



Facilitating Safe Trade in Plants and Plant Products

The WTO Trade Facilitation Agreement

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Realities on the ground

SPS measures may result in justifiable transaction costs based on the need to protect health

but

Ineffective and inefficient SPS controls disrupt trade more than necessary, and sometimes result in poor health protection





SPS procedural obstacles

Limited information

Multiple inspections

Lack of coordination at borders

Complex and lengthy procedures

Excessive document requirements

No complaints / appeal procedures

Arbitrariness, unpredictability





Influencing factors

Low awareness about importance of trade facilitation

Trade facilitation not seen as part of core role

Limited skills, technical capacity

Too little funding for operational costs

Lack of public-private dialogue



Why this matters

More controls than justifiable

Longer than needed waiting times

Increased costs for traders,
also for governments

SMEs suffer the most

Informal trade



Win-win opportunities to facilitate *safe* trade



Use international standards

Improve transparency

Streamline SPS processes

Use risk-based approaches

Move towards SPS e-cert

Connect customs and SPS
authorities

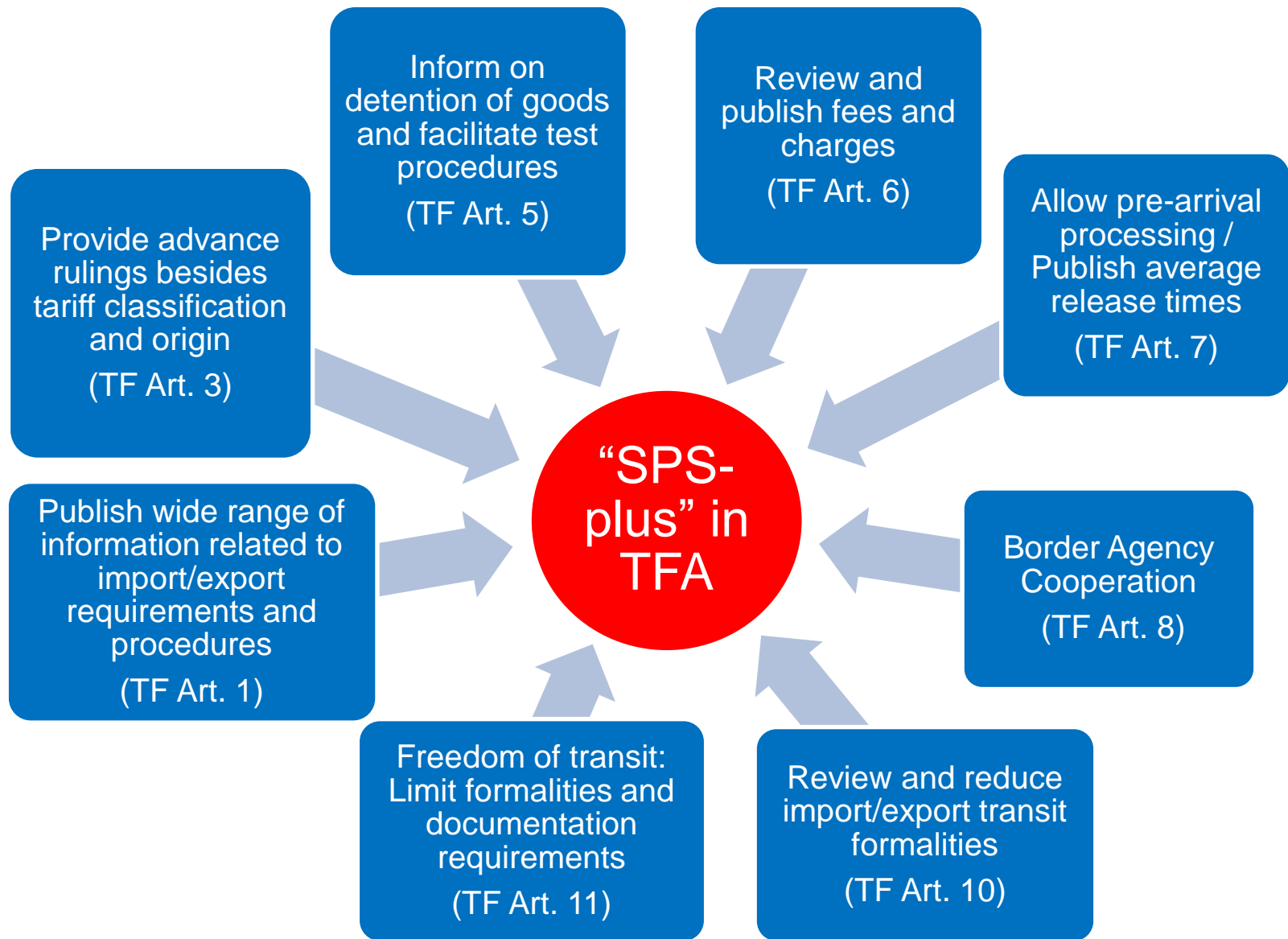
Trade Facilitation Agreement (TFA)



