



ITC

TRADE IMPACT
FOR GOOD

50 YEARS

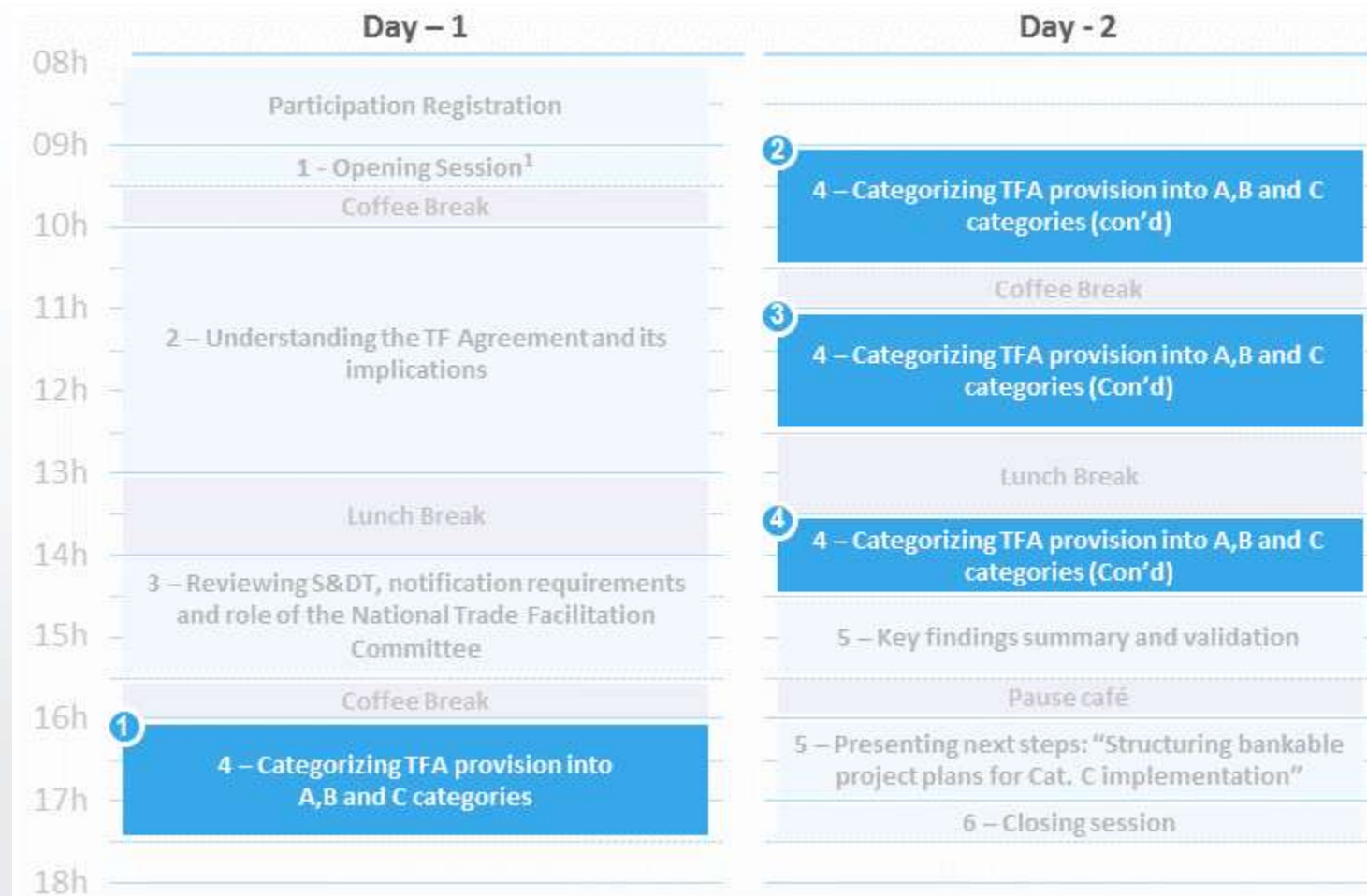
1964-2014

Categorizing the TFA provisions

National Workshop, June 17th and 18th, Dushanbe, Tajikistan
“Implementing the WTO Trade Facilitation Agreement”



First of 4 sessions dedicated to the categorization of TFA provisions



36 provisions to be categorized in A, B or C

**36 provisions
are listed in the
WTO TFA**

3 different categories of commitments: A, B & C

Cat.	Timing	Condition
A	Time of entry into force of the TFA	∅
B	(x) years after entry into force	∅
C	(x) years after entry into force	Financial and technical assistance

Framework for TFA Commitment review

Measure description

Description of the key requirements arising from the provision

Nature of Obligation

Analysis of text language...

