WCO Council adopted the Message from the International Customs Community on Partnership for Economic Development through Trade Facilitation which can be found at the following link on the WCO public web site: www.wcoomd.org/en/topics/facilitation/activities-and-programmes/~ /media/E499FF2278EE4FF792CB-D6E9D19AD071.ashx. Each national Customs administration was able to use this message to brief its trade ministry on the Customs recommendations for the Cancun Conference.

Since (European) spring 2009, Annex D organizations could no longer participate in the informal sessions of the NGTF (i.e. the majority of the negotiating sessions) and were not taking part in the negotiations. However, the WCO Secretariat provided regular updates of known circumstances, or invited the WTO Secretariat or a Member who attended the NGTF sessions to update WCO delegates, mainly those of the Permanent Technical Committee, on inter-sessional developments.

Especially after the Agreement on Trade Facilitation was reached in Bali in December 2013, a need was seen for re-launching the Annex D meetings and exchanges on ongoing TF-related projects that they were involved in. The first meeting was held at the WTO Headquarters on 5 February 2014 and regular meetings have been held since. The Annex D organizations have been joined by a number of other international organizations, and the group has been renamed into Annex D+ or Annex D++ organizations. The purpose of these discussions is to find the most appropriate ways of helping Members implement the TFA and how best to coordinate activities, wherever possible.

³ Members' proposals and minutes of the WTO Negotiating Group on Trade Facilitation can be found on the WCO web site at the following link: www.wcoomd.org/en/topics/facilitation/activities-and-programmes/~ /link.aspx?_id=CE6360A7EA4548D4934AFD07257F5C7C&_z=z

On 22 July 2014, the WCO and the Annex D+ organizations as well as several development partners, issued a Joint Statement expressing their commitment and coordinated approach to providing TA/CB and other forms of assistance to developing, transition and least-developed countries in their efforts to implement the TFA provisions. The Joint Statement can be found at the following link: www.wcoomd.org/en/media/newsroom/2014/july/wco-supports-joint-statement-on-coordinated-assistance-for-tfa-implementation.aspx. Annex D meetings continue to take place on the margins of trade facilitation meetings, including on the margins of the WCO TFAWG meetings.

WTO PREPARATORY COMMITTEE AND WTO TRADE FACILITATION COMMITTEE

Following the dissolution of the WTO Negotiating Group on Trade Facilitation after the conclusion of the negotiations in December 2013, WTO work on the TFA has primarily taken place in the WTO Preparatory Committee on Trade Facilitation. The Committee, which is open to all WTO Members, is mandated under the Bali Ministerial Decision to “perform such functions as may be necessary to ensure the expeditious entry into force of the Agreement and to prepare for the efficient operation of the Agreement upon its entry into force.” According to the decision, the Committee was tasked to:

- 1 Conduct a legal review of the Trade Facilitation Agreement,
- 2 Receive notifications from Members on the commitments they can undertake immediately (Category A commitments), and
- 3 Draw up a Protocol of Amendment to insert the Agreement into Annex 1A of the WTO Agreement.

The General Council was mandated to meet no later than 31 July 2014 to:

- Adopt the Protocol drawn up by the Committee,
- Open the Protocol for acceptance until 31 July 2015, and
- Annex to the Agreement notifications of Category A commitments.

The Protocol would enter into force after two-thirds of the WTO's Membership⁴ have completed their domestic ratification process and informed the WTO respectively. The legal review was completed by Members in July 2014. WTO Members have equally begun to submit their Category A notifications. Finally, WTO Members reached an agreement on the Protocol text which was adopted on 27 November 2014. The agreement does not fix a deadline date for acceptance of the Protocol.

Once the TFA comes into force, the Preparatory Committee will be replaced by the WTO Trade Facilitation Committee. Article 23.1 identifies the obligations of the Trade Facilitation Committee which is primarily consulting on any matters related to the operation of the TFA including sharing relevant information and best practices and raising questions relating to the implementation and application of the TFA.

The TFA also envisages that the Committee shall maintain close contact with other international organizations. A specific reference to the WCO is included in Paragraph 1.5 of Article 23.1:

“1.5 The Committee shall maintain close contact with other international organizations in the field of trade facilitation, such as the WCO, with the objective of securing the best available advice for the implementation and administration of this Agreement and in order to ensure that unnecessary duplication of effort is avoided. To this end, the Committee may invite representatives of such organizations or their subsidiary bodies to:

A ▷ attend meetings of the Committee; and

B ▷ discuss specific matters related to the implementation of this Agreement.”

⁴ In September 2015, two thirds of all WTO Members equal 108 WTO Members.

