## Sixth UNECE International Seminar on Trade Facilitation "Trade Facilitation, Trade and Transport Corridor Development in Ukraine"

# The WTO Trade Facilitation Agreement: An efficient tool for rationalizing cross-border barrier



#### Trade facilitation and cross-border barrier

For the world as a whole the total content of the activity, which today is called "trade facilitation", is the result of a rather long evolution of both trade practices and the relationships between trade (as a subject of private law) and public authorities.

For Ukraine, trade facilitation, by and large, means building a fundamentally new basis (customs, legal norms, practices, professional knowledge, skills, etc.) and a one-time overcoming the stages of evolution that were missed during state monopoly period of foreign trade system and its consequences.

Trade facilitation is also a major impetus for the revision of the content of cross-border barriers, continuously formed in the period of formation of Ukraine as an independent state.

#### Trade facilitation and cross-border barrier

The appearance of the separate Agreement on Trade Facilitation (TFA) means that the component of cross-border barriers, which determines the amount of time and resources for the implementation of commercial transactions, must be unified in a certain way. The other component, that predetermines the need to respect national interests, must not be lost.

This understanding of TFA goals allows us to consider it not only as a challenge to the status quo, but first and foremost as an opportunity to review and rationalize the ways of maintaining the desired properties of cross-border barriers.

A small example, prepared in the course of research on Ukraine's readiness to implement the TFA, can show one of these options.

#### Link between TFA and the existing international standards

A detailed study of the TFA content allows to perceive the agreement not as a totally new international instrument but as a document, duplicating, modifying, or supplementing the rules of the other international documents, previously introduced in the national practice.

This view of the TFA content determines the need to test the hypothesis of a possible discrepancies between national practices and requirements of previous international instruments.

Using the recommended content of the commitments contained in sub-paragraph 3.1 of paragraph 3 of Article 10 of the TFA, this hypothesis was tested.

«3.1. Members are encouraged to use relevant international standards or parts thereof as a basis for their importation, exportation or transit formalities and procedures except as otherwise provided for in this Agreement»

#### Link between TFA and the existing international standards

As one of those international standards they've chosen the International Convention on the Simplification and Harmonization of Customs Procedures (as amended), the so-called Revised Kyoto Convention (RKC), which Ukraine joined in 2006.

It seems obvious to construct the visualised model, comparable with established models of the international supply chains.

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For example, with a reference model developed by the UN CEFACT