Entered into force on 22 February 2017

Applies to all relevant border agencies

Goal: Expedite movement, release & clearance of goods



Relationship between TFA and SPS Agreement
Secretariat background note (11 October 2018)

https://www.wto.org/english/tratop_e/sps_e/tf_sps_e.pdf



Nature and scope of obligations in the TFA

Binding

Art. 1.1 (Publication):
“Each Member **shall**
promptly publish ...”

Best endeavour

Art. 1.3 (Enquiry
Points): Members
are encouraged
not to require...”

Combination

Art. 1.2 (Information
through internet):
“Each Member **shall**
make available the
following...” “Members
are encouraged to
make available”



Section I

12 Articles with approximately 40 “technical measures”



Article 1
Publication &
Availability
of Information



Article 5
Measures to Enhance
Impartiality, Non-
Discrimination
& Transparency



Article 9
Movement under
Customs Control



Article 2
Comment
and Consultations



Article 6
Disciplines on Fees
and Charges



Article 10
Import, Export
& Transit
Formalities



Article 3
Advance
Rulings



Article 7
Release and
Clearance
of Goods



Article 11
Freedom
of transit



Article 4
Procedures for
Appeal or Review



Article 8
Border Agency
Cooperation



Article 12
Customs
Cooperation



Article 5

Measures to enhance impartiality, non-discrimination and transparency

5.1 Import/rapid alert systems - provisions covering systems to increase controls on imports following detection of violations (applies specifically to controls/inspections of foods, beverages and feedstuffs with objective of protecting human, animal or plant life or health)

5.2 Detention – obliges Members to inform carrier or importer about detention of imported goods for inspection

5.3 Test procedures - addresses opportunities for second test, if first test shows an adverse finding

Article 7.4 Risk Management



Each Member shall:

4.1 to the extent possible, adopt or maintain a risk management system for customs control.

4.2 design and apply risk management in a manner as to avoid arbitrary or unjustifiable discrimination, or a disguised restriction on international trade.

4.3 concentrate customs control and, **to the extent possible other relevant border controls**, on high-risk consignments and expedite the release of low-risk consignments.

A Member also **may select, on a random basis**, consignments for such controls as part of its risk management.

Article 7.9 Perishable Goods



- View to preventing loss & deterioration:
 - ✓ Release in shortest possible time
 - ✓ If necessary, outside business hours
- Priority in exam schedule
- Proper storage provided/allowed
- Reason provided if significant delay

Article 8 Border Agency Cooperation

National cooperation

Each Member shall ensure cooperation & coordination of its agencies responsible for import, export, transit border controls & procedures.



Cross border cooperation

Each Member shall, to extent practicable, coordinate procedures across borders. This may include:

- a) align working days/hours;
- b) align procedures/formalities;
- c) develop & share common facilities;
- d) joint controls;
- e) establishment of one stop border post control.

WTO/WCO/WBG/Codex/OIE/IPPC/STDF
Regional Border Agency Cooperation
workshops



Members must streamline and simplify formalities and document requirements.

Article 10.1 Formalities and Documentation Requirements



- Formalities and documents applied:
- a. With view to rapid release - especially perishable goods.
 - b. With aim to reduce time and cost of compliance.
 - c. In least trade restrictive manner.
 - d. Eliminated if no longer required.