04

IMPLEMENTING THE WTO TRADE FACILITATION AGREEMENT – THE MERCATOR PROGRAMME APPROACH

BACKGROUND

Trade Facilitation measures included in the TFA are not new to Customs administrations. Many Customs administrations were actively involved in the WTO TF negotiations as part of their national delegations and contributed to ensuring consistency with WCO instruments and tools which they had already been implementing. While the contents of the TFA might not contain new topics, it has to be noted, however, that when the TFA enters into force, its provisions will be enforceable via the WTO mechanisms.

It is important to bear in mind that the TFA provides a framework, determining which of its provisions are absolutely mandatory and which are based on best endeavor. A respective implementation guidance is not included in the TFA, nor are (with only a few exceptions) definitions of the different measures. This situation bears the risk of different approaches and to, indeed, diverse implementation - which in the end could turn out to be a true obstacle to trade facilitation.

All of the TFA provisions are covered by WCO instruments and tools developed by the global Customs community not only in the years before the launch of and during the trade facilitation negotiations, but a number of relevant tools have also been developed or updated after the conclusion of the TFA. The WCO conventions, guidelines, handbooks, web-based and other tools provide necessary guidance for a coherent approach and for achieving harmonized TFA implementation by Members.

TFA STRUCTURE

The TFA is composed of three sections:

- **SECTION I** contains provisions for expediting the movement, release and clearance of goods, including goods in transit. It clarifies and improves the relevant articles (V, VIII and X) of the General Agreement on Tariffs and Trade (GATT) 1994. It also sets out provisions for Customs cooperation. Section I is the key part of the Agreement which contains the TF measures, some of which are usually called “best endeavor” or “best efforts” provisions. These include phrases such as: “Members... may”, “to the extent practicable/possible”, “whenever practicable”, “encouraged to”, “as appropriate”, “shall endeavor” etc. Even though all the measures in the Agreement are binding on all Members (Article 24.2), “best endeavor” provisions do provide a certain level of flexibility in implementation.

The main body of the WCO Implementation Guidance deals in more detail with Section I and provides, Article by Article, the legal text, an overview, related WCO instruments and tools and further guidance as well as Members’ practices. Furthermore, the WCO Analysis of Section I⁵ complements this guidance with a more in-depth analysis for each of the Articles contained therein.

⁵ The WCO Analysis of Section I of the WTO TFA can be found on the WCO web site at the following link: www.wcoomd.org/en/topics/wco-implementing-the-wto-atf/analysis-of-section-i.aspx

- **SECTION II** contains special and differential treatment (SDT) provisions that allow developing and least-developed countries (LDCs) to determine when they will implement individual provisions of the Agreement and to identify provisions that they will only be able to implement upon the receipt of technical assistance and support for capacity building. Provisions of Section II on Special and Differential treatment are elaborated in more detail in the chapter below.

- **SECTION III** contains provisions on the establishment of a permanent committee on trade facilitation at the WTO and the requirement for WTO Members to have in place a national committee to facilitate for domestic coordination and implementation of the provisions of the Agreement. In addition, it sets out a number of final provisions, such as the possibility of regional approaches to TFA implementation.

SPECIAL AND DIFFERENTIAL TREATMENT, SECTION II

Section II of the TFA deals with Special and Differential Treatment (SDT) and provides a range of flexibilities for implementation by developing-country and least-developed-country Members (LDCs), whilst ensuring the necessary support in terms of TA/CB.

To benefit from SDT, a Member must categorize each provision of the Agreement, as defined below, under Category A, B or C, and notify the Preparatory/Trade Facilitation Committee of these categorizations in accordance with specific timelines outlined in the Agreement. For provisions designated as categories B and C, the Member must provide dates for implementation of the provisions.

- **Category A:** Provisions that the Member will implement by the time the Agreement enters into force (or in the case of a LDC Member within one year after entry into force).
- **Category B:** Provisions that the Member will implement after a transitional period following the entry into force of the Agreement.
- **Category C:** Provisions that the Member will implement on a date after a transitional period following the entry into force of the Agreement and requiring the acquisition of assistance and support for capacity building.

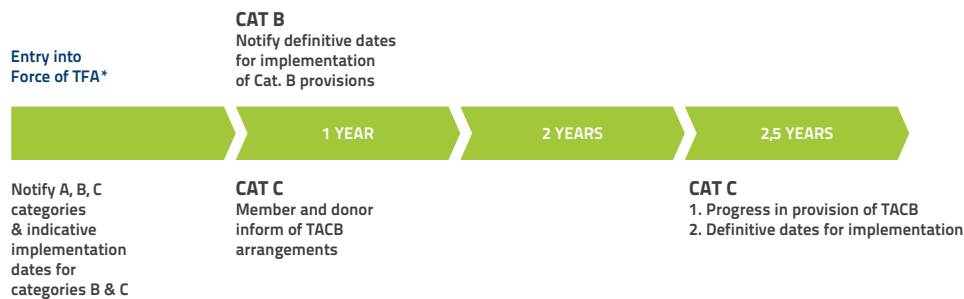


Developing and LDC Members must notify WTO Members of these categorizations in accordance with specific timelines outlined in the Agreement, which are different for developing and LDC Members. They must also provide indicative, and later definitive, dates for implementation for the provisions that they have designated in categories B and C.