- (e.g. shall, may, encouraged to...)

...to determine the nature of obligation

- Mandatory, at Members state discretion, best endeavour, conditional to...

What is not covered

Description of elements that are not required to ensure country compliance with provision

Implementation checklist

Description of what is required to ensure compliance with the provision

Key questions to be discussed for each measure

- 1 Is Tajikistan already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?

Expected output of these 4 sessions

#	Measure name	Category	Time	Costs	Leading Agency
1	Art.1.1 – Publication				
2	Art.1.2 - Informa through Internet	A,B or C	Estimated time required for implementation	Estimated costs to implement	Who is best suited to steer the implementation
3	Art.1.3				
4	Art.1.4 - Notifications				
5	Art.2.1 - Opportunity to comment and information before entry into force				
6	Art.2.2 - Consultations				
7	Art.3 – Advance rulings				
8	Art.4 - Procedures for appeal or review				
9	Art.5.1 – Notification for enhanced controls or inspections				

1

Art.1.1 - Publication

Art.1.1 – Publication

Measure description

Promptly publish (i.e. print on paper) trade related information in a **non-discriminatory** and **easily accessible** to general public

- The text lists the information that need to be published (cf. next slide)
- Publication of all required information on internet and/or Notification in the official journal may suffice depending on the timing, manner and availability of the information

Indicate to Committee **where the information has been published**

- See measure #4, Notifications

Nature of Obligation

“Shall”

Obligated to implement as per description

“Shall”

Obligated to implement as per description

Art.1.1 – Publication

-  **Importation, exportation and transit procedures**
-  **Applied rates of duties and taxes**
-  **Fees and charges**
-  **Rules for the classification or valuation of products for customs purposes;**
-  **Laws, regulations, etc. relating to rules of origin;**
-  **Import, export or transit restrictions or prohibitions;**
-  **Penalty provisions against breaches of import, export or transit formalities;**
-  **Appeal procedures;**
-  **Agreements or parts thereof with any country or countries relating to importation, exportation or transit;**
-  **Administrative procedures relating to tariff quotas**

Art.1.1 – Publication

What is not covered

No obligation to publish in one of the **WTO working languages**

No obligation to publish the information in a **centralized manner**

- Unless it is essential for the user-friendliness, non-discrimination and accessibility of the information.

Implementation checklist

There is a **national implementation framework**¹ to officially publish information listed in Art.1, §1

All 10 items of the required information are published

Information is published **promptly**

Information is published in a **user-friendly, non-discriminatory** and **easily accessible** manner

The official place where the publication is accessible has been notified to the WTO Trade Facilitation Committee

Key questions

- 1 Is Tajikistan already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?

2

Art.1.2 - Information available through Internet

Art.1.2 - Information available through Internet

Measure description

Publication, at least, of the following items **through the internet**:

- Description of import, export & transit procedures¹
- Forms and documents
- Practical steps required
- Contact information on enquiry points
- Procedures for appeal or review

Update the above mentioned information on the internet

Make information available in one of the **WTO language**

Make **further trade related information** available through Internet (i.e. all items referred to in Art1.1)

Nature of Obligation

“Shall”

Obligated to implement as per description

“Shall to the extent possible and as appropriate”²

“Shall whenever practicable”
undertake all practicable steps towards implementation

“Encouraged to”
Best endeavor measure

Art.1.2 - Information available through Internet

What is not covered

No obligation to publish this information on one **centralized web page** or portal

Implementation checklist

There is a **national implementation framework to publish** the information listed in the article through the internet

All items of the required information are published in the Internet **as well as practical steps** needed for importation, exportation and transit

The **URL(s)** of the website(s) where information is published **are notified** to the WTO Trade Facilitation Committee

Information is **published and updated** when modified, and if not, country has explained why it was not possible or appropriate

All items of the required information are in one of the **WTO official languages**, if practicable

The issue of **the legal validity of the information** published on the internet is addressed/clarified

Key questions

- 1 Is Tajikistan already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?