**Synergies with Art. 8 and
Annex C SPS Agreement
(Control, Inspection &
Approval Procedures)**

**ePhyto project
STDF/PG/501**

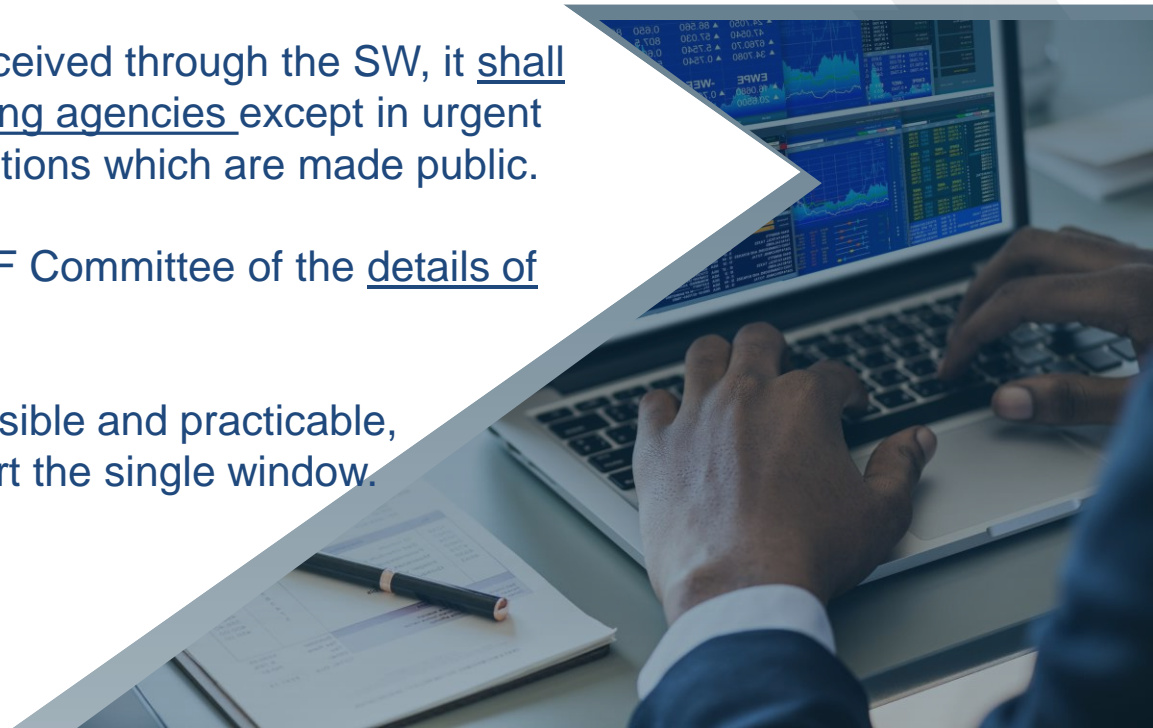
10.4 Single Window (SW)

4.1 Members shall endeavor to establish a SW enabling traders to submit import, export, transit data through a single entry point to participating agencies. Results of examination shall be notified to the applicant through the SW in a timely manner.

4.2 Where data has already been received through the SW, it shall not be requested again by participating agencies except in urgent circumstances or other limited exceptions which are made public.

4.3 Members shall notify the WTO TF Committee of the details of operation of the single window.

4.4 Members shall, to the extent possible and practicable, use information technology to support the single window.





Article 10.8 Rejected Goods

8.1 If import goods are rejected for failure to meet SPS or technical regulations, the Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or return the rejected goods to the exporter or another person designated by the exporter.

8.2 When such option is given and the importer fails to exercise it within a reasonable period of time, the competent authority may take a different course of action to deal with such non-compliant goods.

Article 11 Freedom of transit

11.8 Members shall not apply technical regulations and conformity assessment procedures within the meaning of the TBT Agreement to goods in transit.