The two figures below illustrate the timelines for developing (Figure 1) and LDC Members (Figure 2) in providing:

- Notifications of Category A, B and C commitments,
- Indicative and definitive dates for implementation of Category B and C provisions,
- Information on TA/CB requirements, TA/CB arrangements and progress in provision of TA/CB.

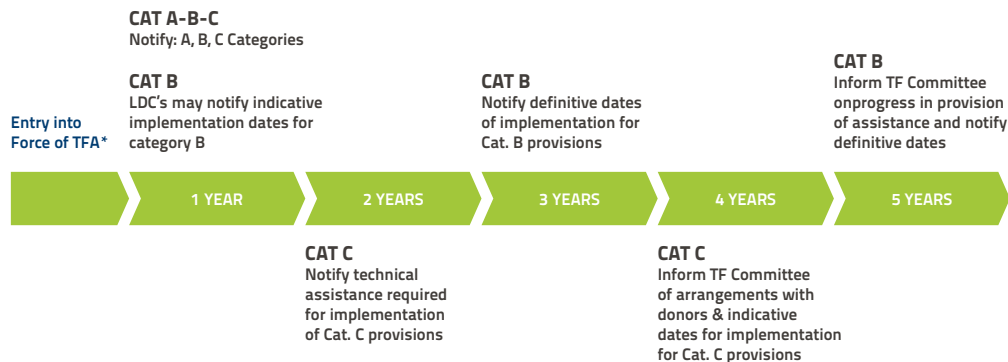
FIGURE 1: Developing Countries Notification for all categories of provisions



* 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

source WTO

FIGURE 2: LDC's Notification for all categories of 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

source WTO

The Agreement also provides additional flexibilities for developing and LDC Members such as:

- **Early Warning Mechanism:** Whereby a Member can request an extension from the WTO Trade Facilitation Committee if it experiences difficulties in implementing a provision in Category B or C by the earlier notified date. The extension will be automatic if the additional time requested does not exceed 18 months for developing country Members and 3 years for LDC Members.
- **Expert Group:** Where a requested extension has not been granted and a Member lacks capacity to implement, the TF committee will establish an Expert Group to examine the issue and to make a recommendation.
- **Shifting between Categories:** Members may shift provisions between Categories B and C.
- **Grace Period:** Following entry into force of the Agreement developing countries will not be subject to the Dispute Settlement Understanding for a period of 2 years for Category A provisions and LDCs for a period of 6 years. LDCs have an additional flexibility for Category B and C provisions where the grace period is 8 years.

KEY STEPS FOR ACCESSION TO AND COMPLIANCE WITH THE TFA

Summary

There are a number of key steps which need to be taken by WTO Members in order to ensure accession to and compliance with the TFA. It has already been pointed out through the previous sections that the requirements are different for developed, developing and least developed countries. While the developed Members are expected to implement the TFA entirely as soon as it enters into force, developing and LDC Members are provided with more flexibility. There are, however, a number of measures which represent key steps in terms of acceding to and complying with the TFA, and they include:

- Establishing a National Committee on Trade Facilitation;
- Self-assessment/gap analysis and validation of findings;
- Categorization and notification of category A, B and C commitments;
- Ratification of the Protocol of Amendment;
- Developing/reviewing Strategic/Action plan(s);
- Implementation, including seeking TA/CB support if and where necessary; and
- Monitoring implementation.

It should be noted that not all of these steps may be relevant for all Members. Furthermore, the order of the steps is in no way pre-determined, but is dependent on the individual situation of Members.

For instance, developing stakeholder engagement, ultimately leading to the establishment of a National Committee on Trade Facilitation (NCTF), is an important step in TFA implementation. A number of countries have established NCTFs already during the WTO Trade Facilitation negotiations when their role was to support the WTO self-assessments and/or to help determine the negotiating positions of the respective countries. Some of these NCTFs will be taking the responsibility of overseeing accession to and compliance with the TFA.

Most of the developing and LDC Members of the WTO have hosted WTO self-assessment missions which were requested during the negotiations for the purpose of assessing the current state of play against the negotiated trade facilitation measures. After the Agreement has been concluded and the provisions of the Agreement finalized, possibly the level of capacity alternated, so that Members usually require a validation of the former results, also taking into consideration results of any other assessments carried out in the meantime independently or with the support of other international organizations.

Based on the (potentially validated) results, the Members will be in a position to categorize their commitments and identify the time and potential assistance needed for implementation.

The national ratification of the Protocol of Amendment falls usually in the responsibility of the Ministry of Foreign Affairs (or equivalent Ministry, depending on national circumstances), but, if the legal process does not already require it, at least substantially benefits from involvement of all stakeholders responsible for implementation and monitoring.

