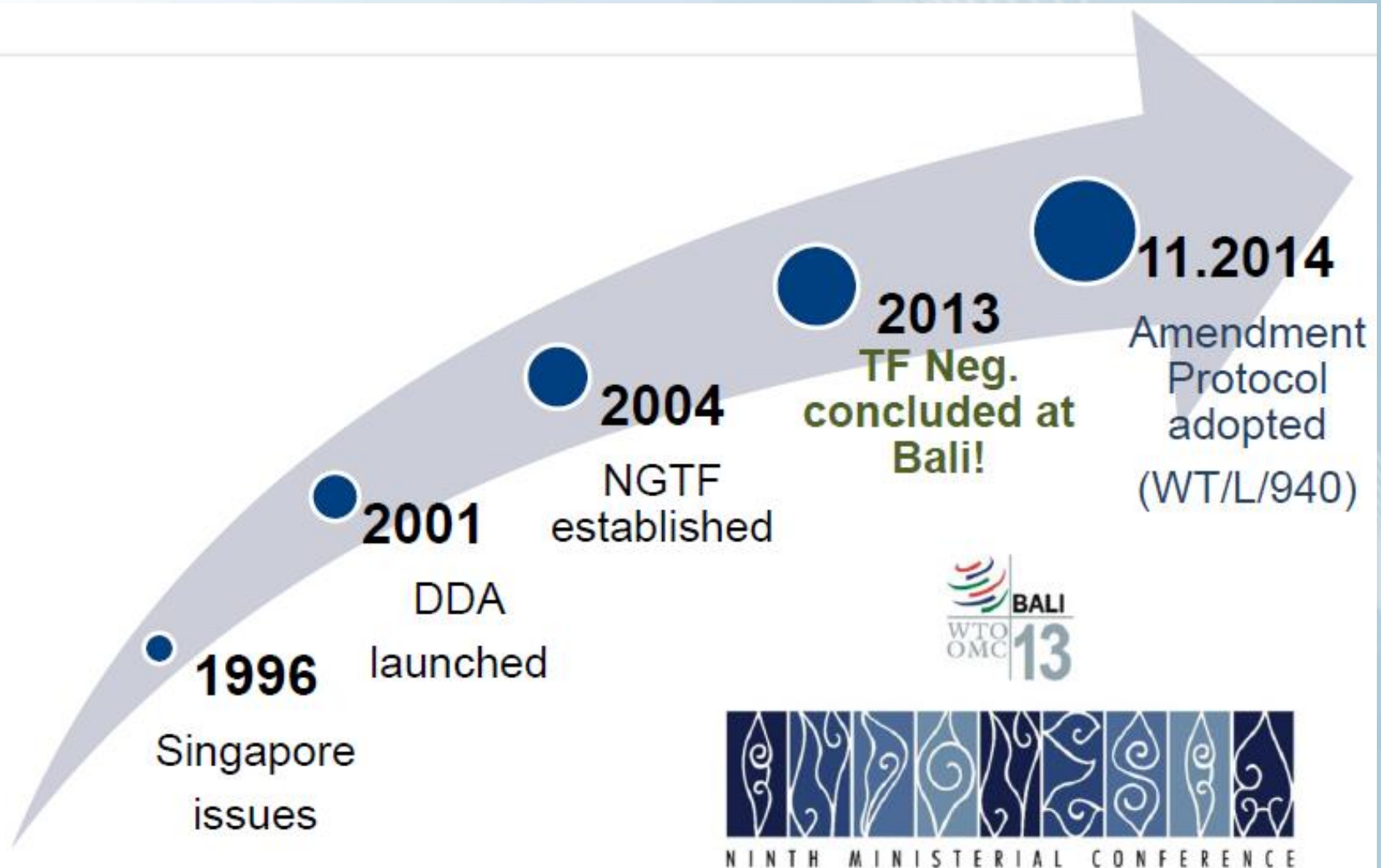




COORDINATED BORDER MANAGEMENT
WTO TFA and CBM, Articles 8, 12 and 23-2

WTO - TFA

Brief history of the TFA



WTO - TFA

Trade Facilitation Agreement coverage:

- **Simplification and harmonization of import/export procedures and forms**
- **Development of Single Window Paperless, Automated Systems**
- **Rapid release of goods** (e.g. pre-arrival clearance, authorized traders, posting security)
- **Use of international standards** (e.g. WCO Data Model)



WTO TFA

Section I – 12 articles regarding Trade Facilitation and Customs Cooperation,
Section II – 10 articles on special and differential treatment for developing, countries and least-developed countries in
Section III – 2 articles on institutional arrangements and final provisions.
The TFA deals almost entirely with Customs-related topics



