

COMMUNICATION FROM HONDURAS, NORWAY AND SWITZERLAND

The following communication, dated 20 February 2009, is being circulated at the request of the Delegations of Honduras, Norway and Switzerland.

DRAFT PROPOSAL: NATIONAL COMMITTEE ON TRADE FACILITATION

1. The reports submitted to the Negotiating Group on Trade Facilitation about the self-assessment activity have indicated that Members give a lot of importance to the national committees that were formed as a basis to carry out the self-assessment activity. Members have expressed that these national committees should continue the work even after the negotiations are concluded. It is important to underline that even after the negotiations are concluded, there will be a need to conduct a follow-up on the future WTO commitments. The national groups that have been established in capitals can serve to coordinate the necessary tasks that will permit WTO Members to comply with the different commitments.

In this context, it is a useful reminder what is written in TN/TF/W/143/Rev.2 the Self Assessment Guide:

Many of the measures under negotiation focus on improving Customs systems and procedures, however, Customs is not the only government agency involved in processing and clearing international cargo. In most countries, multiple government agencies have an interest in the movement of goods, including agencies responsible for health and safety, food inspection, import licensing, tax collection, quality inspection and enforcement. Consequently, the policies and procedures of a number of other agencies are clearly included in the negotiation agenda. Therefore an effective coordination mechanism is crucial to ensure that the assessment addresses all relevant aspects of government responsibility. The first step in developing a coordination mechanism is to designate a single ministry or agency that will have overall responsibility for coordinating the assessment process. Such ministry or agency should ideally have policy or administrative responsibilities that are relevant to the trade facilitation agenda as well as the capacity to support and drive the assessment process. In most cases this will be the agency that has overall responsibility for trade policy.

2. The next step is to identify the stakeholders that should take part in the needs assessment. Often an existing trade facilitation task force or committee can be the basis with some possible changes needed to reflect the scope of trade facilitation at the WTO.

3. "The following list provides examples of agencies and organizations that are typically involved in cross-border trade issues.

- Implementing agencies (Customs, Quarantine, Standards Board, Port Authority and Airport Authority, etc.); Attorney General or Legal Department of Cabinet (legal matters, e.g., appeals); Ministry of Transport (physical control of goods flow); Ministry of Commerce (negotiations, competitiveness, trade flow, control request for industry protection, consumer protection); Foreign Affairs (negotiations); Economy and Finance (trade flow, controls requests for budgetary reasons and price stability); Ministry of Agriculture and Animals (controls requests for sanitary/phytosanitary reasons); Ministry of Food and Drugs (controls requests for human health reasons); Ministry of Environment (controls requests for human health and wildlife conservation)."

4. There is also the need for consultations with and involvement of the private sector (a cross-section to reflect wide interests: large and small, importers and exporters, carriers, cargo forwarders and cargo owners, Chamber of Commerce, shippers association, cargo forwarders association, etc.).

5. In the various WTO agreements there is little reference to how a Member should organize its work domestically. The emphasis has been placed on procedures that simplify notifications on the one hand and the establishment of contact points. To take an example of provisions where there is the commitment to designate a central government authority responsible for the implementation of notifications,

Articles 10.10 and 10.11 of the Agreement on Technical Barriers to Trade state the following:

10.10 Members shall designate a single central government authority that is responsible for the implementation on the national level of the provisions concerning notification procedures under this Agreement except those included in Annex 3.

10.11 If, however, for legal or administrative reasons the responsibility for notification procedures is divided among two or more central government authorities, the Member concerned shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these authorities.

6. It is recognized that the provisions mentioned above make a reference to the designation of a central authority in order to carry out the respective notifications. However, the trade facilitation measures many times entail the coordination among different government agencies and the collaboration of the private sector. We therefore consider necessary the existence of a provision in the Trade Facilitation Agreement that will allow the coordination among the different agencies that deal with the trade facilitation measures, and perhaps also private sector representatives. As a consequence this would lead to better compliance of the commitments of the future agreement.

7. Besides, Recommendation 4 of the UN/CEFACT highlights the fact that most trade facilitations activities need to be tackled in a coordinated manner and that this requires a forum where issues, such as effective implementation of measures, can be resolved.

8. It is only by establishing such coordination that obstacles to implementation can be analysed meaningfully and solutions can be found. That is why it is recommended to set up a national trade facilitation body.

9. The following provision is proposed:

"In order to facilitate the process of domestic coordination of trade facilitation needs, priorities and implementation, Members shall establish a national committee or a similar mechanism on trade facilitation with the objective of assisting in the implementation of the Agreement on Trade Facilitation."
