Meeting of the GFP

Implementing the Trade Facilitation Agreement:
Current State & Road Ahead

Nora Neufeld, WTO
Geneva, 22.04.15
Meeting of the GFP

Implementing the Trade Facilitation Agreement: Current State & Road Ahead

Nora Neufeld, WTO
Geneva, 22.04.15
Bali Ministerial Decision

- Concludes the TF negotiations
- Sets out steps for implementation
- Mandates related preparatory work
Establishment of Preparatory Committee

Tasks

Specific

- Conduct legal review
- Receive category A notifications
- Prepare protocol of amendment

Broad

- Ensure expeditious entry into force of the TFA and prepare for its efficient operation
State-of-play

Legal Review
Completed in Apr/Jul 2014
- Minor adjustments to the Bali text
- Final text issued in WT/L/931
State-of-Play

*Category A notifications*

- over 50 (55) received already
- More coming in
- Process(ing)
- Database
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NOTIFICATION OF CATEGORY A COMMITMENTS UNDER THE AGREEMENT ON TRADE FACILITATION

COMMUNICATION FROM THE REPUBLIC OF MOLDOVA

The following communication dated 18 September 2014 to the Preparatory Committee on Trade Facilitation is being circulated at the request of the Republic of Moldova for Members' information.

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as "the Preparatory Committee") shall, inter alia, receive Members' notifications of category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as "the Agreement").

With reference to the above, the Government of the Republic of Moldova has the honour to notify the Preparatory Committee that the Republic of Moldova designates the following provisions contained in Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) as Category A commitments, which will be implemented upon entry into force of the Agreement:

Article 1 Paragraphs 1 and 4 (Publication, Notification)
Article 3 ADVANCE RULINGS
Article 4 PROCEDURES FOR APPEAL OR REVIEW
Article 5 Paragraph 2 (Detention)
Article 6 Paragraph 2 (Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation)
Article 7 Paragraphs 2, 4 and 5 (Electronic Payment, Risk Management, Post-clearance Audit)
Article 8 BORDER AGENCY COOPERATION
Article 9 MOVEMENT OF GOODS INTENDED FOR IMPORT UNDER CUSTOMS CONTROL
NOTIFICATION OF CATEGORY A COMMITMENTS UNDER
THE AGREEMENT ON TRADE FACILITATION

COMMUNICATION FROM BRAZIL

The following communication dated 25 July 2014 to the Preparatory Committee on Trade Facilitation is being circulated on behalf of Brazil for Members’ information.

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as “the Preparatory Committee”) shall, inter alia, receive Members’ notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as “the Agreement”).

With reference to the above, the Mission of Brazil has the honour to notify the Preparatory Committee on Trade Facilitation that it designates all the provisions in Section I of the Agreement as Category A commitments, except for the following:

- Article 3.6.b;
- Article 3.9.a.ii;
- Article 7.1;
- Article 7.7.3; and
- Article 11.9.
Amendment protocol

Adopted on 27 Nov. '14
(WT/L/940)

- Legal background
- Challenges
- Implications
PROTOCOL AMENDING THE MARRAKESH AGREEMENT ESTABLISHING
THE WORLD TRADE ORGANIZATION

Members of the World Trade Organization;

Referring to the Agreement on Trade Facilitation;

Having regard to the Decision of the General Council in document WT/L/940, adopted pursuant to paragraph 1 of Article X of the Marrakesh Agreement Establishing the World Trade Organization ("the WTO Agreement");

Hereby agree as follows:

1. Annex 1A to the WTO Agreement shall, upon entry into force of this Protocol pursuant to paragraph 4, be amended by the insertion of the Agreement on Trade Facilitation, as set out in the Annex to this Protocol, to be placed after the Agreement on Safeguards.

2. Reservations may not be entered in respect of any of the provisions of this Protocol without the consent of the other Members.

3. This Protocol is hereby open for acceptance by Members.

4. This Protocol shall enter into force in accordance with paragraph 3 of Article X of the WTO Agreement.¹

5. This Protocol shall be deposited with the Director-General of the World Trade Organization who shall promptly furnish to each Member a certified copy thereof and a notification of each acceptance thereof pursuant to paragraph 3.

6. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-seventh day of November two thousand and fourteen, in a single copy in the English, French and Spanish languages, each text being authentic.

¹ If necessary.
IV. Protocol of Amendment

WTO members adopted on 27 November 2014 a Protocol of Amendment to insert the new Agreement into Annex 1A of the WTO Agreement. The Trade Facilitation Agreement will enter into force once two-thirds of members have completed their domestic ratification process.

- How to accept the Protocol of Amendment to insert the WTO Trade Facilitation Agreement into Annex 1A of the WTO Agreement
  Background information for Members on procedures.
Implementation Roadmap

Conclusion of negotiations in Bali
- "Freezes" text - subject only to legal review
- Sets out implementation road map
Dec. 2013

End of legal review
- Begin of work on amendment protocol
- Parallel receipt of category A notifications
End of Apr. 2014

First instruments of acceptance deposited
- Singapore
- Hong Kong China
- United States
- Mauritius
From end of Nov. '14 - ?

Preparatory Committee starts work
- Sequenced approach
- Start with legal review
Jan. 2014

- PrepCom agrees on protocol
- Adoption by General Council
  - opening for acceptance
  - annexing category A notifications
- Begin of ratification process
  - 2/3 threshold
  planned for Jul.'14 - realized at end of Nov.'14

TFA enters into force
- Takes effect for Members that have ratified
- Additional acceptances continuing to come in

Once 2/3 of Members deposited instrument of acceptance

legal review  drafting of protocol  cat. A notifications
Conclusion of negotiations in Bali

- "Freezes" text - subject only to legal review
- Sets out implementation road map

Dec. 2013
Preparatory Committee starts work

- Sequenced approach
- Start with legal review

Jan. 2014
End of legal review
(In English)

- Begin of work on amendment protocol
- Parallel receipt of category A notifications

end of Apr. 2014
• PrepCom agrees on protocol

• Adoption by General Council
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  - annexing category A notifications

• Begin of ratification process
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Once 2/3 of Members deposited instrument of acceptance
First instruments of acceptance deposited

- Singapore
- Hong Kong China
- United States
- Mauritius

From end of Nov. '14 - ?
TFA: Entry into Force

Road ahead & work to be done
Meeting of the GFP

Implementing the Trade Facilitation Agreement: Current State & Road Ahead

Nora Neufeld, WTO
Geneva, 22.04.15