3

Art.1.3 – Enquiry points

Art.1.3 – Enquiry Points

Measure description

Create or maintain one or more **enquiry points**¹ to answer **reasonable enquiries** and provide **relevant forms and documents**

- Only enquiries related to information (and their updates) referred to in Art.1.1 are concerned by this provision

Set-up one or more **common enquiry points** at regional level

- For members having regional arrangements

Answers and forms are provided within a **reasonable time period**

- Depending on nature/complexity of the request

Fees, if any, are limited to the **cost of services rendered**

Nature of Obligation

“Shall, within its available resources”:

Implementation is mandatory but subject to the availability resources²

“May”:

Country has the discretion to implement the item

“Shall”

Obligated to implement as per description

“Shall”

Obligated to implement as per description

Art.1.3 – Enquiry Points

What is not covered

Measure **centered on results**, not on processes (i.e. call center, email service, centralized/decentralized)¹

- Enquiry point can be the same that of SPS or TBT

The text is silent about the **language** for the EP service

No obligation to deliver the services **free of charge**

Implementation checklist

National implementation framework (i.e. legislation, administrative provision, procedural, practice) is in place

The EP covers **all issues specified in Art.1.1** and provides forms on issues related to export, import and transit

The EP answers enquiries and provide the forms and documents within a **reasonable time period**

Fees and charges, if any, are limited to the approximate cost of services delivered by the EP

Contact information of enquiry points is notified to the WTO TF Committee²

1. as long as the right information and documents are provided timely
2. as per requirement of point 4.1(b) (Notification)

Key questions

- 1 Is Tajikistan already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?

4

Art.1.4 - Notifications

Art.1.4 – Notification

Measure description

Notify the WTO Committee the **official location** and **contact information** related to previous measures:

- “Publication” (Art. 1.1),
- “Information through Internet” (Art. 1.2)
- “Enquiry Points” (Art. 1.3)

Nature of Obligation

“Shall”

Obligated to implement as per description

What is not covered

Agreement does not specify the required **notification mechanism** to the WTO neither the **authority** that should notify

- In common practice, notifications are done through the country mission or the ministry in charge of international trade and WTO negotiations

Implementation checklist

Committee has been notified with relevant information

- Any subsequent changes are also notified

Timing of this obligation **is contingent to** the date of implementation of the other **3 previous measures** (i.e. this measure has up to 3 different dates)

Key questions

- 1 Is Tajikistan already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?

5

Art.2.1 - Opportunity to
comment and information
before entry into force

Art.2.1 - Opportunity to comment and information before entry into force

Measure description

Provide traders and other interested parties¹ the **opportunity** and **sufficient delay to comment** changes to new or amended trade-related regulations²

Publish or make publicly available new or amended trade-related laws or regulations (or information about it) **as early as possible** before entry into force

Nature of obligation

“Shall to the extent practicable...”

undertake all practicable steps towards implementation

...and in a manner consistent with its domestic law and legal system”

Implementation is conditioned by national laws which takes precedence over obligation to implement

Art.2.1 - Opportunity to comment and information before entry into force

What is not covered

Does not require the **adoption of specific legislation** for compliance

Many **items are excluded** from the obligation:

- Changes to duty and tariffs rates, measure with a relieving effect, measure applied in urgent circumstances...

Measure does not deal with legislation beyond laws and regulations related to the movement, release, and clearance of goods (including in transit)

Implementation checklist

National implementation framework (i.e. legislation, administrative provision, procedures) is in place to:

- **Provide opportunities and time** to traders and interested parties to **comment** on new or amended trade-related laws is in place
- Ensure that all new or amended trade-related laws and regulations are **published in advance**

In practice, traders and interested parties have **possibilities to comment on new or amended trade-related laws**

In practice, new or amended trade-related laws are published in advance

Key questions

- 1 Is Tajikistan already implementing this measure?
- 2 Do you need external assistance to implement this measure?
- 3 What could be the appropriate category for this measure?
- 4 How much time would be required to implement the measure?
- 5 What would be the resources required to implement this measure?
- 6 Which Ministry / department is best suited to lead and ensure implementation of the measure?
- 7 How important is the implementation of this measure for the overall national development strategy?