In line with the self-assessments/gap analyses and validations carried out, Members will develop a national implementation plan (sometimes called a «roadmap») for complying with the TFA, which will be in line with the priorities set out through the results of categorization. Category A commitments will be a priority, if not yet implemented. It should also contain indications of concrete responsibilities and timelines. Usually, this implementation roadmap would be developed and monitored by the NCTF.

The individual departments' strategic plans and potential related action plans will need to be reviewed and potentially be adjusted according to the national TFA implementation roadmap. Having in place and maintaining strategic and action plans will also help in seeking concrete TA/CB support, if and where necessary.

In order to support both, the needs assessment as well as the monitoring and evaluation of TFA implementation, Members are encouraged to use the Time Release Study early in their TFA implementation - and from there onwards on a regular basis.

For successful implementation of the TFA and respective contributions by Customs, the WCO recommends securing adequate human resources also within Customs - which could be secured via establishing a dedicated unit, a project team or a working group (or giving the task to an existing one) at Customs level. This unit, team or working group should coordinate and monitor the TFA implementation work on Customs level, and thus contributing to the national TFA implementation roadmap that has been developed by the NCTF.

ONE EXAMPLE: WORKING GROUP AT CUSTOMS LEVEL, DEDICATED TO TFA IMPLEMENTATION

The composition of such a Working Group at best includes representatives of all units that have a role to play in TFA implementation, at headquarter level (legislation, procedures, strategic planning, international affairs, IT etc) and regional level (management of Customs posts at land, air and sea ports).

A representative/Chairman of such a Working Group could be the Director General or Deputy/Assistant Director General and represent Customs in the National Committee on Trade Facilitation ensuring full coordination between national and agency level implementation plans.

In order to ensure sustainability, the Working Group should meet on a regular basis and whenever needed.

Other border agencies

Some of the provisions of the TFA require individual actions by Customs and/or other governmental agencies. However, close cooperation, coordination and collaboration with other stakeholders, especially other border agencies is pertinent for successful implementation of many of the provisions of the TFA.

The Analysis of Section I shows that cooperation is relevant for almost all articles of the TFA but especially for the following:

Article I on Publication and Availability of Information: It is necessary to have an arrangement in place to identify the agencies responsible for publication of trade information, to define the scope of their responsibilities and the mechanism to coordinate publication activities so that traders and other interested parties can get coherent and contextualized information. Regarding enquiry points, the provisions require governments to designate the authority responsible for setting up and operating enquiry points. Different models are possible: one where each border agency has its own enquiry point and another where there is a centralized platform that handles all enquiries or acts as a “switchboard” to the individual enquiry points.

Article 2 on Opportunity to Comment, Information before Entry into Force and Consultations: Article 2.2 envisages a process by which border agencies obtain the views of traders and other stakeholders on matters affecting them. So, border agencies must hold regular consultations with traders and other stakeholders, as appropriate. Depending on national circumstances and on topics to be discussed, it might be an option to consider joint consultations with traders wherever appropriate.

Article 5 on Other Measures to Enhance Impartiality, Non-Discrimination and Transparency: Article 5.1 on Notification for Enhanced Controls or Inspections addresses risk based notifications or guidance for enhanced controls or inspections at the border in respect of foods, beverages or foodstuff in order to protect human, animal or plant life or health. This refers mainly to the responsibilities of other government agencies. Nevertheless, it is necessary that Customs is also aware of instances when enhanced controls or inspections are required as they may also require Customs action. Regarding Article 5.2 on Detention, thoughts can be given to physical inspections being carried out jointly by the responsible border agencies and that coordination is ensured. Article 5.3 on Test Procedures addresses the opportunity for a Member to provide for a second test if the first test result shows an adverse finding for goods declared for importation and the obligation to take the results of this test into consideration. It is advisable for border agencies to share the results of laboratory tests and even to potentially establish joint laboratories to save resources and share information.

Article 7 on Release and Clearance of Goods: Many of the TF measures under Article 7 would require collaboration amongst relevant border agencies. These include in particular provisions on pre-arrival processing, electronic payment, risk management, establishment and publication of average release times and perishable goods.

Article 8 on Border Agency Cooperation: This is one of the most obvious measures requiring collaboration amongst border agencies not only at national, but also at international level. The latter refers mainly to Members sharing common borders and requires coordinating procedures at border crossings, which may include alignment of working days and hours, alignment of procedures and formalities, development and sharing of common facilities, joint controls and establishment of one stop border post controls.

Article 10 on Formalities Connected with Importation, Exportation and Transit: The TF measure that requires the most complex collaborative approach is Single Window (Article 10.4). However, other provisions, such as those that foresee periodical review of formalities and documentation requirements (Article 10.1), acceptance of copies (Article 10.2), use of international standards (Article 10.3) and common border procedures and uniform documentation requirements (Article 10.7) would equally benefit greatly from a collaborative approach.