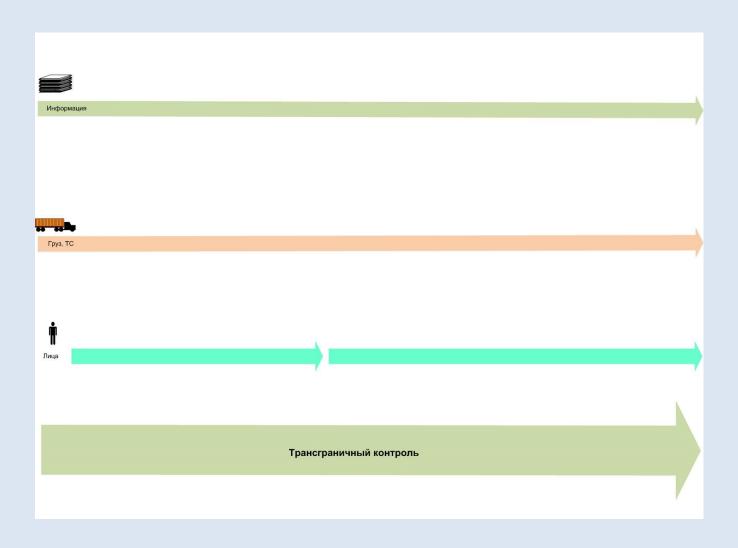


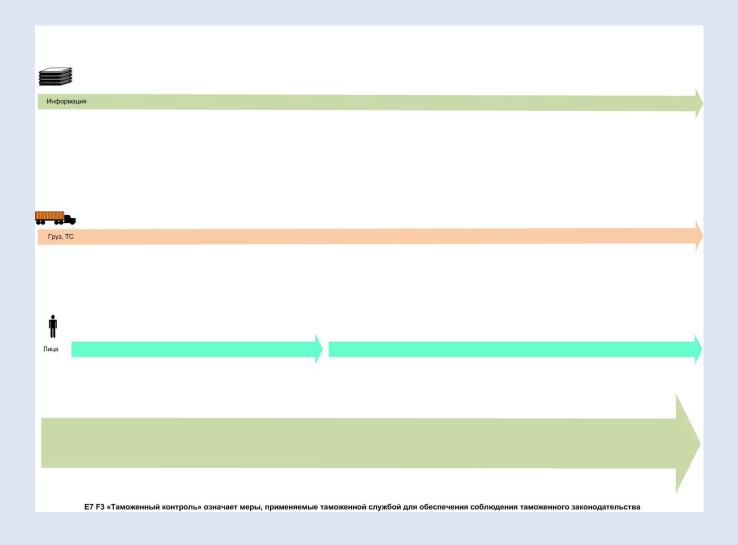
#### Visualised model

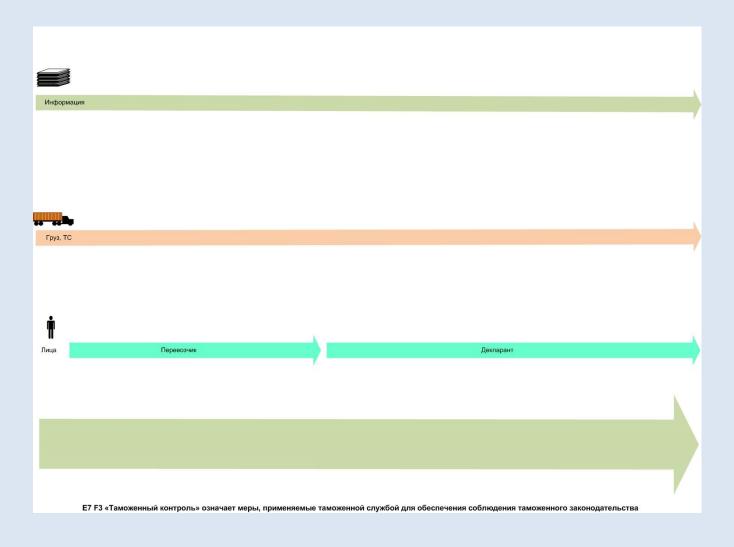
Visualisation of the RKC model action is carried out on the basis of building regulations in the same sequence:

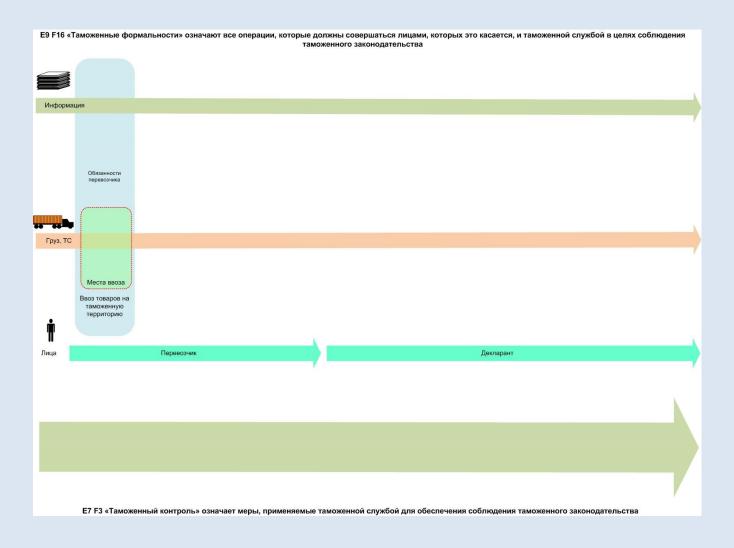
- Specific A Annex "The arrival of goods into the customs territory ';
- Chapter 3 "The customs clearance and other customs formalities" of the General Annex;
  - Chapter 6 "Customs control" of the General Annex.

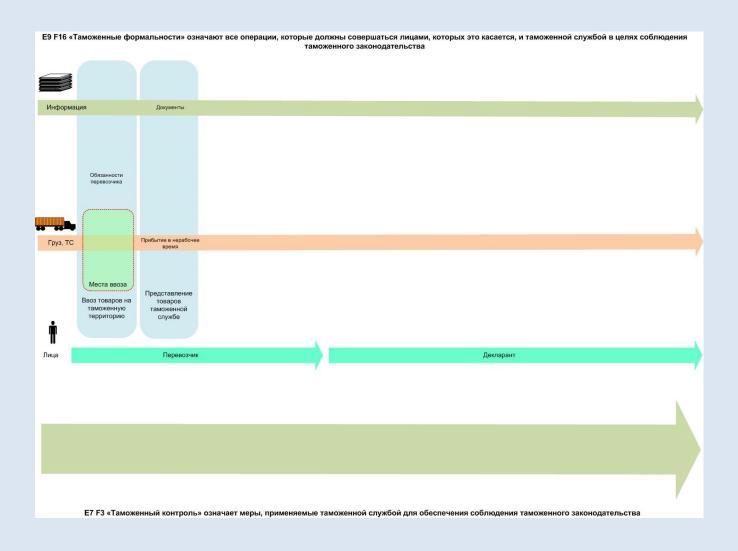
The basis for such an alignment was borrowed from logistics (it is now quite popular in international practice). It is a representation principle, as independent, basic material and related information flows.

