

Speaking memo for WCO Informal Study Group meeting on the WTO Trade Facilitation negotiations

(re: WTO TFNG meeting of 16 – 20 July 2007 and related meetings)

Note: The WCO Secretariat did not attend these WTO meetings. I prepared this memo for my own use at the WCO Informal Study Group meeting of 23 July, based on the input and information received from the counterparts in Geneva who attended the meetings. This memo is uploaded to the WCO Websites as requested by Members attending the WCO Informal Study Group meeting of 23 July. Members who would like to use the contents of this memo should contact their own information source in Geneva/the Capital (e.g., Geneva delegation office, Ministry of Foreign Affairs, Ministry of Commerce, etc.) for verification. These points were explicitly explained at the Informal Study Group meeting.

23 July 2007
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Overall

- WTO round negotiations are always tough. Doha Development Agenda (Doha Round negotiations) has also faced many difficulties and challenges, in particular, in the area of Agriculture and Non-Agriculture Market Access (NAMA).
- Aiming at giving political supports and increasing the momentum, G4 (Brazil, EU, India and US) attempted a breakthrough in June, it was reported as failure. In addition, US Congress did not extend the Trade Promotion Act at the end of June, US Administration lost one tool of negotiations
- DDA coming back to the multilateral talk
- The revised Chairmen's texts on NAMA and Agriculture were circulated to the WTO members in the week of 16 July – modalities of commitments, e.g., how much % developed countries are to reduce the average tariff rate, etc.
- Each WTO member brings these Chairmen's texts back to the capital and will examine them and come back to Geneva with its position in early September
- In other words, WTO members have now homework to do in August
- This week (week of 23 July): WTO Trade Negotiations Committee (TNC: supra-body of negotiating groups/committees) and General Council – apparently no significant surprise
- Under the Single Undertaking, Trade Facilitation negotiations should be considered along with this overall developments – TFNG (Trade Facilitation Negotiating Group) report to the TNC would be short and simple

Working calendar and atmosphere of July TFNG

- 16 – 20 July (1 full week)
- Bookends-type: Official plenary sessions at the beginning and end of the week. Between the two official plenary sessions, informal workshops, consultations, dialogues among the WTO members
- For the sake of transparency and discussion, each day, there was an informal, open-ended Chairman's consultation. (S&D and TACB matters, Transit matters,

Fees and formalities connected with importation and exportation, Transparency matters and Customs co-operation)

- Presence of more experts from the capitals (Australia, China, India, Korea, Nepal, Pakistan, some African countries) – One LDC WTO member participated by taking advantage of Norwegian funding assistance
- Quite active negotiations/discussions by the participants, including those from developing countries and LDCs
- WCO Secretariat could not go to Geneva

Paper contribution

- (brief introduction of the documents: TN/TF/W/43/Rev.11, W/106/Rev.6, W/120/Rev.1, W/144/Rev.1, W/146, W/147, W/148)
- Revised compilation paper indicates only 3rd generation proposals of the WTO members'. This was reflecting a request from the Core Group of developing countries
- BUT nothing in the compilation paper in agreement of all the WTO members
- AND nothing prevents submissions of new proposals
- TN/TF/W/120/Rev.1 (Turkey – Advance ruling) – converting 2nd generation into the 3rd generation; quite prescriptive and detailed
- TN/TF/W/144/Rev.1 (US – revised Expedited shipments) – reflecting WTO members comments; improved the use of terms, such as, “clearance” and “release”, definition of manifest, etc.
- TN/TF/W/146 (Georgia, Turkey – Quota-free transit regime) – in principle, not the Customs matter
- TN/TF/W/147 (Core Group, ACP Group, African Group, LDCs Group – TA/CB) – Elements in the implementation, such as, commitments, TA/CB, dispute settlement, etc.

Informal gatherings by the WTO members (the list may not be exhaustive: some were open meetings while the others were limited)

- EC: Transit
- Korea: Single Window
- Hong Kong and Switzerland: Technical Workshops on GATT VIII related matters and GATT X related matters
- India: Customs co-operation

Points to note

- Re: Advance rulings: Two 3rd generation proposals: W/125 (Australia, Canada, US) and W/120/Rev.1 (Turkey) - Too simple? Too prescriptive? Coverage (subject matters)? Eligible person? Nature of appeal? – Indonesia: technical matters, duplication risk with the WCO work?
- Re: Expedited shipments: Subject procedures/agencies (only Customs)? Security/SPS? Within an hour? Regardless with value and weight? 200USD?

Linkage with the proposal on Authorized traders? – The proponent WTO member mentioned Immediate Release Guidelines (when answering against the question of no distinctive procedures on value and weight) but it picked up only part of it

- Re: TN/TF/W/ 147: From some developed countries – Concerns on discretion of developing countries to determine (1) whether or not commitments to be binding or guide (2) whether or not implementation capacity is acquainted and (3) establishment of TACB Support Unit in the WTO while the WTO so far is not a development organization
- Re: Customs co-operation: Switzerland suggested a reference to the WCO Guide on Information Exchange (2003 TCCV Guide), India said that the reference would be useful.
- Re: Single Window: Concept is fine but quite ambitious in considering the situation of developing countries – should be best-endeavor provisions, Linkage with other proposals (Border Agency Coordination) and harmonization of trade documents?
- Use of international standards: should be best endeavor provisions (in the context of Transit), rationales of non use of international standards might go beyond the GATT Article XX and XXI
- Publication of information: Judicial rulings? Exception?
- Linkage among GATT VIII related matters: One WTO member continued insisting that there should be a linkage among pre-arrival data processing, separation of release from clearance, post-clearance audit and authorized traders. The base is risk management. She was of view that it would be useful to identify how to link them. The other WTO member: to some extent there may be linkage, but might be better to sort them out and look at them individually, other: sequence might be important
- Border agency coordination: Best endeavor efforts? (should be enhanced – some developed WTO members) (Should be best endeavor provision – some developing WTO members)
- Risk management: too simple?
- PCA: right or obligation? Too prescriptive?
- Participation of the Annex D organizations to the Member's consultation?

TFNG NA

- Guide: TN/TF/W/143

- 57 WTO members are requesting assistance for the conduct of self-assessment check
- The WTO Secretariat is planning to provide assistance in 12 WTO members in 2007. Finish all within 2 years
- In the WTO Secretariat's plan, 12 WTO members are: Mexico, Chinese Taipei, Bangladesh, Nepal, Lao rep, Cambodia, Benin, Cameroon, Mauritius, Jordan, Pakistan and Burundi
- Besides, World Bank and USAID are respectively considering assisting some WTO members (WB: ~~Nepal, Cambodia~~, Vietnam, ~~Lao rep, Bangladesh~~, Guatemala and Mozambique, USAID is interested in some countries in the Southern/East Africa region
- Spain contributed to the TF Fund, EU and other EU member countries and Switzerland are to do so soon
- Canada, Japan, Switzerland and others consider providing manpower support

Overall remarks on the July TFNG

- Many developing countries participated in the negotiations in a substantive manner
- Progress well
- From September: more focused drafting sessions would be necessary IF the negotiations are to be concluded by the end of 2007
- Bottom-up? (some think that it is unlikely to propose/have it proposed a Chairman's text for the TFNG in an immediate future)

Next TFNG

- October: 1, 2, 3 and 8
- No TFNG meetings on 4 - 5 October (WTO Public Forum)
- Cannot exclude possibility of WTO member-driven informal gatherings outside the WTO building
- Bookends-type session?
- Hoping that an appropriate officer of the WCO Secretariat can participate in TFNG meetings as well as Member's informal consultation