

TERMS OF REFERENCE FOR THE WCO WORKING GROUP ON THE WTO AGREEMENT ON TRADE FACILITATION

Confirmed by the Council - June 2014

Chairperson : Representative of a WCO Member administration

Established : March 2014

Duration : Until superseded or revoked

1. Mandate

The WCO Working Group on the WTO Agreement on Trade Facilitation (TFAWG), acting under authority of paragraph 19 of the June 2014 Report of the Policy Commission (Doc. SP0487E1b), and as referenced in paragraph 99 of the Minutes of the 2014 Customs Co-operation Council (Doc. SC0140E1a), is formed for the purpose of taking up the practical aspects of meeting expectations arising out of the WTO Agreement on Trade Facilitation (WTO TFA). The Working Group will operate at two levels: a level dealing with policy matters concerning which it shall be guided by and report to the Policy Commission; and a second level dealing with technical matters regarding which it will be guided by and report to the Permanent Technical Committee and the Capacity Building Committee in matters of their respective competence. It advises these bodies, as well as the Secretary General, on progress and issues relating to categorization according to the TFA, tailor-made technical assistance, and future implementation of the TFA by WCO Members.

2. Membership

The TFAWG will be open to all interested Members of the WCO, parties with recognized WCO observer status, partner organizations such as the WTO, and other entities, including those representing the private sector, where deemed appropriate.

3. Purpose and Scope

Based on the Dublin Resolution adopted at the Policy Commission's 70th Session in December 2013, the purpose and scope of the TFAWG is to advise, as appropriate, the Policy Commission, the Permanent Technical Committee, the Capacity Building Committee and the Secretary General on the full range of issues concerning the WTO TFA. Such issues may include : matters relating to preparation of deliberations in the WTO Committee on Trade Facilitation; relationship between the WCO and the WTO Committee on Trade Facilitation; representation of the WCO in that Committee; matters relating to special and differential treatment; matters relating to the direction of the implementation of the WTO TFA by WCO Members; the short, medium and long term goals of implementation and the identification of priorities in each term; matters relating to the relationship between existing WCO instruments and tailor-made technical assistance to implement WTO TFA provisions; matters relating to the preparation of implementation and administration of the WTO TFA. In relation to these matters, specific work will be carried out by the TFAWG and brought forward to the appropriate body for endorsement or further direction. Required tasks will be

carried out in periodic meetings convened by the Secretariat and presided over by the Chairperson elected by the TFAWG.

4. Key Deliverables

The key deliverables of the TFAWG are to:

- analyse, prepare and evaluate relevant actions and measures in relation to practical aspects of meeting expectations arising from the WTO TFA; and
- submit timely reports to the Policy Commission, Permanent Technical Committee and Capacity Building Committee as appropriate, that shall :
 - a. provide recommendations of the TFAWG based on an analysis of the needs assessments which includes technical assistance
 - b. describe the WCO's activities for the technical assistance and capacity building effort to support implementation of the WTO TFA;
- monitor the progress of implementation of WCO instruments and tools that support Members in applying the TFA including through comprehensive reporting of WCO Mercator Programme Missions
- establish and maintain an annual work plan, including timelines and key deliverables, for TFA-related activities.

5. Means of Operation

The TFAWG will meet under the leadership of its Chairperson, with membership being determined as specified above.

The Customs members of the TFAWG will elect the Chairperson and the Vice-Chairperson for a two-year term from among its Customs members. The outgoing Customs Chairperson and Vice-Chairperson will be eligible for re-election, though rotation of the chairpersonship is desirable.

The TFAWG will conduct its work in English and French.

If necessary, the TFAWG may decide to set up dedicated (virtual) groups.

6. Resources Required

The TFAWG will hold its sessions as and when required, and subject to approval by the appropriate bodies. It will normally meet twice a year. The time to be allocated for the meeting will be determined by the scope of issues to be discussed. However, the Secretary General may determine whether circumstances dictate the need for scheduling meetings more frequently. The length of each session will depend on the number and complexity of items on the Agenda.

The participants in the TFAWG should have decision-taking authority in their respective Customs administrations.

The general administrative arrangements and provision of support services shall be the responsibility of the WCO Secretariat.

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