CAREC Workshop on Capacity Building for Implementation of the WTO Trade Facilitation Agreement

TFA Technical Measures

Articles 1 & 2

Incheon Main Customs BAEK, IL-Hyun



Structure of TFA

Section I

Technical Measures

- Article 1 Publication and Availability of Information
- Article 2 Opportunity to Comment, Information before Entry into Force, And Consultation
- Article 3 12

Section II

Special and Differential Tr eatment

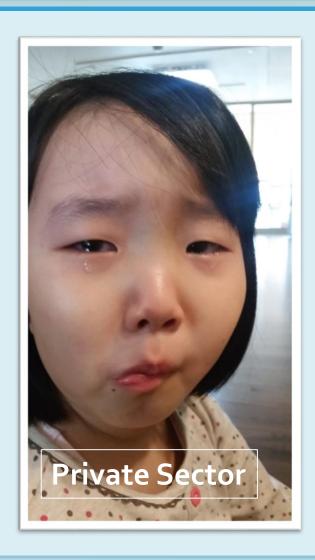
• Article 13 - 22

Section III

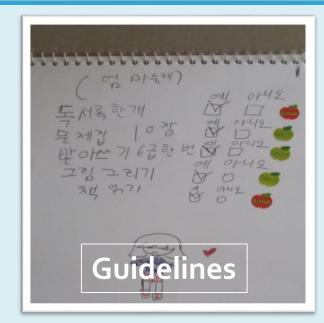
Committees and Final Provisions

• Article 23 - 24

Visualizing TFA Articles 1 & 2









Benefits of TFA Implementations

Private Sector

- Reduce time and Cost of Compliance
- 2 Particularly Benefit to SME's
- 3 Get Reliable Information
- 4 Be Prepared

Public Sector

- Increase Level of Compliance
- 2 Reduce Potential Errors
- 3 Better Focused
- 4 Get Modern Methods and Techs

A.1 Publication and Availability of Information

Key Points

1.1 Publication

WTO Members are required to publish a specified list of trade information "promptly" and in an "easily accessible manner."

1.2. InformationAvailableThrough Internet

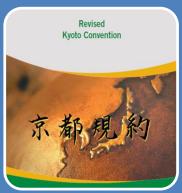
WTO Members are required to publish on the internet "practical" descriptions of their import, export and transit procedures and the forms and documents required for import, export and transit.

Members are encouraged to publish other trade-related information on the internet as well.

1.3. Enquiry Points

WTO Members shall, within their available resources, establish **one or more enquiry points** to answer questions raised by other governments, traders and other interested parties, and provide the forms and documents for importation, exportation and transit, within a reasonable time period.

WCO Tools for A1-1 Publication



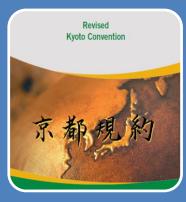
General Annex,

Chapter 9 (Information, Decisions and Rulings Supplied by Customs), St andards 9.4 – 9.7 ·

Establishes standards for Customs responses to enquiries raised by person s pertaining to Customs law

Provides guidance on how information may be made readily available, who are the persons interested in such information, and how information should be presented by Customs

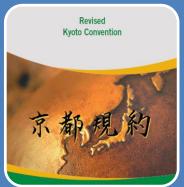
Entered into Force on Feb 3, 2006



General Annex Guidelines, Chapter 7 (Application of Information Technology)

Provide guidance on how to set up a Help Desk, which is equivalent to an enquiry point

WCO Tools for A1.2 Information Available Through Internet



Chapter 9 (Information, Decisions and Rulings Supplied by Customs), Standard 9.1

Requires Customs to make relevant information pertaining to Customs law readily available ·

Provides guidance on where and how information may be made readily av ailable, who are the persons interested in such information, and how information should be presented by Customs, including quality and clarity of information, update and dissemination of information etc.



Emphasizes the importance of a high degree of certainty and predictability of Customs.

It emphasizes that Customs laws, regulations, procedures and administrative guidelines should be made public.

1993. Arusha, Tanzania, Revised 2003

WCO Tools for A1-3 Enquiry Points

CUSTOMS CO-OPERATION TC2-3855
COUNCIL

RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL*
CONCERNING THE USE OF
WORLD WIDE WEB SITES BY CUSTOMS ADMINISTRATIONS
(26 June 1999)

Sets out basic information to be made available on Customs web sites, including information for travelers and traders.