SECTION II SPECIAL AND DIFFERENTIAL TREATMENT

Category A: already implementing

Category B: need extra time to implement

Category C: need extra time & TACB

ABC notification with implementation dates
& technical assistance needs

Provision	Heading/Description	Category	Indicative date for implementation (for categories B and C)	Definitive date for implementation (for categories B and C)	Assistance and Support for Capacity Building Required for Implementation (for category C)
Article 5.3	Test Procedures	C	31 December 2019	31 December 2021	<ul style="list-style-type: none">Legal/Policy – develop relevant laws and policies for agencies such as Bureau of Standards, Ministry of Health to ensure traders have access to second testing;Human Resources/Training – capacity building for relevant border agencies, laboratory technicians and academic institutions on secondary testing;Institutions – technical assistance and capacity building is needed for academic institutions, public and private laboratories to provide second testing;Infrastructure/Equipment – establishment of accredited laboratory/laboratories to undertake second testing.
Article 6 Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation and Penalties					
Article 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	A	-	-	-
Article 6.2	Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation	C	31 December 2021	31 December 2023	<ul style="list-style-type: none">Legislative Drafting/Amending of all legislation applicable such as the Financial Act, Customs and Excise Administration Act in order to the application of Customs Service Charge (CSC);Procedures – assistance to develop relevant procedures in order to implement and undertake effectively applying CSC.
Article 6.3	Penalty Disciplines	A	-	-	-
Article 7 Release and Clearance of Goods					
Article 7.1	Pre-arrival Processing	A	-	-	-
Article 7.2	Electronic Payment	C	31 December 2019	31 December 2021	<ul style="list-style-type: none">Legislative Drafting/Amending of all E-legislation and Financial Act in order to undertake Electronic Payment;Procedures – assistance to develop relevant procedures in order to implement electronic payment and



SECTION III

INSTITUTIONAL ARRANGEMENTS AND FINAL PROVISIONS

ARTICLE 23.2: NATIONAL TRADE FACILITATION COMMITTEE

Each Member shall establish and/or maintain a **national committee on trade facilitation** or designate an existing mechanism to facilitate both domestic coordination and implementation of the provisions of this Agreement.

24.6 “ . . . nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.”



Facilitating Safe Trade in Plants and Plant Products: moving forward

Focus on TFA and SPS Agreement -
harmonization

Use STDF Briefing Notes, studies, films

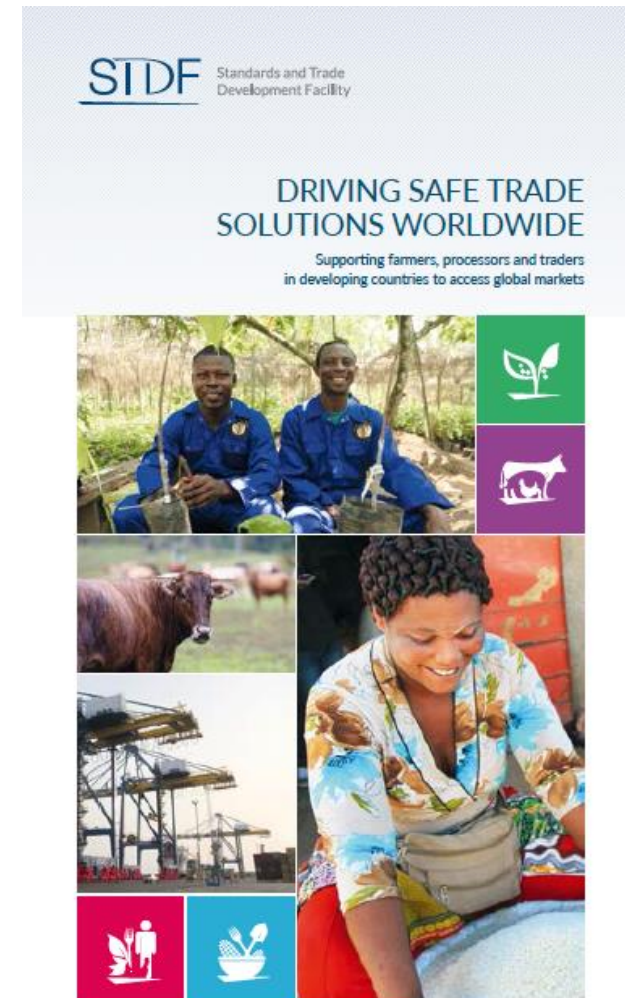
www.standardsfacility.org/facilitating-safe-trade

Develop specific guidance for risk management
at the border/data sharing?

Continue work on ePhyto

Engage/participate in NTFCs

Leverage TFA resources to improve SPS
border management



TFA Facility



The Trade Facilitation Agreement

Aimed at providing support to developing and LDC Members



Reducing costs and burdens on trade transactions, improving co-ordination and



New report shows impact of Global Alliance for Trade Facilitation



Out Now: Euro-Asian Transport Linkages Operationalisation of inland transport

What TFAF does

- Technical assistance
- Matchmaking
- Encourage cooperation of Organizations & donors
- Grant program

TFA information

Website

- Case studies, guidelines, etc
- Donor information
- Country profiles
- Ratification & notification

WWW.TFAFACILITY.ORG