

Brief on the Meeting of the WTO Negotiating Group on Trade Facilitation
on 5 and 6 October 2005

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The WTO Negotiating Group on Trade Facilitation met in Geneva on 5 and 6 October 2005. The WCO Secretariat, along with the Secretariats of the OECD, UNCTAD and the World Bank, was invited to attend the Meeting.

Two new proposals were tabled. The first relates to Australia's experience of binding advance rulings (TN/TF/W/66) and the second is a follow-up paper submitted by New Zealand, Norway and Switzerland (TN/TF/W/67). More specifically, the latter paper follows on from TN/TF/W/36 concerning the simplification, reduction and standardization of trade documents (aimed at improving Article VIII of the GATT).

The Negotiating Group recognized the importance and usefulness of TN/TF/W/67 for following the proposals previously made and describing in more concrete terms how to achieve the objectives initially set, as well as highlighting the commitments made. In this respect, paragraph 6 of this paper is particularly interesting since it lists the options for approaching the issue of standardization. In particular, it highlights the need to refer to *relevant international organizations* that have developed standardized documents (for example the WCO and the UN, including UNCTAD). The authors of this paper do not therefore propose that the WTO develop new standardized documents, but rather stress the advantages for business in using existing standardized data elements. One delegation supporting the proposal, nevertheless pointed out that some flexibility (e.g. transition period) is required to implement it. During the discussions there was agreement on the need for greater standardization, with several references being made to the Customs Data Model.

There were also lengthy discussions about Australia's experience of binding advance rulings (TN/TF/W/66), especially with regard to Customs valuation (e.g. on the nature of the decision, confidentiality, publication, etc.). Given the costs highlighted in section VI of the paper, many developing countries have questioned their ability to implement such a system and have stressed the need for appropriate capacity building (in terms of staff, budget, training, legal expertise, etc.). Australia has answered a large number of the questions raised by the Group and will submit further information at a later date.

The Group then reviewed paper TN/TF/W/43/Rev.3 (following the order of the headings in the Index of Proposals) and various stances were adopted during these discussions.

With regard to the publication and availability of information (Item A), various delegations echoed the importance of Internet publication of regulations (with translation into at least one of the WTO's official languages) as well as establishing a single information centre for trade. In this respect, the Chairman nevertheless pointed out that Members should more accurately pinpoint the nature of the information to be published, the communication methods to be used and the assistance required. With regard to the time period for publication (Item B), certain delegations shared their difficulties in publishing certain laws a reasonable period prior to their implementation (e.g. for the State budget). Another delegation added that in some cases it was preferable not to publish certain measures in advance so as to avoid distorting the situation ahead of the measures. Finally, with regard to the need for consultation (Item C), delegations pointed out that it would be worth providing for a consultation mechanism with a flexible structure.

Several delegations reiterated the importance of the Single Window (Item H) for trade, nevertheless indicating the need to set reasonable objectives in this respect as well as to provide for a sufficient transitional period and a suitable capacity building programme. The implementation of the Single Window is considered complicated and the development of such a system is strongly linked to automation.

The authors of TN/TF/W/46).restated the desire to eliminate pre-shipment inspection and to strengthen the principle of non- discrimination, specifically for the three GATT Articles.

With regard to paper TN/TF/W/57 on a mechanism for the exchange of information, the proposers reiterated their wish for such a mechanism at multilateral level which would be more general than the one set out in the Johannesburg Convention.

WTO Members also discussed the usefulness of the Self-Assessment Questionnaire (TN/TF/W/59), their experiences and the difficulties encountered when subsequently using the results of this exercise. The main objective of this list is to enable Members to identify their needs and priorities regarding the proposals currently submitted as well as determining the technical assistance required.

The Chairman concluded by stating that the forthcoming meetings will essentially focus on preparing the Hong Kong Ministerial Meeting (December 2005) and that the Group should submit its contribution in this respect by mid-November. The next Meeting will take place on 24 and 25 October 2005.