Deals with Customs contact information, including e-mail addresses to be made available to the public.

RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL* ON THE APPLICATION OF HARMONIZED SYSTEM COMMITTEE DECISIONS (30 JUNE 2001)

Encourages Members to publish their classification decisions on the Internet so as to make them easily available.



Provides information and insights into the strategic management process c oncerning the use of Information & Communication Technologies (ICT) in C ustoms. The Guide covers the enhancement of transparency through the us e of ICT.

A.2 Opportunity to Comment, Information before Entry into Force, And Consultation

Key Points

2.1 Opportunity to
Comment and
Information
before
Entry into Force

To the extent practicable and in a manner consistent with domestic law and legal system, WTO Members shall provide stakeholders with **an opportunity and time to comment** on proposed laws and regulations relating to the movement, release and clearance of goods.

2.2 Consultations

Border agencies shall, as appropriate, hold **regular consultations** with traders and other stakeholders within the WTO Member territory.

WCOToolsforA2.1OpportunitytoCommentandInformationbeforeEntryintoForce



Guidelines to the General Annex, Chapter 1 Guidelines on General Principles, Sec. 4 (Co-operation with the Trade)

Provides rationale for Customs consultation with trade prior to introduction of new procedures or automated systems



General Annex, Standard 9.2

Establishes a standard by which information made available by Customs will need to be updated in line with changes in legislation, policy or other national considerations and readily available to enable interested persons to take account of them.



Guidelines to the General Annex, Chapter 9 Guidelines

Provides guidance on quality and clarity of information, update and types of information, use of IT etc.

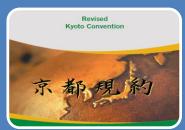
Model Business Lens Checklist for Small and Medium Sized Enterprises

December 2014
World Customs Organization

Model Business Lens Checklist for Small and Medium Sized Enterprises

Assists governments in designing, modifying and reviewing policies and procedures from the perspective of SMEs and taking into consideration their views and concerns

WCO Tools for A2.2 Consultations



General Annex, Chapter 1 (General Principles), Standard 1.3

Requires formal consultations to be established and maintained by Custom s.

Defines general objectives of such consultations



Guidelines to the General Annex, Chapter 1 Guidelines

Provides rationale for consultations ·

Suggests formal modes of carrying out consultations with traders



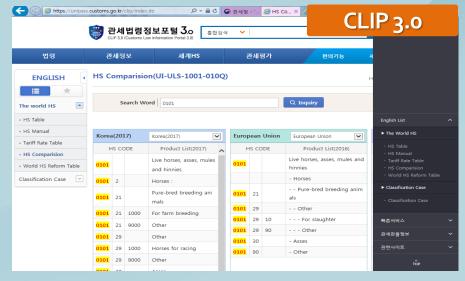
Customs-Business Partnership Guidance

Provides a detailed guidance for developing a robust and sustained engage ment/partnership mechanism between Customs and Business and can be replicated to other border agencies