Section I

- Art.1 Publication and availability of information
- Art.2 Consultation
- Art.3 Advance ruling
- Art.4 Appeal/Review procedures
- Art.5 Other measures for transparency etc.
- Art.6 Fee and Charges
- Art.7 Release and Clearance of goods
- Art.8 Border Agency Cooperation**
- Art.9 Movement of goods intended for import
- Art.10 Formalities
- Art.11 Transit
- Art.12 Customs cooperation**



Section II

Special and Differential Treatment for Developing Countries and Least Developed Countries

- Rules about Categories A, B and C
- Assistance for Capacity Building
- Information to be submitted to the TF Committee
- Final provision



Section III

Institutional arrangements and final provisions

- Committee on Trade Facilitation
- **National Committee on Trade Facilitation**
- Final provisions

WCO - Harmonized Implementation

The WCO has launched on its website the WCO Implementation Guidance for the TFA to support WCO Members in their efforts to implement the TFA

Implementation Guidance

The World Customs Organization (WCO), an intergovernmental organization specially mentioned in the Bali Ministerial Declarations, is highlighting its role in the implementation and administration of the WTO Agreement on Trade Facilitation (ATF). The WCO, the centre of excellence on Customs matters world wide, is committed to the efficient implementation of the ATF.

Select an article below to view more information



Search articles:

Article 1
Publication and availability of information



Article 2
Opportunity to comment, information before entry into force and consultation



Article 3
Advance rulings



Article 4
Appeal or review procedures



Article 5
Other measures to enhance impartiality, non discrimination and transparency



Article 6
Disciplines on fees and charges imposed on or in connection with importation and exportation



Article 7
Release and clearance of goods



Article 8
Border agency cooperation



Article 9
Movement of goods under customs control intended for import



Article 10
Formalities connected with importation and exportation and transit



Article 11
Freedom of transit



Article 12
Customs cooperation



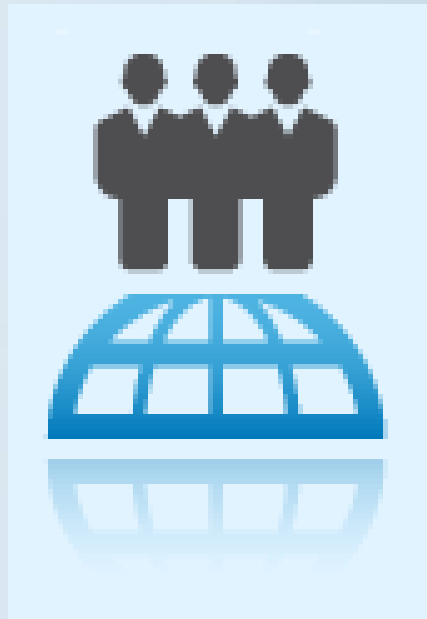
Article 10

Formalities connected with importation and exportation and transit



WTO TFA – Article 8

Border agency cooperation



WTO TFA – Article 8

The TFA requests all national border authorities to cooperate with each other and coordinate border control and procedures to facilitate trade.



Standard 3.35 of the Revised Kyoto Convention lays down the principle that the Customs inspection of goods should take place in coordination with other competent authorities



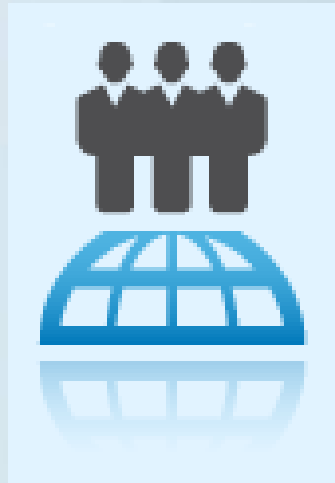
The SAFE Framework of Standards takes the same approach as the TFA text.



TFA – Article 8

Border agency cooperation

1. Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.