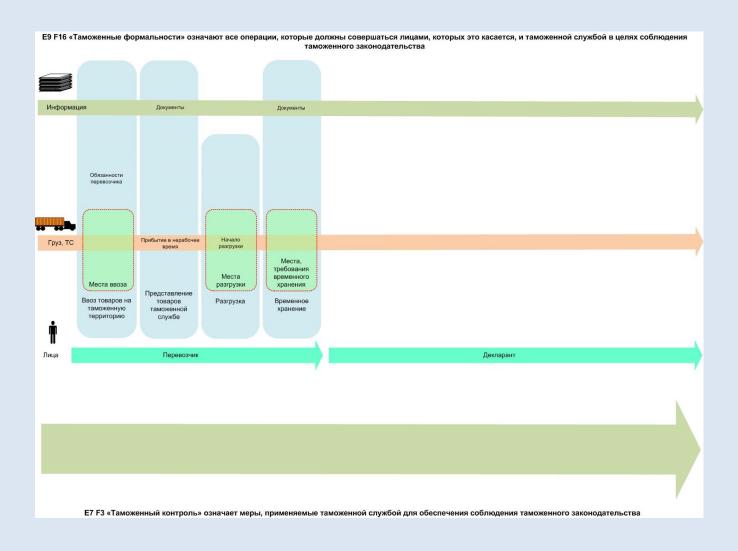


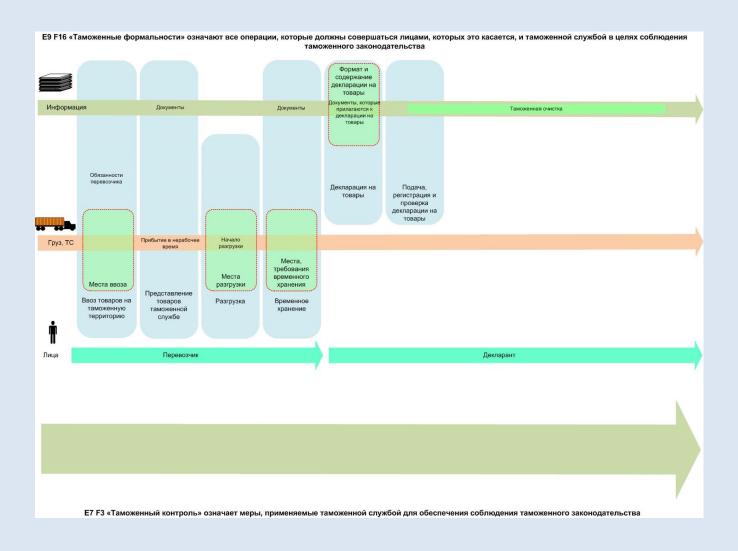


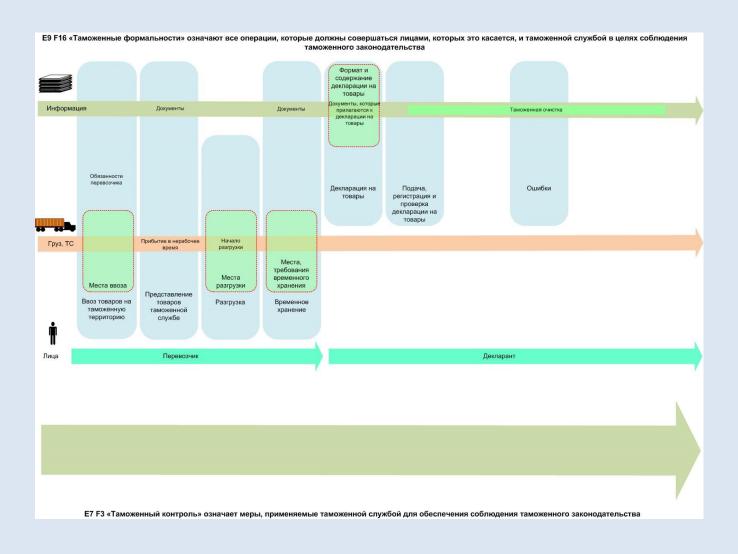


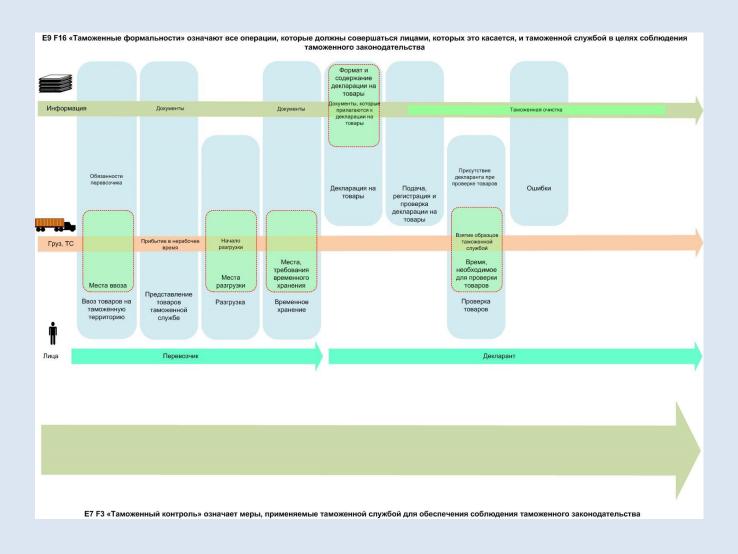


