



Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013

## Bali Ministerial Decision

### PART II – DOHA DEVELOPMENT AGENDA

1.8 We welcome the progress in the DDA, which is embodied in the following Decisions and Declarations we have adopted at our Ninth Session:

#### Trade Facilitation

- Agreement on Trade Facilitation – Ministerial Decision – WT/MIN(13)/36 - WT/L/911

In this regard, we reaffirm that the non-discrimination principle of Article V of GATT 1994 remains valid.

## Bali Ministerial Decision on TF

- ☺ Concludes negotiation of TFA
- ☺ Establishes Preparatory Committee
- ☺ Mandates follow-up work
- ☺ Annex: text of TFA



WT/MIN(13)/36 – WT/L/911

## Trade Facilitation Agreement

Preamble

Section I:

- ❖ TF disciplines (Articles 1-11)
- ❖ Customs Cooperation (Article 12)
- ❖ Institutional Arrangements (Article 13)

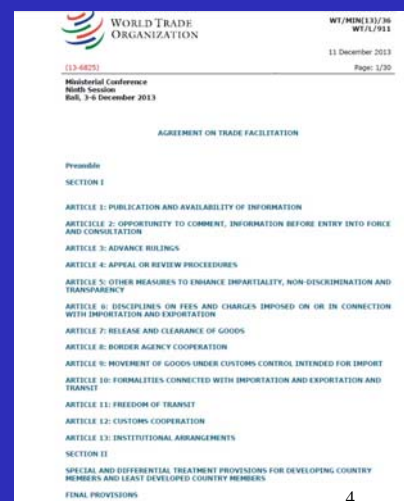
Section II:

- ❖ Special and Differential Treatment

Final Provisions

Annex 1

WT/MIN(13)/36  
WT/L/911




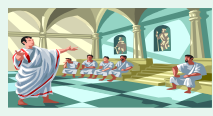

# WTO TFA Objectives

Clarify and improve GATT Articles V, VIII and X to:

- Expedite movement, release & clearance of goods
- Improve cooperation between customs/other authorities
- Enhance technical assistance and build capacity



Negotiation Mandate WT/L/579- Annex D

	Benefits for Your Exporters	Benefits for Government
Transparency + Fairness 	<ul style="list-style-type: none"> <li>•Predictability</li> <li>•Reduced time/costs</li> </ul>	<ul style="list-style-type: none"> <li>•Better compliance</li> <li>•Better quality decisions</li> </ul>
Good Governance 	<ul style="list-style-type: none"> <li>•Reduced costs</li> <li>•Reduced delays</li> <li>•Reduced complexity</li> </ul>	<ul style="list-style-type: none"> <li>•Better compliance</li> <li>•More effective government</li> <li>•More efficient government</li> </ul>
Modernization 	<ul style="list-style-type: none"> <li>•Reduce clearance times and costs</li> </ul>	<ul style="list-style-type: none"> <li>•Align with modern business practice</li> <li>•More effective government</li> <li>•More efficient government</li> </ul>

## TF Disciplines

- GATT X: — Art. 1: Publication & Availability of Information  
Art. 2: Opportunity to Comment, Information before Entry into Force & Consultation  
Art. 3: Advance Rulings  
Art. 4: Appeal or Review Procedures  
Art. 5: Other Measures to Enhance Impartiality, Non-Discrimination and Transparency
- GATT VIII: — Art. 6: Disciplines on Fees & Charges imposed on or in connection with Import & Export  
Art. 7: Release and Clearance of Goods  
Art. 8: Border Agency Cooperation  
Art. 9: Movement of Goods under Customs Control intended for Import  
Art. 10: Formalities Connected with Importation and Exportation and Transit
- GATT V: — Art. 11: Freedom of Transit  
Art. 12: Customs Cooperation

Who is affected by the new TFA?



## Art 1.2 Info Available Through Internet

Members shall publish on the internet:

- (i) descriptions of their import, export, and transit procedures
- (ii) the required documents or forms,
- (iii) relevant trade laws (where possible), and
- (iv) the enquiry point contact information.

## Article 2.1 Opportunity to Comment

- Traders and other interested parties must be given an opportunity and reasonable time to comment on proposals for new trade-related and customs laws and administrative regulations, as well as any amendments thereto.
- New or amended laws and regulations must be made publicly available, as early as possible before their entry into force.