TFA – Article 8

Border agency cooperation

2. **Each Member shall**, to the extent possible and practicable, **cooperate on mutually agreed terms with other Members with whom it shares a common border** with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:

- (a) **alignment of working days and hours;**
- (b) **alignment of procedures and formalities;**
- (c) **development and sharing of common facilities;**
- (d) **joint controls;**
- (e) establishment of **one stop border post control**



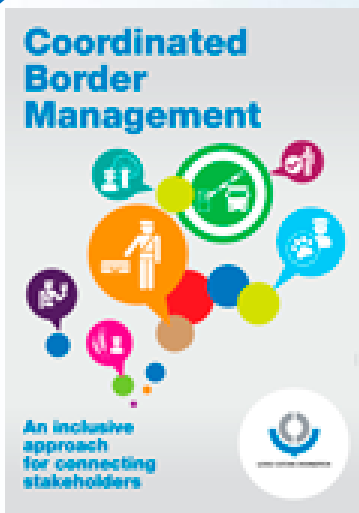
Article 8 – WCO Tools



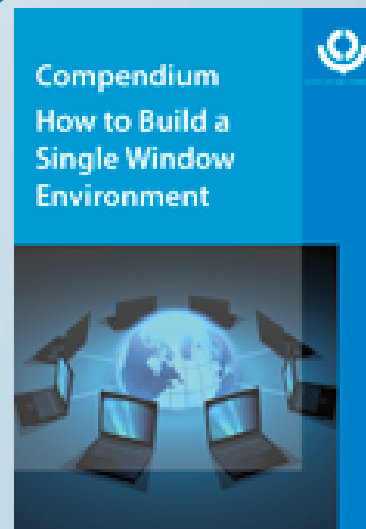
SAFE Framework of Standards



Data Model



CBM Compendium

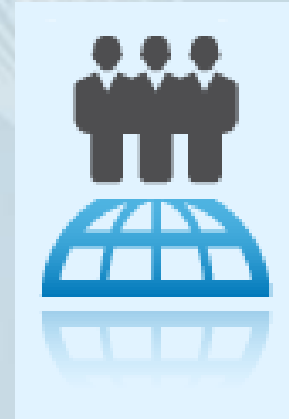


Single Window Compendium

Article 8 – WCO Tools

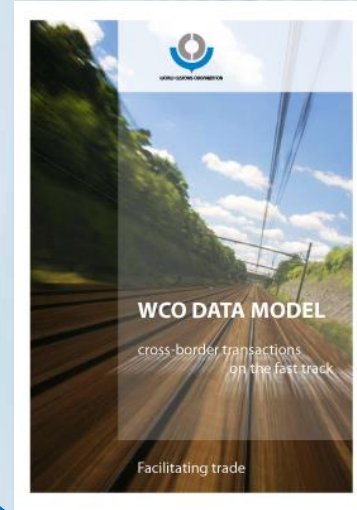
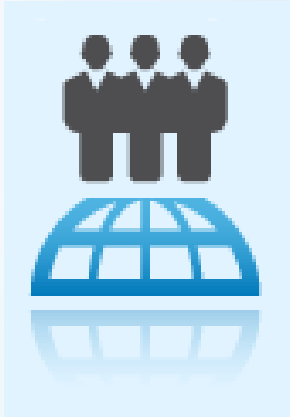


SAFE Framework of Standards



The SAFE Framework includes, among other things, addition of a **new Pillar 3 to foster closer cooperation between Customs and other government agencies**, ensuring an **efficient and effective government response to the challenges of supply chain security**.

Article 8 – WCO Tools

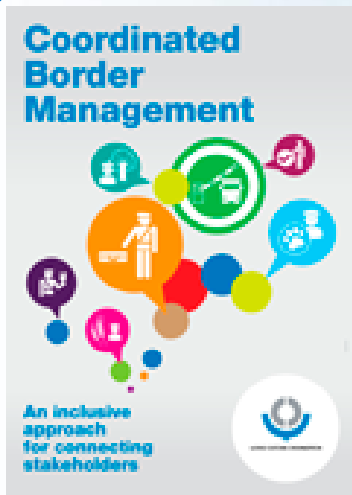


Data Model

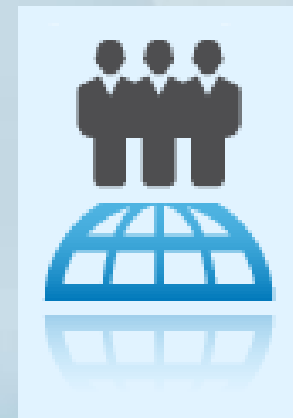
The WCO Data Model is a **set of carefully combined data requirements** that are mutually supportive and which will be updated on a regular basis **to meet the procedural and legal needs of cross-border regulatory agencies** such as Customs, controlling export, import and transit transactions.

Article 8 – WCO Tools

The CBM Compendium is **helpful for WCO Members in their attempts to develop and implement CBM** in their countries **by incorporating best practices on different areas of CBM** that Members could take reference from.