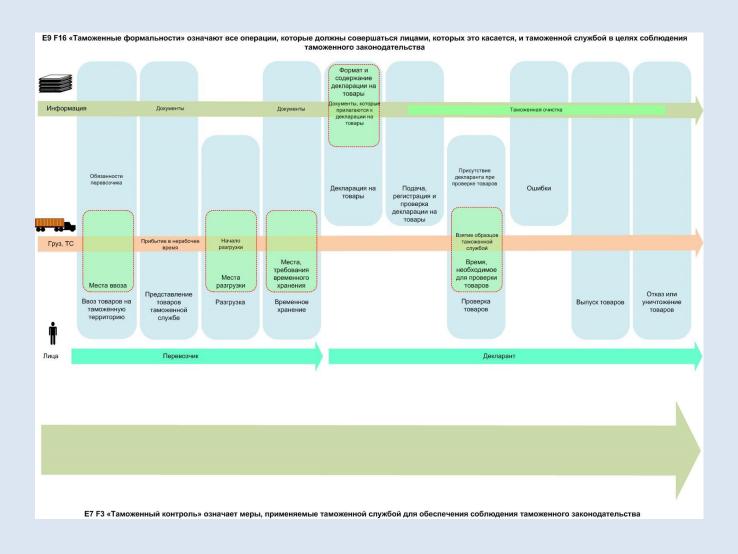


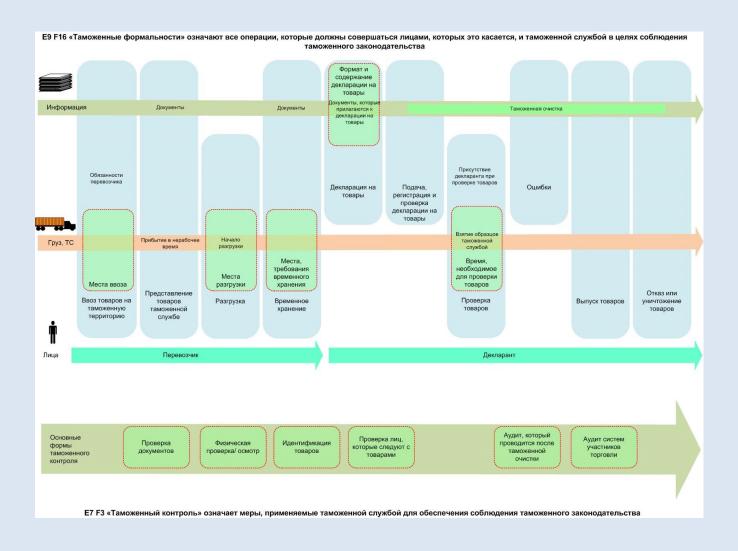


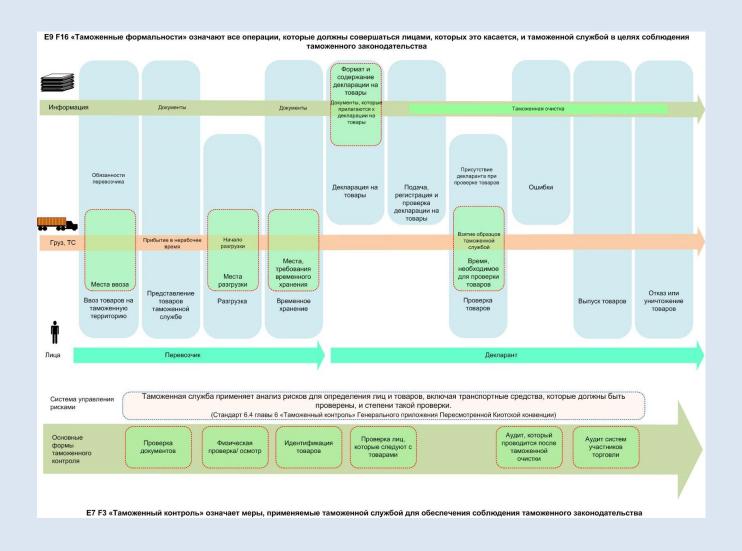