## Article 3 Advance Rulings

- Customs shall provide a written ruling on tariff classification or origin
- The ruling shall be binding on Customs

## Article 7.9 Perishable Goods

Members shall adopt procedures for import of perishable goods that:

- allow release within shortest possible time;
- provide for release, where appropriate, outside Customs normal business hours;
- give priority when scheduling examinations;
- allow storage in appropriate conditions for their conservation

## Article 8 Border Agency Cooperation

- National border authorities/agencies shall cooperate and coordinate border controls and procedures to facilitate trade
- Countries with common land borders shall cooperate and coordinate procedures to facilitate cross-border trade

## Article 10.4 Single Window

- Members shall endeavour to establish a "single window" to which a trader can submit all documents and/or data required by customs and all other border or licensing authorities for the import, export or transit of goods, and from which the trader will receive all notifications.

## Article 13.2 National Committee

- Each Member shall have a national trade facilitation body to oversee implementation of the WTO trade facilitation agreement



## IMPLEMENTATION RELATED ISSUES

☺ Establishment of national committees

☺ Establishment of a WTO Committee





## Special and Differential Treatment (SDT)



### Section II of Agreement

Applies only to developing countries  
(including least-developed countries)

Gives flexibility in implementation of obligations

Each developing country decides when it can implement each provision



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## Special & Differential Treatment for developing and LDC countries

- 🕒 Implementation of agreement linked with capacity
- 🕒 Each developing country can say when it will implement each measure
- 🕒 Donors have promised sufficient technical assistance



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## Categorization of each measure

Each developing and LDC country Member will categorize each measure into one of three

- **Category A:** at time Agreement enters into force (one year later for LDCs)
- **Category B:** Entry into force + (X) time (only “local action” needed)
- **Category C:** After TACB



## Other SDT Provisions

- 🕒 Article 5: **early warning system – notify TFC if won't implement by notified date.**
- 🕒 Article 6: **Expert Group**
- 🕒 Article 7: **Shifting categories B to C-C to B**
- 🕒 Article 8: **Grace period – countries refrain from use of WTO dispute settlement against LDCs (Cat. A - 6 years & Cat. B & C - 8 years.)**
- 🕒 Articles 9, 10: **Provision of TA**



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## Trade Facilitation Agreement



### ➤ Status and next steps

- Part of Bali Ministerial Declaration, the 'Bali Package'
- Preparatory Committee, under General Council:
  - Legal scrubbing
  - Protocol of Amendment
  - Receive notifications
- Notifications of Category A annexed to Agreement
- Protocol open for acceptance until 31 July 2015
- Entry into force – 2/3 Members ratify



## Legal Scrubbing

Rectifications of legal text that do not affect the substance:

- ↪ numbering
- ↪ use of Capital or small letters for indents
- ↪ Grammatical/editorial (use of , ; .)
- ↪ Consistent use of terms (“Each Member” or “A Member” )

Changes made by consensus or Bali text remains

Aim to complete by end April

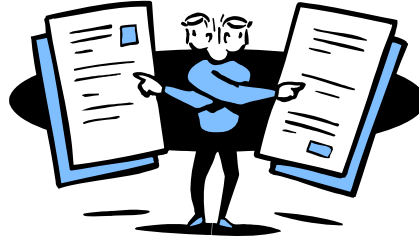


## The Protocol of Amendment

- ↪ Make TFA an official WTO Agreement
- ↪ Aim to draft by end April
- ↪ Members must ratify
- ↪ Open for acceptance until July 2015



## Receipt Category A Notifications



- ✓ **Form of notification?**
- ✓ **Due by EIF (+ 1 year for LDC)**
- ✓ **Necessary to see others before ratifying**

## Preparatory Committee

- **All WTO Members**
- **Observers**
- **Member-driven**
- **Bottom up**
- **Transparent**
- **Inclusive**



**Work based on Member contributions**

## What Developing/LDCs must do

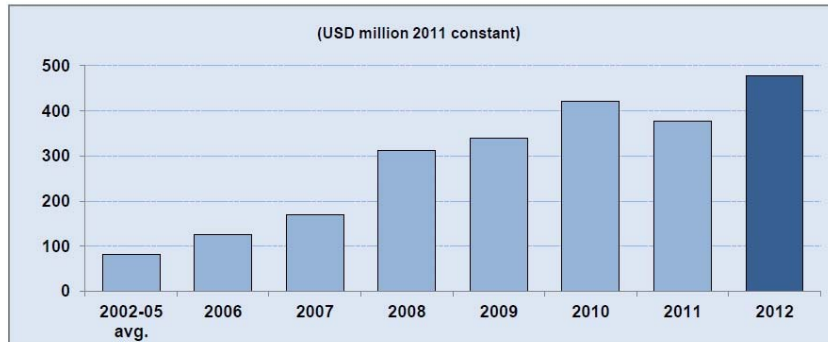
- Ratify
- Notify Category A provisions
  
- Determine indicative dates of implementation
- Find donors
  
- Begin to implement Cat B

**Thank you**



WTO OMC

## TF Assistance Commitments 2002-2012



Source: OECD/DAC/CRS