

Brief on the WTO Negotiating Group meeting on Trade Facilitation  
on 19 and 20 September 2005

Ray McDonagh

The WTO Trade Facilitation Negotiating Group Meeting was held in Geneva on 19-20 September 2005. The WCO Secretariat, along with the Secretariats of IMF, OECD, UNCTAD and World Bank, was invited to attend the meeting.

Several new proposals were tabled. The Dominican Republic proposed to create a code of conduct for Customs officers (TN/TF/W/60) which would include a system of penalties. Hong Kong, China, EC and Sweden noted WCO work in this area and suggested that WTO could draw on WCO Instruments. Several WTO members agreed that the improvements negotiated in respect of Articles VI, VIII and X could be undermined if integrity was not addressed in any final WTO package. On the other hand, some members queried the appropriateness of including provisions in a binding agreement.

A paper from Cuba (TN/TF/W/64) on the strengthening of the principles of non-discrimination and most favored nation treatment in the context of the improvement and clarification of article V was well received.

Two proposals (TN/TF/W/62 from Chinese Taipei and 63 from Pakistan and Switzerland) on the establishment of a long term management mechanism for trade facilitation issues were discussed. There was divided opinion as to the degree of detailed planning that should be required in the absence of clarity on the link between capacity building and special and differential treatment.

Thailand presented a paper (TN/TF/W/61) sharing the experience gained in the introduction of several modern customs techniques. Delegates noted the excellent progress and the modern management procedures that have been introduced by Thailand.

WTO Secretariat presented a revised version of the compilation of the proposals made to date (TN/TF/W/43/Rev.2). The Chairperson guided the members to review the paper by reference to each of the 13 main headings set out in the paper. There was no major disagreement on any of the headings except to note that several members thought that many of the provisions were too wide in scope and therefore too demanding to implement. Some developing countries were particularly supportive of this view. The nature of "prior consultation" both with the trade and each member needs further thought as several members were of the view that the current text is too cumbersome. In general, suggestions of time limits wherever they were suggested met with some hesitation.

There was some discussion on the issue of references to Instruments of other organizations. In particular, one member suggested that the WTO would have an "overarching" rule on classification and a specific requirement that members accede to the HC Convention.

India and USA continue to work jointly on a revised paper concerning the sharing of information (TN/TF/W/57). One member asked that the relationship to existing WCO instruments be addressed in any revision.

There was much discussion on the style of presentation of the compilation document TN/TF/W/43 series. Several alternative suggestions were made; link to specific articles, not by heading, better reflection of papers on cross-cutting issues of capacity building and special and differential treatment and the inclusion of the many papers on clarification of issues raised during the discussions.

There was an inconclusive discussion on capacity building. Some members are of the view that any agreement must be accepted in order to receive assistance; others take the view that assistance comes first to bring a member up to the necessary level before implementation.

Chairperson concluded that it was necessary to identify needs and priorities, capacity building would be linked to commitments entered into, therefore planning must commence. Members were urged to complete WTO questionnaire (TN/TF/W/59); no one has done so to date). The WTO Secretariat would assess needs based on returns received provided there is a sufficient level returned. Members were asked to make use of the new WTO web page on TA/CB. The next meeting was confirmed for Oct 5/6. An extra meeting on Nov 8/9 was added.