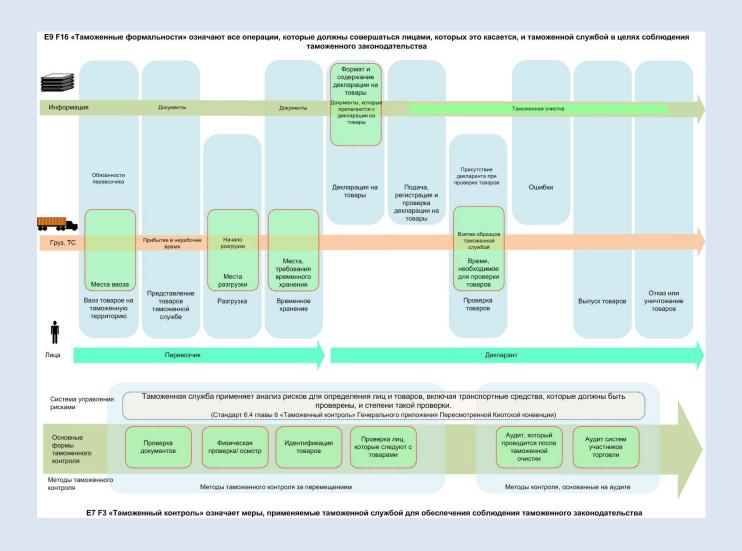




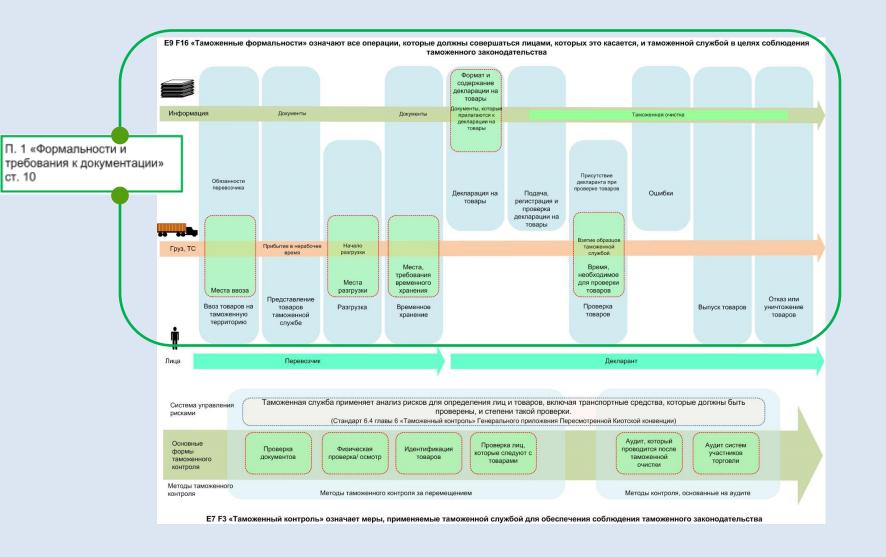


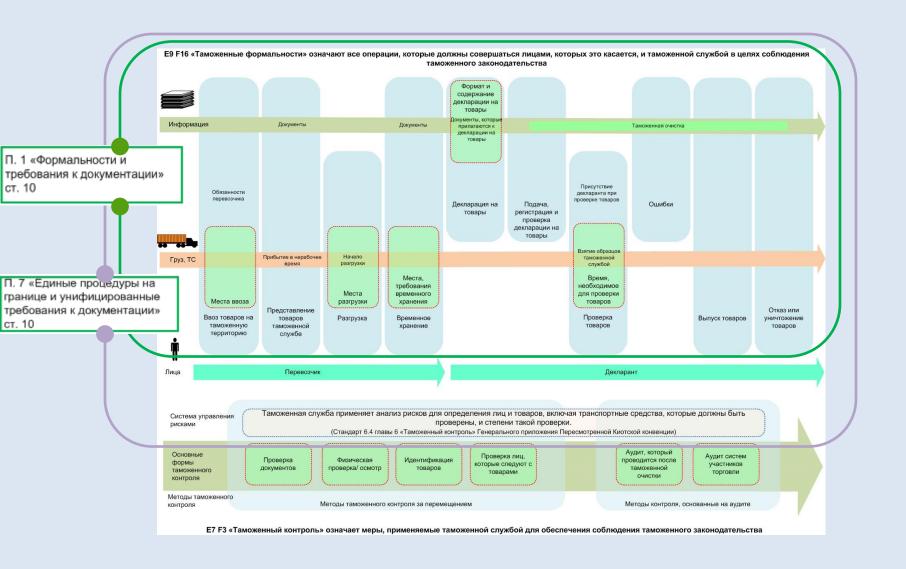


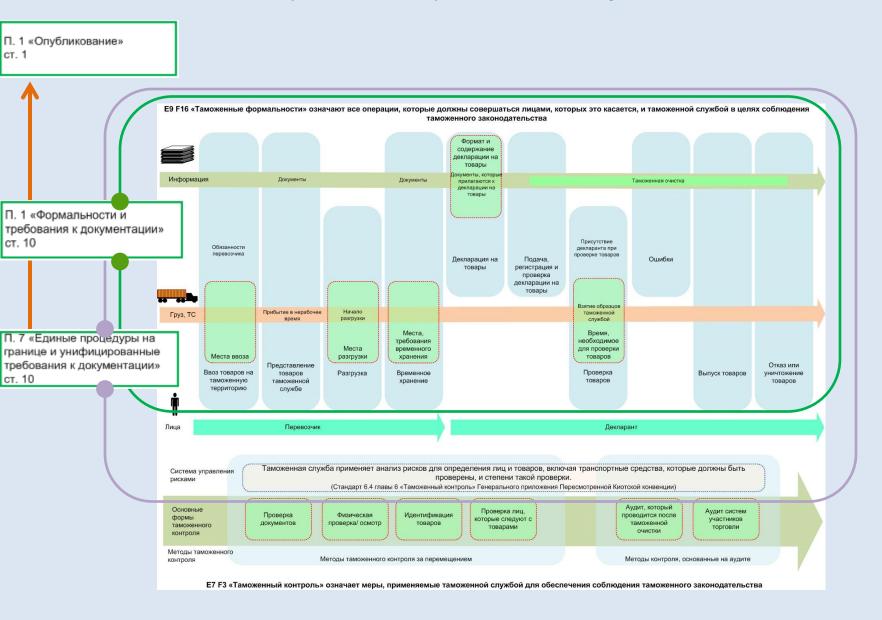