Article 11 on Transit: Transit requires cooperation amongst Customs, other border agencies, the ministry of transport and other stakeholders.

Other border agencies also bear individual responsibilities under some other articles such as for instance Article 4 on Procedures for Appeal and Review which stipulates that WTO Members are encouraged to provide traders with the right to appeal decisions issued by a relevant border agency other than Customs, in an administrative and/or judicial proceeding. It is also important to bear in mind the links between the TFA and two other WTO agreements: the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the WTO Agreement on Technical Barriers to Trade (TBT Agreement). These links provide insights into the responsibilities of other border agencies under the SPS and TBT agreements and possible areas of synergies with the TFA. More information on this can be found in WCO's Analysis of Section I of the TFA.

Private sector

The private sector is not only one of the main beneficiaries of the TFA, but is also in the position to assess the progress and success of any trade facilitation measures. Its role in TFA implementation is therefore extremely important. The WCO recommends the early involvement of representatives of the private sector in the NCTF and also in Time Release Studies.

Involvement of the private sector in the NCTFs is not envisaged by the TFA itself. However, discussions at WCO level involving both Customs and the private sector have concluded the relevance of its involvement. This would refer not only to importers and exporters, but also the carriers, Customs brokers and Customs forwarders, port operators and others. The Chamber of Commerce would usually take the leading role. Nevertheless, involvement of representatives of different associations as well as individual companies could provide a more coherent approach.

National Committees on Trade Facilitation

Under the terms of Article 23.2 of the TFA "each WTO 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". The establishment of NCTFs is a matter of priority, since they will be instrumental in implementing TFA provisions effectively and efficiently.

The WCO is providing assistance to its Members in setting up NCTFs. Such support includes, but is not limited to providing guidance on stakeholder mapping, how to chair meetings, how to prepare agendas, Terms of Reference, advice on the development of TFA implementation roadmaps and how to ensure follow-up.

Further information on the WCO's work in support of the establishment and maintenance of NCTFs can be found in the WCO NCTF Guidelines which are publicly available on the WCO web site.



The Mercator projection is a cylindrical map projection presented by the Flemish geographer and cartographer Gerardus Mercator in 1569. The Mercator projection enabled mariners to plot straight courses and take correct compass readings, thus supporting trade. It became fundamental to understanding the world and ultimately lead to increased interconnectivity.

Acceptance of the Protocol of Amendment

There is no single, uniform approach for drawing up an instrument of acceptance for the Protocol; according to national legislation, each individual Member may have its own practice for accepting international treaties and treaty amendments. Information on how the notification of a WTO Member needs to reach the WTO, once the national procedures are concluded, can be found on the WTO webpage under the following link: www.wto.org/english/tratop_e/tradfa_e/tradfa_agreement_e.htm.

Implementation and the WCO Mercator Programme

Implementation of the TFA on national level, as mentioned earlier, will be based on the agreed Implementation Roadmap as agreed by the NCTF and respective Strategic/Action Plans both potentially on NCTF level, but also on the level of each authority involved.

The WCO can provide support in national and/or regional implementation under its Mercator Programme. Further explanations on such support can be found under "Strategic Context" of this document and under the following link: www.wcoomd.org/en/topics/wco-implementing-the-wto-atf/mercator-programme.aspx.

The tailor-made track of the Mercator Programme is based on the results-based 3-phased WCO Capacity Building approach that has been developed and implemented by the WCO and its Members over many years.

The 3 phases for Capacity Building include:

- 1 Diagnostic Assessment
- 2 Strategic Planning and Implementation Support
- 3 Progress Evaluation and Monitoring

In the context of TFA implementation, the three phases will include all or some of the following aspects, depending on the individual situation on national level.

1 DIAGNOSTIC ASSESSMENT

As already mentioned, most WCO Members are already well aware of the provisions contained in the TFA. However, ensuring national compliance with the TFA provisions is something that needs to be carefully considered and examined by the Members individually at national level. The diagnostic assessment of a given situation aims to determine in detail the situation from where to start the TFA implementation process and also provides for accurate baseline data in terms of results-based management. In the TFA context, contributions to this diagnostic assessment can come from various sources, including:

A | WTO SELF-ASSESSMENT MISSIONS

WTO Members have identified such an assessment as a challenge already during the negotiations and requested WTO support for assessing their capacities to implement trade facilitation measures. Results of respective WTO self-assessment support missions were important in the context of ensuring better national positioning during the TFA negotiations and of raising awareness regarding the expected level of compliance once the TFA enters into force.

In the course of the TFA negotiations, as well as since the conclusion of the TFA, most of the developing and least developed WTO Members have benefited from WTO self-assessment support missions carried out in two rounds. The first round took place from 2007 to 2010 when 94 missions were completed.

