



---

# Trade Facilitation Agreement and its Implications

---

Inoyatullo Kasimov  
Head of WTO Affairs Department,  
Ministry of Economic Development and Trade of the  
Republic of Tajikistan

INTERNATIONAL  
TRADE AND INVESTMENT  
CONFERENCE

**Dushanbe, Tajikistan, 1 June 2015**

- ▶ **WTO Members concluded negotiations on the TF Agreement in Bali**
  - December 7, 2013 9th Ministerial Conference in Bali
- ▶ **Upon entry into force, the TFA will create:**
  - binding obligations for WTO members to improve customs procedures
  - transparency and efficiency
  - cooperation amongst border regulatory agencies and private sector
- ▶ **The developing and least developed Members shall:**
  - self-designate, on individual basis the provisions of the TFA into
  - Category A (implementation upon entry into force)
  - B (deferred implementation)
  - C (linked with acquisition of capacity through assistance and support)
  - and the date of their choice for the implementation of respective provisions.

## IMPLEMENTING THE WTO TRADE FACILITATION AGREEMENT

- ▶ Customs clearance times are **key determinants of foreign investment, export status and productivity**
- ▶ For integration into global value chains efficient **importation is as important as exportation**
- ▶ Inefficient customs practices and complex procedures significantly **reduce the ability to successfully integrate to global value chains.**
- ▶ Trade costs are a crucial ingredient for competitiveness and FDI

WHY IS THE TRADE FACILITATION  
IMPORTANT FOR LLDCS?

Transparent, accessible and predictable rules and procedures

Standardized forms

A single access point for all public services at agencies

Simple, efficient and uniform formalities

Just and rewarding system

Be part of the policy making process

**WHAT TRADERS WANT?**

A decorative graphic consisting of several parallel white lines of varying lengths, slanted upwards from left to right, located in the bottom right corner of the slide.

- ▶ **Art. 1 – Easily accessible trade related information**
- ▶ **Art. 3 – Issuance of advanced rulings**
- ▶ **Art. 10 – Use of international standards in an effort to promote uniform documentation and data requirements**
- ▶ **Art. 8 – Border agency coordination**
- ▶ **Art. 10.2 – Acceptance of copies**
- ▶ **Art. 10.4 – Establishment of a “single window”**
- ▶ **Art. 10.7 – Common border procedure and documentation**
- ▶ **Art. 10.1 – Periodic review and simplification of formalities**
- ▶ **Art. 7.4 – Risk management**
- ▶ **Art. 7.6 – Publication of release times**
- ▶ **Art. 4 – Procedures for appeal or review**
- ▶ **Art. 7.7 – Authorized operators**
- ▶ **Art. 6 – Disciplines and fees and charges**
- ▶ **Art. 2 – Opportunity to comment regulations before entry into force and regular public-private consultation**
- ▶ **Art. 13 – Set-up of NTFC**

**WHAT DOES THE TFA PROVIDE?**

- ▶ **TFPC** to draft Protocol of Amendment
- ▶ General Council to adopt Protocol before 31 July 2014
- ▶ Members to go through their internal treaty ratification process and notify acceptance of protocol to WTO
- ▶ The Protocol will be open for acceptance until **31 July 2015**
- ▶ The Agreement will enter into force once **2/3 of the WTO Members** ratify it

## RATIFICATION PROCESS

- ▶ **By 31 July 2014:** Notify Category A provisions
- ▶ **By 31 July 2015:** Deposit acceptance of the Protocol to the WTO (implied)
- ▶ **Upon entry into force**
  - Implement Category A provisions
  - Notify Category B and C provisions along with **indicative dates**
  - Inform the CTF on **arrangements required** for implementation of Category C provisions
- ▶ **Within one year of entry into force**
  - Inform the CTF on **arrangement made** or entered into for implementation of Category C provisions
- ▶ **Within two and a half years after entry into force**
  - Provide information to the CTF on the **progress made** on provision of assistance and support
  - Notify the **definitive dates** for implementation of Category C provisions

## TIMELINE FOR TAJIKISTAN

- ▶ Article 1.3 Enquiry Points (2/3 years)-MEDT
- ▶ Article 2.1 Opportunity to comment and information before entry into force (2/3 years)-MEDT/Justice
- ▶ Article 2.2 Consultations (2/3 years)-MEDT/Justice
- ▶ Article 3 Advance Rulings (2/3 years)-Customs Service
- ▶ Article 5.1 Notification for enhanced controls or inspection (2 years) MEDT/Customs Service
- ▶ Article 7.2 Electronic Payment (2/3 years)-Customs Service
- ▶ Article 7.7 Trade Facilitation for Authorized operators (3/4 years)-Customs Service
- ▶ Article 8 Border Agency Cooperation Paragraph 2 (4/5 years)-MEDT/MFA
- ▶ Article 10.4 Single Window (3/4 years) MEDT/Customs Service
- ▶ Article 12 Customs Cooperation (3/4 years) MEDT/Customs Service

## CATEGORY C PROVISIONS



# CURRENT GOVERNMENT TRADE FACILITATION EFFORTS

- ▶ Law of the Republic of Tajikistan “About Digital Signature”
- ▶ Law of the Republic of Tajikistan “About electronic documents”
- ▶ On May 3, 2010 the Government of the Republic of Tajikistan approved the Program on implementation of the system of “Single Window” on export-import and transit operations
- ▶ In 2011, the Government of the Republic of Tajikistan established the State Unitary Enterprise “Single Window Center”.
- ▶ As a member of WTO Tajikistan undertook the initiative to ratify the Trade Facilitation Agreement (ratified on 6 May, 2015)
- ▶ Simultaneously, the Government is establishing National Trade Facilitation Committee

- ▶ **Article V, VIII and X of GATT 1994 still hold the full force**
  - As they have not been amended
- ▶ **TFA cannot diminish any obligations contained in the GATT 1994**
  - Including the V, VIII and X articles
- ▶ **In case of conflict between GATT 1994, the provisions of the TFA would prevail to the extent of conflict**
  - General interpretive note to Annex 1A
- ▶ **The TFA cannot diminish the rights and obligations under SPS and TBT Agreement (s)**

## RELATIONSHIP WITH GATT AND OTHER AGREEMENTS

- ▶ Articles 1 to 5 Transparency (Article X of GATT)
- ▶ Articles 6 to 10 Fees and Formalities (Article VIII)
- ▶ Article 11 Transit (Article V)
- ▶ Article 12 & 13 Other issues

## **SUBSTANTIVE PROVISIONS**

THANK YOU FOR YOUR ATTENTION!

The image features a solid blue background. In the bottom right corner, there are several white, parallel diagonal lines of varying lengths and positions, creating a sense of motion or a modern design element.