



Session 2:

Protocol I on Trade Facilitation – Expert responses to comments and discussion

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Comments received on Protocol I

From TURKMENISTAN

The Protocols of the Agreement contain some references to the following WTO Agreements:

- in Protocol I "Trade Facilitation", in Part 4 of Article 2 "Objectives and Scope", it is stated: "Each Party affirms its rights and obligations under **the WTO Trade Facilitation Agreement** and CAREC's regional integration goals";
- in Protocol I "Trade Facilitation", in Part 1 (c) of Article 3 "Advance Rulings", it is stated: "(c) the appropriate method or criteria, and the application thereof, to be used for determining the customs value under a particular set of facts, in accordance with **the WTO Customs Valuation Agreement**";
- in Protocol I "Trade Facilitation", in Part 3 of Article 4 "Pre-shipment Inspections", it is stated: "Paragraph 2 refers to preshipment inspections covered by **the WTO Preshipment Inspection Agreement**, and does not preclude preshipment inspections for sanitary and phytosanitary purposes",
[...]

In order to ensure the legal clarity and to take into account the current status of Turkmenistan as a non-member of the WTO, it is proposed to rephrase the relevant wordings or to consider the inclusion of a specific clause in the Agreement. This clause would clarify that any references to WTO Agreements contained in the Protocols of the Agreement do not create rights or obligations for that Parties, which are not members of the WTO, unless otherwise expressly agreed between those Parties.



Paragraph 9 may be added to Article 4 of the Framework Agreement with the following text:

"Any references to WTO Agreements contained in the Protocols of the Agreement do not create rights or obligations for Parties that are not members of the WTO, unless otherwise expressly agreed to by those Parties"