The second round was launched in early 2013 with 90 missions completed until September 2015. WCO experts both, from the Secretariat and from Members have supported both rounds.

For the purpose of carrying out these missions the WTO has, with the support of the WCO and other stakeholders, developed a WTO Self-Assessment Guide. The latest version of the Guide (TN/TF/W143/Rev.8) aligned with the legally scrubbed TFA text, can be found on the WCO web site: www.wcoomd.org/en/topics/facilitation/activities-and-programmes/~/_/_/media/B4FAE223A5D34A77B033212A330839AF.ashx.

WCO Members are encouraged to use the WTO Self-Assessment Guide in identifying their current situation. The WCO supports this process for Members who require assistance. However, it is important to note that the WCO can facilitate this process, while categorization of commitments under A, B or C would lie entirely under the responsibility of the Member.

B | ALREADY INDICATED CATEGORIES

As already mentioned, the TFA lays down certain reporting obligations for those Members who wish to take advantage of implementation flexibilities accorded to developing and LDC WTO Members. These Members will be required to classify and notify to the WTO Trade Facilitation Committee of each of the technical measures of the Agreement into one of three categories (A, B or C).

While realizing that such categorization is or should be based on a careful diagnostic assessment of the national situation, it can be noted that already a significant number of developing and LDC WTO Members have notified the WTO Preparatory Committee of their Category A commitments. This information, where available, and information on how a Member came to those indications, can obviously contribute to a (renewed) comprehensive diagnostic assessment. WTO Members might also already have given thoughts to envisaged notifications of Category B and C commitments including indicative dates for implementation for each measure; subsequent notifications to the WTO Committee will include definitive dates of implementation. Therefore, in the future, these notifications will be published thereby allowing all interested parties to track the implementation status in all developing and LDC WTO Members – which again can contribute to a (renewed) diagnostic assessment (as well as to monitoring and evaluation as the 3rd phase of the WCO Capacity Building approach, with more details to follow further down).

C | OTHER DIAGNOSTIC REPORTS

Members might have benefitted from further diagnostic support in the past, be it for instance from WCO Columbus Programme holistic diagnostic missions or from other international organizations. Such reports might contain relevant parts also related to the Trade Facilitation area and should thus be consulted also in the first Phase of TFA implementation.

D | KNOWLEDGE FROM ONGOING PROJECTS IN THE TRADE FACILITATION AREA

Members have most probably already or are currently conducting further modernization efforts, including in the Trade Facilitation area. Knowledge about these projects in general and about developments that are relevant for TFA implementation should obviously feed into the overall diagnostic phase.

E | A REALITY CHECK «ON THE GROUND»

Taking into consideration developments since any of the possible activities under A to C which could affect the original findings, Members will need to re-examine the situation in a form of a «reality check».

This reality check can obviously consist of a renewed self-assessment process which then should be carried out as a joint exercise involving all relevant stakeholders at national level and, potentially, under the umbrella of the NCTF (or the relevant mechanism).

WCO support whenever required by a Member during this first phase, would in most cases consist of a support mission on the ground (provided respective funding is available), including respective pre- and after work and advice also from a distance – and would lead to a detailed analysis of the individual national situation including visiting relevant locations and speaking and cooperating with all relevant stakeholders at national level. A diagnostic report would be provided to the requesting country at the end of the support – which would entirely belong to the requesting Member and not be shared further by the WCO unless so requested by the Member itself.

2 STRATEGIC PLANNING AND IMPLEMENTATION

A | CROSS-GOVERNMENTAL STRATEGIC PLAN OR «ROADMAP» FOR TFA IMPLEMENTATION

Based on the detailed analysis of the first phase, the second phase of national TFA implementation consists of transforming those diagnostic findings into an overall strategic plan (some Members have also called it a «TFA implementation roadmap») which can then be followed up and thus be implemented. Such planning includes the identification of priorities in terms of sequencing as well as the identification of responsibilities (which governmental agency needs to be involved) and deadlines. The inclusion of performance indicators is useful, too, especially with a view again to the monitoring and evaluation of progress in phase III, as described below. Further information on principles of strategic management can be found in Chapter 4 of the Capacity Building Development Compendium (http://wcoomdpublishations.org/downloadable/download/sample/sample_id/107/), while more information on Organizational Performance Measurement can be found in Chapter 13 of the same Compendium (http://wcoomdpublishations.org/downloadable/download/sample/sample_id/161/). Given the cross-cutting nature of such a national Roadmap or Strategic Plan for TFA implementation, it becomes obvious that its development at best takes place under the umbrella of the NCTF which is best positioned to ensure coordinated implementation of the TFA amongst all relevant stakeholders.

