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## Mission report

### (Mission to the WTO TFNG Chairman's consultation)

2 February 2006

Toni Matsudaira

The Chairman of the WTO Trade Facilitation Negotiating Group, Mr. Tony Miller (the Head of Hong Kong, China Delegation to the WTO), held a meeting with the WTO Members in Geneva on 30 January. He also invited the WCO to this meeting.

The meeting was organized in the form of a Chairman's consultation under his personal capacity as the Chairman. No paper was circulated at the meeting.

The consultation meeting was well attended by the WTO Members. Unfortunately, due to the schedule conflict with "WIPO/WCO Global Congress on Combating Counterfeiting and Piracy" which was coincidentally held in Geneva on the same date, there were few Customs attachés participated in the WTO meeting.

The purpose of the WTO Chairman's consultation was to provide WTO members with an opportunity to intensify work on all elements of the negotiation mandates. There were four sessions: (1) Issues of Technical Assistance/Capacity Building; (2) Special & Differential treatment; (3) Proposals on GATT Articles V, VIII and X; and (4) others, including Customs co-operation.

#### (1) Issues of TA/CB

The WTO Secretariat recalled that it proposed in December 2006 a substantial expansion of its Technical Assistance program on Trade Facilitation in 2007. It proposed a Trade Facilitation Needs Assessment Project that would provide national workshops for all requesting WTO members and observers to assist them in conducting a self assessment of needs as required in the negotiating mandate.

Then, it shared the latest state of play.

The needs assessment would be based on a tool that is being developed by the World Bank with input from the WCO Secretariat, IMF, WTO Secretariat and other Annex D organizations. It was currently in the final stage of development.

At the end of February, a team from WTO, WCO, World Bank and, probably, IMF would conduct a site testing of the needs assessment tool in Zambia. After this testing, the team would finalize the tool and distribute it for use by all the WTO members.

The WTO Secretariat has urged all WTO members and observers interested in receiving assistance in using this self assessment tool to submit a request to the WTO Secretariat. As of 30 January, 17 countries placed the request. (As of 2 February, 29 WTO members requested the assistance.) In order to arrange the funds from donors, the WTO Secretariat needed to provide estimates of the amount of funds needed. The idea was to set up a trust fund within the WTO for this particular project.

Prior to the commencement of a needs assessment, capital-based officials needed to carry out preparation, for example, establishing a committee or task force and identification of stakeholders. In order to assist with this preparation the WTO Secretariat would meet with the relevant Geneva-based delegates in advance to explain the process and necessary preparations.

In addition, the WTO Secretariat would offer 7 regional workshops in 2007 which would provide background on the negotiations, explain the self assessment tool and instruct on how to organize and prepare for the needs assessment. The WTO Secretariat urges countries to send appropriate officers to the regional workshops. Two officers would be invited from each country: preferably, one is from the ministry in charge of trade facilitation negotiations; and the other is from the implementing agency, notably Customs. These two officers would take a leading role in the national needs assessment workshop.

The first regional workshop would be held in Qatar for Arab and Middle East Countries on March 18-22. The regional workshop for English-speaking African countries was scheduled for the week of 16 April. One for Asia and Pacific region was planned for the week of 7 May. For the other regions, the dates/venue were not yet planned.

The WTO member welcomed the initiative and the progress. They also expressed that they were looking forward to receiving more details in future.

Besides the project of national needs assessment workshop, some delegations argued that they

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needed input for their physical infrastructure constraints as well as technical assistance and financial assistance.

#### (2) S&D

Then, the WTO members negotiated on the proposals on Special and Differential treatment, in other words, proposals on implementation mechanism. There were two important proposals, i.e., TN/TF/W/137 and W/142. The basic concept of the two proposals was similar. They have proposed WTO members to (1) check the implementation capacity; (2) if the capacity is not adequate, claim the implementation time or request the TA/CB; (3) TA/CB would be arranged upon request, if not no WTO obligation on the issue concerned is imposed on the WTO member concerned. This mechanism would provide S&D treatment tailor-made issue by issue and country by country.

Some delegates questioned how to classify a commitment into three groups: (a) the country can take it immediately, (b) the country can take it within a certain period of time; or (c) the country needs support for capacity building to implement. Other delegates emphasized the importance of partnership between the beneficiary country and the donor. The role of intergovernmental organizations in this partnership was also raised by several WTO members.

The issue of Dispute Settlement mechanism was raised but the discussion was not in depth. One delegate suggested a use of good office and mediation before considering the direct use of the WTO panel procedure.

#### (3) Proposals on GATT Articles V, VIII and X

Chairman opened the floor for the negotiations on proposals on GATT Articles V, XIII and X.

Certain WTO members have argued that the texts on the negotiation table were not exhaustive. There would be additional proposals.

It was rather obvious that not many WTO members were ready to negotiate each proposal after the long interval. The only exception was the proposal on fees and charges. There were lively interactive exchanges of views on ad-valorem fees and charges.

#### (4) Other

There was no particular intervention on this topic.

The meeting was originally designed for 2 days but it lasted one day. This was the last meeting under the current Chairman. A new Chairman of the TFNG would be appointed by the WTO General Council on the 7<sup>th</sup> or 8<sup>th</sup> of February[1]. The WTO TFNG meeting calendar would depend on this new Chairman's schedule.

Nevertheless, the WTO Secretariat shared the information that it booked a meeting room for 12 and 14 March since the meeting room availability in the WTO is quite tight.

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[1] H.E. Mr. Eduardo Ernesto SPERISEN-YURT, Ambassador of Guatemala to the WTO, is appointed as the Chairman of the TFNG on 7 February 2007.