CBM Compendium

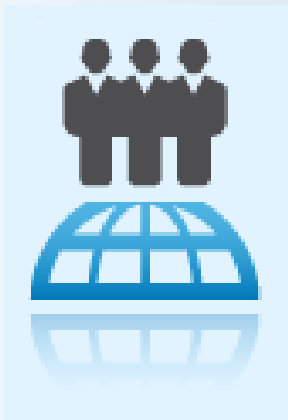


Article 8 – WCO Tools

Single Window Compendium **supports capacity building efforts.**

The Compendium comes in two volumes.

- **Volume 1** – Executive Guide, deals with aspects of Single Window that are of concern to **senior management**.
- **Volume 2** – Professional Practice Guide and is a collection of tools and techniques to support **technical experts** working on projects to establish a Single Window.



**Single
Window
Compendium**

How to get ready for Border Agency Cooperation?

Policy/Legal Framework

MOU signed between related border agencies of a Member or between neighboring countries.

--- a legal basis for border cooperation, domestically or internationally.

Procedures

--- to **re-engineer formalities**
--- **streamline data and documentation requirements**
--- to **avoid overlapping or redundant controls**, or hopefully providing a “one-stop shop” service.



Institutional Framework

The National Committee on Trade Facilitation

--- coordinate among the border agencies.

Human Resources and Training

--- full-time officials in place
--- organizing cooperation and coordination activities on a day-to-day basis.

WTO TFA – Article 12

Customs cooperation

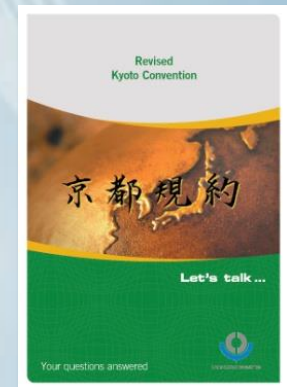


WTO TFA – Article 12

Article 12 sets out the **terms and requirements to share information** in order to **ensure effective customs control**, while **respecting the confidentiality of the information exchanged**



RKC provides (**Standard 6.7**) that the Customs shall seek to **co-operate with other Customs administrations** and seek to **conclude mutual administrative assistance agreements** to enhance Customs control.



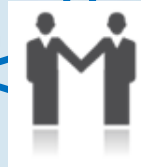
WCO SAFE requires Members to **establish and enhance Customs-to-Customs network arrangements** to promote seamless movement of goods through secure international trade supply chains



WTO TFA – Article 12

Article 12 addresses the **exchange of information between Customs services and provides detailed guidance** in that regard.

Customs cooperation is important for sharing of information, including sensitive information, if appropriate confidentiality controls are in place.

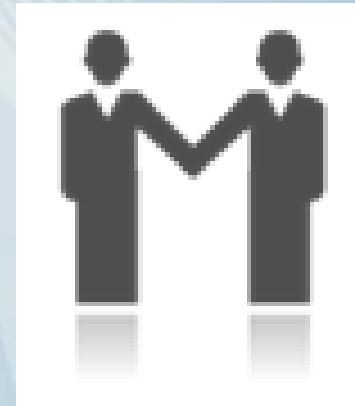


Broader cooperation efforts and data sharing are important to **sophisticated risk management**

Article 12 also **encourages members to share information on best practices in managing customs compliance.**

WTO TFA – Article 12

- 1. Measures Promoting Compliance and Cooperation**
- 2. Exchange of Information**
- 3. Verification**
- 4. Request**
- 5. Protection and Confidentiality**
- 6. Provision of Information**
- 7. Postponement or Refusal of a Request**
- 8. Reciprocity**
- 9. Administrative Burden**
- 10. Limitations**
- 11. Unauthorized Use or Disclosure**
- 12. Bilateral and Regional Agreements**



WTO TFA – Article 12



Best-practices sharing

Share information on best practices in managing customs compliance and cooperate in technical guidance or assistance in building capacity

Cargo specific information sharing

Exchange of information and documents to verify an import or export declaration

Confirm that the documents provided are true copies of the documents

Regional agreements

Members retain the possibility to enter / maintain bilateral, or regional agreement for exchange of customs information

- TFA cannot alter or affect the Members rights and obligations under these agreements

Customs cooperation

Article 12 – WCO Tools



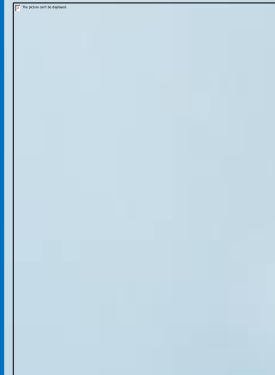
SAFE Framework of Standards



Globally Networked Customs Concept



Voluntary Compliance Framework



Article 12 – WCO Tools



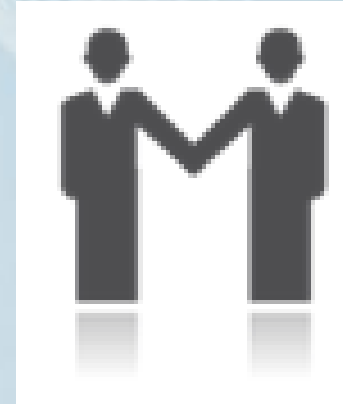
Globally Networked Customs Concept

Globally Networked Customs (GNC) concept is a standardized way for Customs authorities to exchange information. It covers Customs-to-Customs (C2C) information sharing, including data obtained from commercial sources.