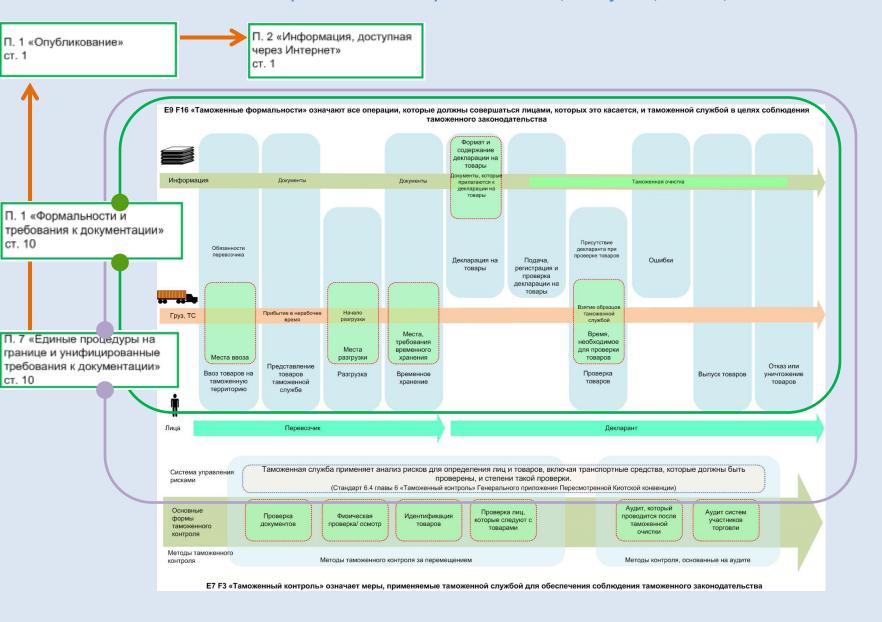


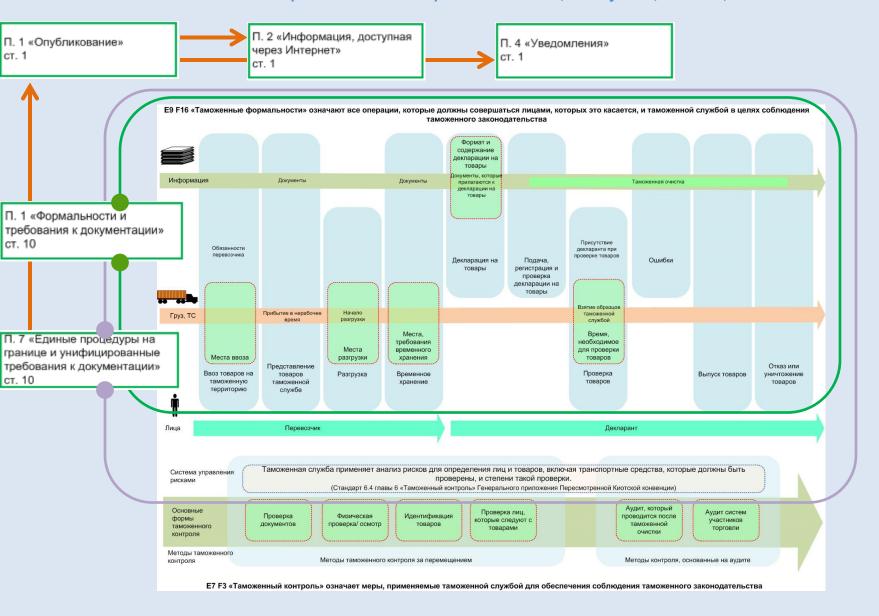
#### Visualization of TFA measures on RKC action model