B | SUBSEQUENT WORK OF INDIVIDUAL GOVERNMENT AGENCIES

Customs (like their partner government agencies) will need to align their existing Strategic Plans or establish Strategic Plans that are aligned with the overall TFA implementation Roadmap. Several Customs administrations already have in place Strategic Plans of which Trade Facilitation represents just one, but an important component – which might be comparatively easy to be adjusted.

C | POTENTIAL DEVELOPMENT OF MORE DETAILED ACTION PLANS RELATED TO THE IMPLEMENTATION OF STRATEGIC PLANS

Depending on how the NCTF, but also governmental agencies, structure their Strategic Plan(s) and how many details are included or not yet, it is advisable that for some strategic objectives, follow-up action plans could be developed that provide for more detailed/technical information and actions.

D | SEQUENCING

There is no one-size-fits-all when it comes to sequencing TFA implementation endeavors. However, some general guidelines could be taken into account in most cases:

Ensuring the necessary political and administrative will by establishing a well-functioning NCTF is an important step in ensuring sustainability and momentum. Planning should include short-, medium- and long-term commitments. Short and middle-term commitments should include those that are comparatively «easy» to achieve, for example legislative amendments, from a Customs perspective: implementation of provisions requiring engagement of Customs only, goals that can be achieved also with rather limited resources. Long-term commitments in general require more complex procedures, for example IT development considerations, involvement of various stakeholders and resource-consuming provisions. Based also on those thoughts, the level of priority for implementation (High/Medium/Low) should be indicated in the plans wherever possible, which among others also supports targeting highest management and governments as well as development partners and international organizations in seeking resources and TA/CB support.

WCO support and cooperation whenever requested by a Member in this strategic planning phase of TFA implementation, can include, but is not limited to:

- Support in the review, establishment and alignment of strategic plans (and, where applicable, related action plans) with the findings from the diagnostic phase;
- Support in setting up and aligning strategic plans, both on NCTF level, as well as on (Customs) administration level;
- Support in the involvement of all relevant stakeholders in the strategic planning process;
- Support of linking planning around TFA implementation with overall modernization processes in an administration.



E | IMPLEMENTATION OF STRATEGIC PLANS

Based on the Roadmap of TFA implementation, agencies' Strategic Plans and action plans, Members will move to implementation of those plans, and thus to concrete implementation of TFA provisions. It is obvious that the better the Plans have been worked out, the easier it will be to implement them and to monitor developments and progress in this implementation phase.

WCO support and cooperation, whenever asked for, in this implementation phase is available on all possible areas, based on the individual situation in the requesting Member, including missions to provide support in technical areas of implementation of TFA provisions of Section I of the TFA, but also continued support for the NCTF and the Customs administration in the concrete management of the Roadmap/the Strategic Plan.

WCO Implementation Guidance and Analysis of Section I

Worthwhile highlighting with regard to WCO support in this implementation phase of strategic plans and thus of the TFA overall is this Implementation Guidance as a WCO support tool that has been developed exactly for the purpose. It is intended to support harmonized understanding and approaches to TFA implementation.

Article by article, important factors can be looked up which Members will need to consider in their endeavors to comply with individual TFA provisions. It also aims at responding to many questions Members are faced with or will be facing. It provides useful and extensive national and Customs union experiences for each article of the TFA. Another objective is to avoid "reinventing the wheel" in guiding the TFA implementation by other providers of TA/CB. The Implementation Guide is constantly upgraded with new tools in response to the needs expressed by Members and best practices that emerge from Members in implementing the TFA. The tools recently added include the IT Guide for Executives, the Customs-Business Partnership Guidance and the Customs Voluntary Compliance Framework. The WCO will continue to update the Implementation Guidance.

The Implementation Guidance is complemented by the Analysis of Section I which provides more detailed information about the links between the TFA provisions and the WCO instruments and tools, links between the TFA and other WTO agreements, ICT considerations and other information. It is also available on the WCO's public web site: www.wcoomd.org/en/topics/wco-implementing-the-wto-atf/analysis-of-section-i.aspx. Obviously, the Implementation Guidance as supporting tool is complemented by the WCO Revised Kyoto Convention (RKC). The RKC has been the key reference instrument during the trade facilitation negotiations and its extensive Guidelines provide a wealth of experience of Members in implementing trade facilitation measures. It therefore represents itself a key reference instrument throughout the Implementation Phase.

Provision of Technical Assistance and Capacity Building

In addition to the information already provided above on potential WCO Capacity Building support in the different phases, a few of the following general hints on the provision of TA/CB might be useful for Members, too:

The results of the needs assessment/gap analysis and the categorization of commitments, as well as following up on their strategic plans, will help Members identify measures for which they require TA/CB support to implement them. Obviously, Members will need to coordinate at national level to ensure that they avoid duplication of efforts towards and with different organizations and development partners. The WCO recommends Members

(and development partners) to be as transparent as possible in this context, including for example also sharing results of support missions with subsequent providers of assistance.

