



TRADE FACILITATION IN REGIONAL TRADE AGREEMENTS



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Trade Facilitation in Regional Trade Agreements

The number of provisions related to customs and trade facilitation included in Regional Trade Agreements (RTAs) has increased over time. Currently, most of RTAs that have been notified to the World Trade Organization (WTO) comprise commitments in such matters, reflecting the growing importance of trade facilitation at the regional level. At the same time, trade facilitation is also being negotiated at the WTO, which suggests the need to examine linkages between future provisions of the agreement currently being negotiated at WTO and trade facilitation commitments in RTAs. The present study presents and discusses issues WTO members face with regards to discrimination and discrepancies between trade facilitation commitments at the regional and multilateral levels. The report also envisages actions to be taken to minimize potentially adverse effects.



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Abbreviations

ADB	Asian Development Bank
APEC	Asia-Pacific Economic Cooperation
APTA	Asia-Pacific Trade Agreement
ASEAN	Association of Southeast Asian Nations
ASYCUDA	Automated System for Customs Data
CAFTA	Central American Free Trade Agreement
CARIFORUM	Caribbean Forum
COMESA	Common Market for Eastern and Southern African States
EAO	Economic Authorized Operators
EDI	Electronic Data Interchange
EFTA	European Free Trade Association
EPA	economic partnership agreement
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
EU	European Union
FTA	free trade agreement
GATT	General Agreement on Tariffs and Trade
GATS	General Agreement on Trade in Services
ICT	information and communication technology
LDC	least developed country
LLDC	landlocked developing countries
MFN	most favoured nation
NAFTA	North American Free Trade Area
PTA	preferential trade agreement
RTA	regional trade agreement
SAARC	South Asian Association for Regional Cooperation
SACU	Southern African Customs Union
SAFTA	South Asian Free Trade Agreement
SAPTA	South Asian Free Preferential Agreement
TPP	Trans-Pacific Partner Agreement
WCO	World Customs Organization
WTO	World Trade Organization

Introduction

Under the framework of the Doha Development Agenda, and since 2004, the members of the World Trade Organization (WTO) have been engaged in negotiations of multilateral trade facilitation rules which would clarify and improve existing Articles V, VIII and X of the General Agreement on Tariffs and Trade 1994 (GATT).

After seven years of good progress, the negotiations have reached the stage of a draft text for a future WTO trade facilitation agreement. Many see this agreement as a source of significant benefits to the world trading community and as a potentially significant outcome of an otherwise endangered WTO round. Even if this multilateral framework does not come as soon as expected, some of the substance of the agreement waiting for finalization in Geneva has already made its way, in various forms, into agreements at the regional level.

Virtually every trading nation is today involved in one or more regional trade agreement (RTA). For purposes of this study “RTAs” cover all levels of trade integration, from bilateral and plurilateral free trade areas, to customs unions with common external tariffs. This study includes RTAs signed within developing countries, and between developing and developed countries that have been notified to the WTO. As of May 2011, around 489 RTAs, (counting goods and services notifications separately) were notified to WTO¹. For example, from 202 RTAs on goods and services that have presently been notified to WTO, around 118 (or 58 per cent), include provisions related to some form of customs and trade facilitation measures. This clearly reflects the growing importance of trade facilitation at the regional level and thereby the need to examine the existing linkages of regional trade facilitation commitments and possible future provisions agreed at WTO.

Indeed, this multiplication of trade facilitation rules at the regional level may also have become a source of overlap, and incompatibilities. The present study aims to contribute to a better understanding of the situation WTO members may face in the field of trade facilitation especially in view of a possible adoption of a multilateral agreement and the proliferation of regional instruments on trade matters.

The study analyses customs and other trade facilitation measures contained in these 118 regional trade agreements currently in force in Africa, Asia, Americas, Europe, as well as agreements concluded across regions. Scrutinized provisions in RTAs refer to the publication and administration of trade-related rules, customs procedures, and freedom of transit. These measures, similar to those included in the draft WTO Trade Facilitation Agreement, i.e. the consolidated text document TN/TF/W/165, are here referred to as “WTO-like” measures.

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