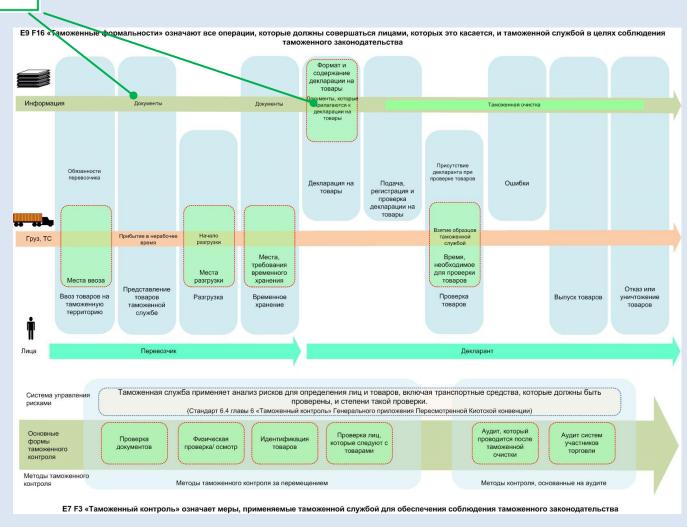




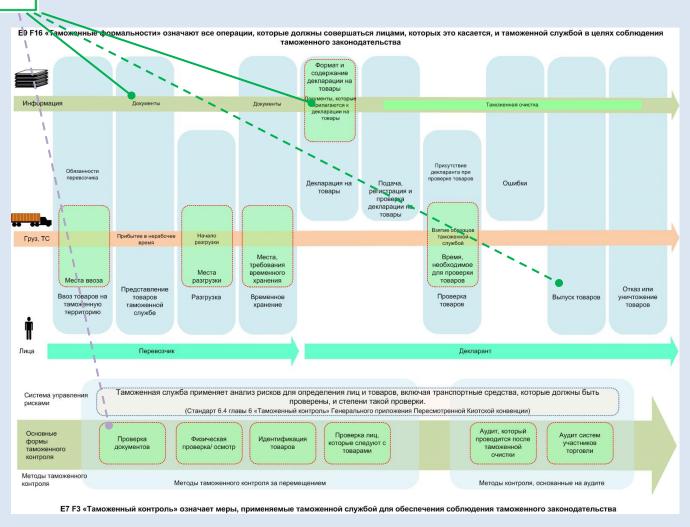


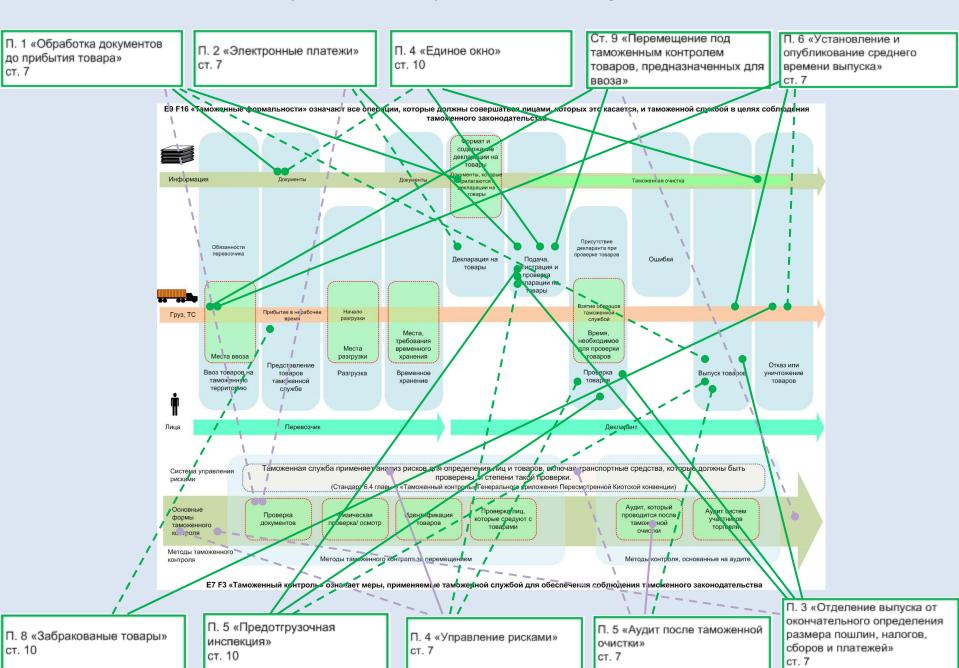


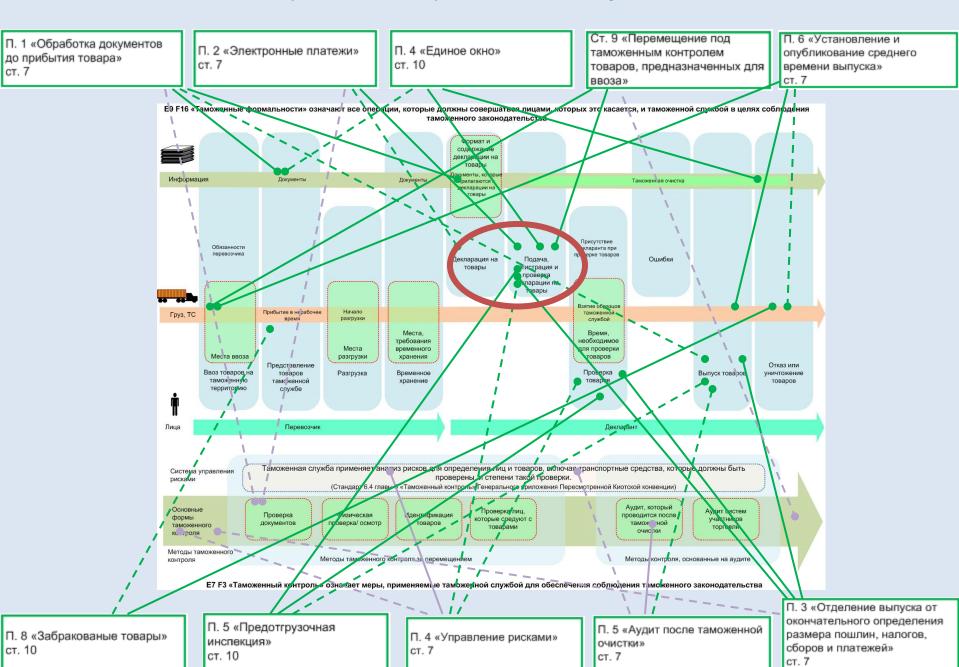
П. 1 «Обработка документов до прибытия товара» ст. 7