Article 12 – WCO Tools



SAFE Framework of Standards



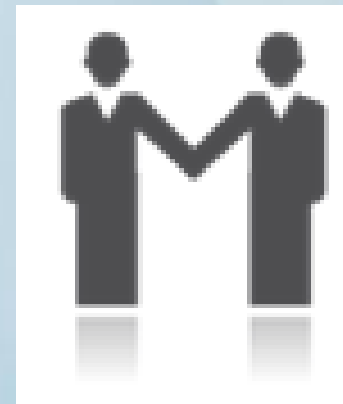
The WCO SAFE Framework of Standards (FoS) requires Members to **establish and enhance Customs-to-Customs network arrangements to promote seamless movement of goods through secure international trade supply chains.** Paragraph 1.2 of the SAFE FoS aims at **strengthening co-operation between Customs administrations to improve their capability to detect high risk consignments**

Article 12 – WCO Tools

The VCF will help traders comply voluntarily and correctly with Customs law, regulations or requirements. The **Voluntary Disclosure Programmes (VDP)** give clients a chance to correct inaccurate or incomplete information or to disclose information that clients have not reported during previous dealings with Customs authorities, **without penalties** in the appropriate circumstances.



**Voluntary
Compliance
Framework**



Article 12 – WCO Tools

The CEN application was conceived to assist the **Customs enforcement community in gathering data and information for intelligence purposes**. This module acts as a **central depository for enforcement-related information**; its success resting squarely on the steady flow of quality data provided by all WCO Members.



Article 12 – WCO Tools

The National Customs Enforcement Network (nCEN) is a system developed by the WCO to assist Customs administrations with the collection and storage of law-enforcement information on the national level, with the additional capability to exchange this information at the regional and international levels.



Article 12 – WCO Tools

CENcomm is a tool that facilitates the exchange and use of data in a timely, reliable and secure manner with direct access available 24 hours a day.

Email management and information storage are just two of its key features.



WTO TFA – Article 23.2

National Committee on Trade Facilitation



Article 23.2 – NCTF

Art.23.2 requires the set up of a National Committee on Trade Facilitation

To have a TF Committees has been made a ‘binding obligation’:

- This obligation cannot be categorized as B or C
- Must be implemented upon entry into force of the TFA

Art. 23.2 - Each Member shall establish and/or maintain a national committee on trade facilitation or designate an existing mechanism to facilitate both domestic coordination and implementation of provisions of this Agreement.

Article 23.2 – NCTF

‘Obligation’ What it means?

‘**SHALL**’ makes it mandatory

‘**Establish and/or Maintain**’ implies either to:

- Create new body
- Maintain existing one
- Designate an existing wing, setup, section to perform the functions

Obligation to have in place a mechanism to perform required tasks

- Not to implement a specific body

NTFC responsibilities include (specified but not limited to) **to facilitate:**

- **Domestic Coordination** (sharing information)
- **Implementation of Provisions of TF Agreement**

Article 23.2 – NCTF

Agreement is silent about:

- Structure & governance
- Funding and sustainability
- Membership and meeting frequency
- All these have been left to discretion of Members

The responsibilities of a NTFC are:

- Domestic coordination
- Implementation of the provision of the TFA.

Article 23.2 – NCTF

The main outputs of a NCTF would be in the **short term**:

- a) to categorize the TFA provisions for notification thereof to the WTO
- b) assist in the domestic ratification process.

In the **medium and long term**:

- a) to prepare the country to request and receive technical assistance,
- b) to develop projects to acquire capacity and, on the ground, support the implementation of the different provisions of the TFA.

Article 23.2 – NCTF

The NTFC would be **composed of representatives of all concerned stakeholders** of the country for which the NTFC would act as a multi-agency coordinating mechanism.

This platform would deal with:

- **information sharing** (during consultations),
- **knowledge creation** (for developing projects and designing solutions to facilitate trade),
- **knowledge retention** (to transmit knowledge from member to member in case of staff rotation).

**Thank you for
your attention**