Experience of Korea – KCS Websites

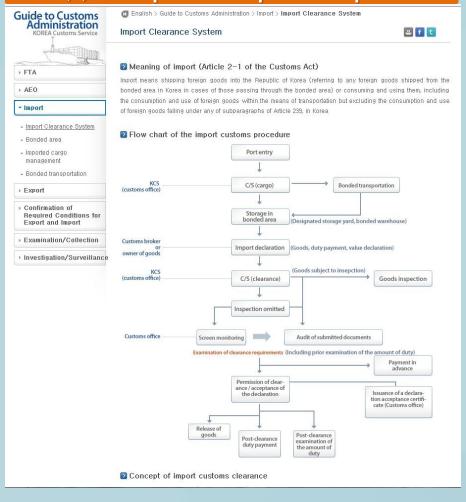




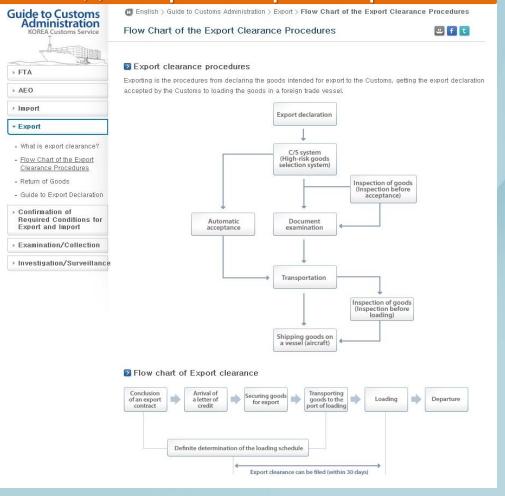


Experience of Korea – KCS Websites

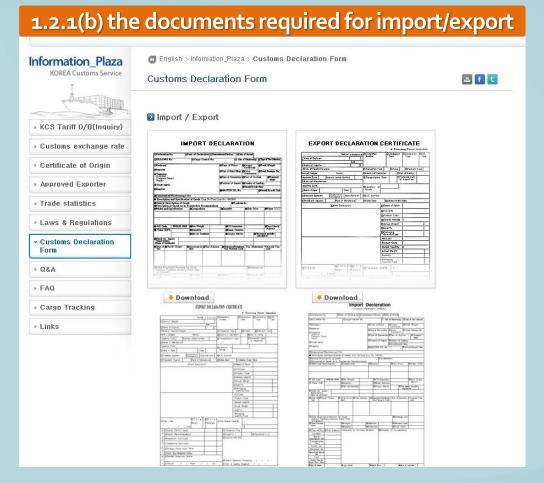
1.2.1.(a) Description of importation procedure

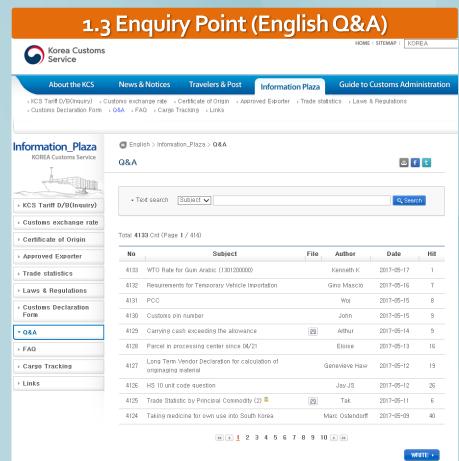


1.2.1.(a) Description of exportation procedure



Experience of Korea – KCS Websites

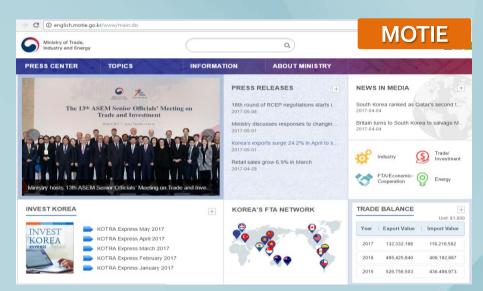




Experience of Korea – Websites of Trade Related Agencies

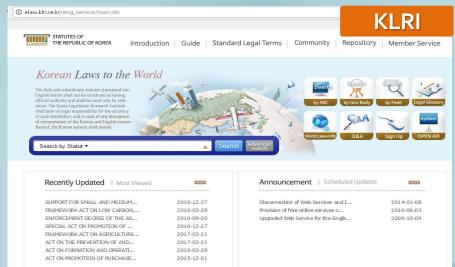






Experience of Korea – Laws and Regulations







Experience of Korea – Comment, Information before Entry into Force



The KCS pre-announces newly enacted or amended laws, ordinances, public notices, etc. related to clearance of goods at export/import on its website.

The announcements describe what has been amended and why.

The KCS also gives anyone interested in the legislative amendments a chance to comment on the changes.

The announcements contain the deadline for comments and contact points.

Experience of Korea – Comment, Information before Entry into Force

Pre-announcing Legislation

- Administrative agencies must make announcements in advance when enacting, amending or abolishing an Act, subordinate statute, etc.
- The agencies must publicize the purpose of the draft legislation and its key details or full text through the Official Gazette, official bulletins, the internet, newspapers or broadcasting (Administrative Procedures Act Articles 41-42).

Commenting on Draft Legislation

- Any person can comment on the draft legislation(Administrative Procedures Act Article 44).
- The pre-announcement must clarify the agency that receives the comments, deadline for comments, and other necessary information (Article 44).
- Administrative agencies may hold public hearings on the draft legislation (Article 45).

Experience of Korea – Consultation



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Experience of Korea – Consultation





The KCS has ongoing consultative arrangements with other border agencies through the Joint Inspection Center.

For consultation with private-sector players, the KCS invites traders and stakeholders to briefings and hearings at least four times a year on various topics including export/import procedures, the FTA and country of origin.



TFA Implementation

Public Sector

WCO Tools

Thank you for Listening

