WTO Trade Facilitation Agreement

State of Play

Thailand - National and Sub-regional Workshops on the WTO Trade Facilitation Agreement
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State of Play: a quick word on “entry into force”

• Protocol and Model of Instrument
• Ratifications received to date and regional breakdown
• S&D treatment and categories of notifications
• Notifications received
Members of the World Trade Organization; Referring to the Agreement on Trade Facilitation;

Having regard to the Decision of the General Council in document WT/L/940, adopted pursuant to paragraph 1 of Article X of the Marrakesh Agreement Establishing the World Trade Organization ("the WTO Agreement");

Hereby agree as follows:

1. Annex 1A to the WTO Agreement shall, upon entry into force of this Protocol, be amended by inserting the TFA after the Agreement on Safeguards.

2. Reservations may not be entered in respect of any of the provisions of this Protocol without the consent of the other Members.

3. This Protocol is hereby open for acceptance by Members.

4. This Protocol shall enter into force in accordance with paragraph 3 of Article X of the WTO Agreement.

5. This Protocol shall be deposited with the WTO DG who shall promptly furnish to each Member a certified copy and a notification of each acceptance.

6. This Protocol shall be registered in accordance with Article 102 of the Charter of the UN. Done at Geneva this 27th day of November 2014, in English, French and Spanish, each text being authentic.
Model instrument of acceptance

For the Protocol Amending the WTO Agreement Establishing the World Trade Organization, done at Geneva on 27 November 2014:

[Member]

INSTRUMENT OF ACCEPTANCE
OF THE PROTOCOL AMENDING THE MARRAKESH AGREEMENT
ESTABLISHING THE WORLD TRADE ORGANIZATION

Whereas the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization (“the Protocol”) was done at Geneva on 27 November 2014 (WT/L/940);

And whereas, in accordance with its paragraph 4, the Protocol shall enter into force in accordance with Article X:3 of the Marrakesh Agreement Establishing the World Trade Organization;

Now therefore, I, [name of signatory], [where applicable: head of state, head of government or minister of foreign affairs] of [Member], do hereby formally declare that [Member] accepts the aforementioned Protocol and undertakes faithfully to perform and carry out the stipulations therein contained.

In witness whereof, I [name and title of signatory] have signed this Instrument of Acceptance, at [place] on this [day] of [month] in the year [year].

[Signature, title and seal]
How to accept the Protocol of amendment?

http://www.tfafacility.org/how-signal-ratification
• The Trade Facilitation Agreement will enter into force once two-thirds of Members have domestically ratified the Protocol of Amendment and notified the WTO of their acceptance of this Protocol.
• WTO current membership: 164 Members

110 ratifications required for entry into force
93 Ratifications presented

92 Instruments of Acceptance deposited
93 ratifications received

17 ratifications required
93 Ratifications received so far - Timeline

- No. of Ratifications
- Cumulative no.
93 Ratifications presented – Regional breakdown

Asia and the Pacific
22.8 % of which:
19 from Asia and 2 from the Pacific
Asia and the Pacific: 21 Ratifications presented

- **ASIA**: Afghanistan, Australia, Brunei Darussalam, Cambodia, China, Hong Kong China; India, Japan, Korea, Lao PDR, Macao China, Malaysia, Myanmar, Pakistan, Singapore, Sri Lanka, Chinese Taipei, Thailand, Viet Nam.

- **THE PACIFIC**: New Zealand; Samoa
Self-determination

Each developing and least developed country can say when it will implement each measure
S&D: 3 categories of measures
Art. 14

Category A

Category B

Category C
Implementation of Category A

To be implemented by the time the TFA *enters into force* (Developing countries Art.15.1)

To be implemented *within one year* after the TFA enters into force (LDCs)
Implementation of Category B

To be implemented after a transitional period following the entry into force of the TFA

(Developing countries and LDCs)
Implementation of Category C

To be implemented after a transitional period and requiring the acquisition of assistance and support for capacity building (Developing countries and LDCs)

Self-identify which measures can implement only with technical assistance
Establish/maintain a NCTF or a mechanism to facilitate domestic coordination and implementation

KEY instrument in Developing and Least-developed Members when preparing notifications of Categories A; B; and C
87 Category A Notifications received so far - Timeline
87 Category A Notifications received so far –
Regional breakdown

- Africa: 20
- Asia and the Pacific: 15
- Commonwealth of Independent States (CIS): 6
- Europe: 13
- Latin America: 8
- Middle East: 4
- The Caribbean: 13
87 Category A Notifications received so far – Most notified vs. least notified Articles
5 Category B and C notifications received so far (Zambia, Georgia, Salomon Islands, Mauritius and Malawi)
Thank you!