Through its Resource Mobilization and Donor Coordination assistance, the WCO provides support to Customs administrations in terms of enhancing engagement with development partners for their reform and modernization programmes. The assistance enhances understanding of aligning Customs reform requirements with development partner priorities and relationships with those partners; together with understanding the international development cooperation context, its 'language' and principles such as results-based management and ownership. Participants develop skills in drafting business cases, concept notes and budgeted project proposals that could lead to Capacity Building negotiations and even sponsorship of TFA-related implementation projects.

3 PROGRESS EVALUATION AND MONITORING

As could be seen from the two first phases described above, monitoring and evaluation will be needed throughout the implementation of the Roadmap/Strategic Plans, and thus throughout the implementation of the TFA.

This will require regular gap analysis and comparisons with baseline data (e.g. identified during an earlier Time Release Study or as other parts of the diagnostic findings). The clearer the Roadmap/Strategic Plans are in terms of performance indicators, responsibilities and deadlines, the easier such monitoring and evaluation can become. Examining and showing results as part of results-based management of TFA implementation will contribute to many purposes: Identification of still existing gaps and potentially needed adjustments, including resource planning, reporting to highest management/government level, but for instance also facilitation of reports to development partners, where applicable, on progress within externally funded projects.

As already mentioned earlier, the WCO Time Release Study is one method to consider for such monitoring and evaluation purposes. The WCO recommends using the TRS on regular level, at the beginning of TFA implementation to among others collect baseline data (and contribute to the diagnostic findings), but also over time as the Roadmap/Strategic Plans unfold - to concretely measure developments of the average times taken between the arrival of goods and their release. TFA Article 7.6 encourages WTO Members to measure and publish their average release time of goods periodically and specifically mentions the WCO TRS Guide. The latest version of the TRS Guide (2011) for instance includes a model of a press release which can help Members when publishing release times.

Key stakeholders of such a TRS exercise include Customs, other border agencies and the private sector (Customs brokers, port operators, carriers etc). Ideally, those involved in the TRS exercises should also be involved in the work of the NCTF.

FURTHER CONSIDERATIONS

ICT Considerations

The important role which information and communication technologies (ICT) will play in TFA implementation has been stressed and discussed on numerous occasions. In general, ICT plays a very vital role in implementing Customs procedures and, as a tool for productivity and efficiency, almost all measures can benefit from the use of ICT. However, there are TFA measures that could not be implemented without the effective use of ICT.

Several papers published by the OECD describe the international experience on cost-benefit aspects of different measures. Across a wide range of countries, it was reported that the use of ICT in simplification of documentation for import, export and transit provided most value for money, followed by publication of information explaining procedural and regulatory requirements. In TFA implementation, there is a need for corporate oversight on ICT implementation and avoiding the dangers of ad-hoc decision making concerning ICT investment. Business process analyses and cost-benefit analysis must be carried out before a decision is taken regarding the use of ICT.

In June 2014, the Information Management Sub-Committee (IMSC) discussed in more detail the ICT considerations for the individual TFA provisions. The results of these discussions have been incorporated into the Analysis of Section I.

Regional approach

TFA Article 21.3(b) stipulates that Members shall in their activities endeavor to address regional and sub-regional challenges and promote regional and sub-regional integration. In addition, Article 24.5 stipulates that Members of a customs union or a regional economic arrangement may adopt regional approaches to assist in the implementation of their obligations under this Agreement, including through the establishment and use of regional bodies. The TFA further encourages coordination also at the level of regional economic communities and the “use of existing... regional coordination structures such as roundtables and consultative groups to coordinate and monitor implementation activities...”.

At more technical level, the TF measures in Section I also mention regional approaches in establishing enquiry points (Article 1.3) and in terms of exchange of Customs information and data (Article 12.12).

These provisions clearly indicate that during the negotiations, the WTO Members fully recognized the importance of regional integration and the need to maintain already existing arrangements and further enhance them, but also the need to further foster the ongoing regional TF projects.

It has also been observed in practice that members of some regional economic communities are taking a joint approach in TFA implementation at different levels. The WCO stands ready to continue its cooperation with regional entities in that respect and to further support regional integration overall.

05 CONCLUSION

The WTO Trade Facilitation Agreement imposes trade facilitation commitments on WTO Members and reinforces the trade facilitation agenda at global level, bringing potentially huge benefits once implemented. The TFA provides a framework, while implementation needs to be guided by existing standards, instruments and tools in order to achieve a harmonized approach. Acceptance of and achieving compliance with the TFA does not follow one-size-fits all approaches, but is dependent on individual national and/or regional circumstances. Nevertheless, TFA implementation requires certain key steps as described above. One of the critical factors of success will be enhancing cooperation, coordination and collaboration with all other relevant stakeholders.





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