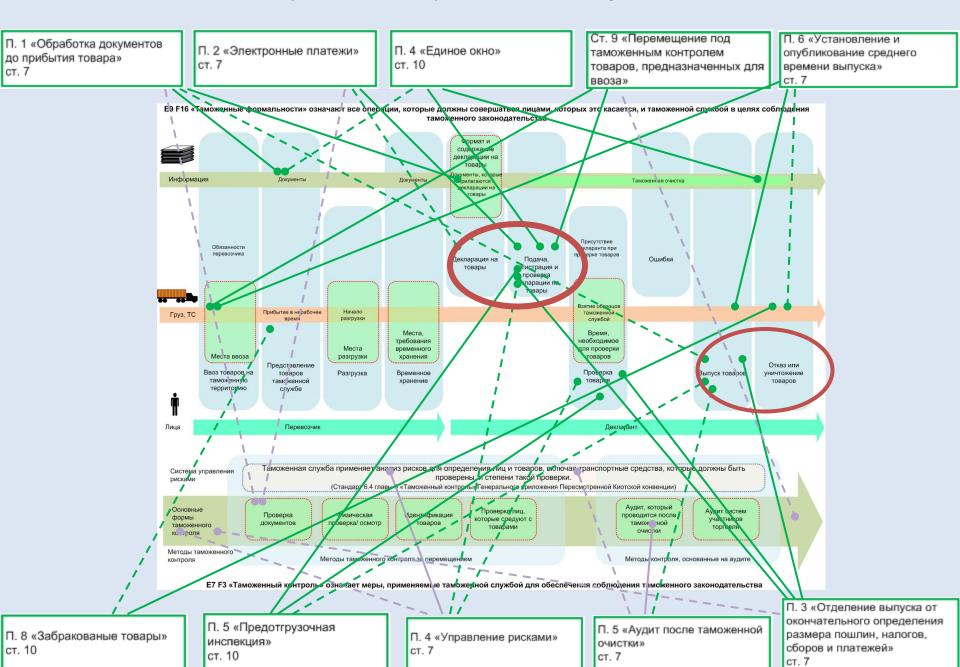


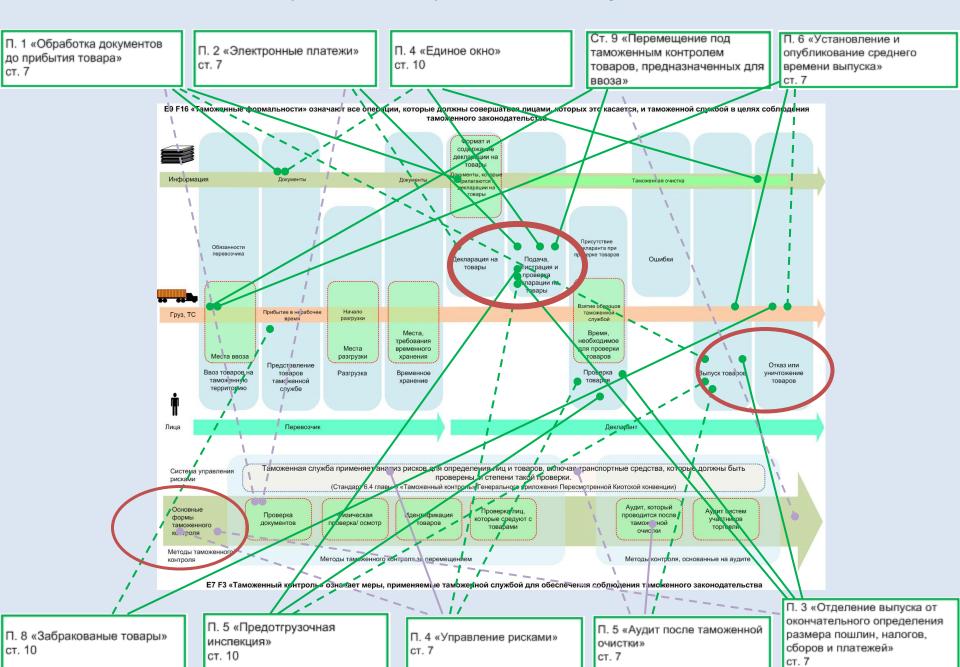
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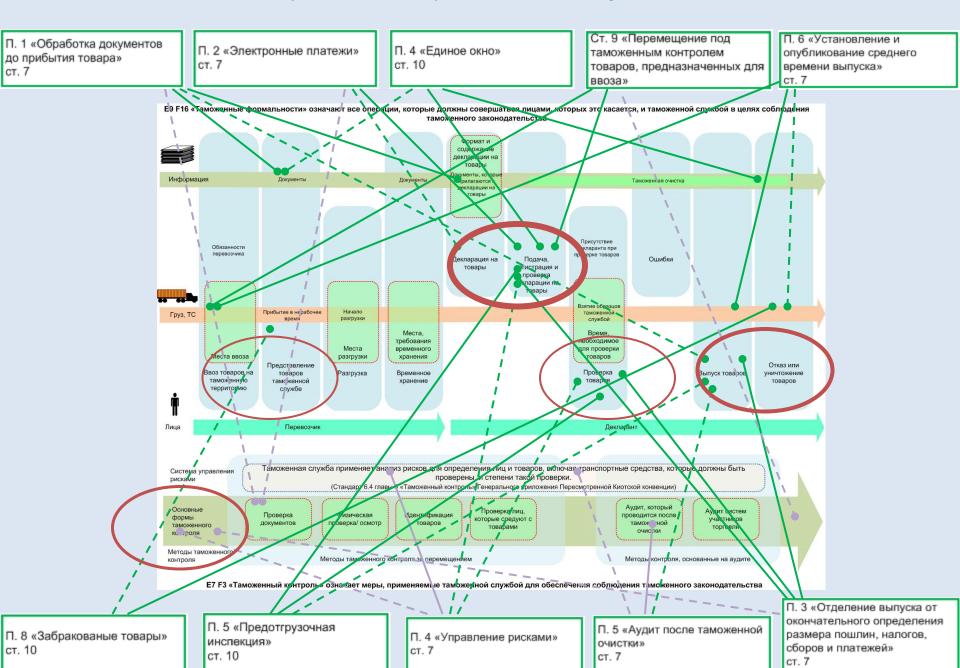






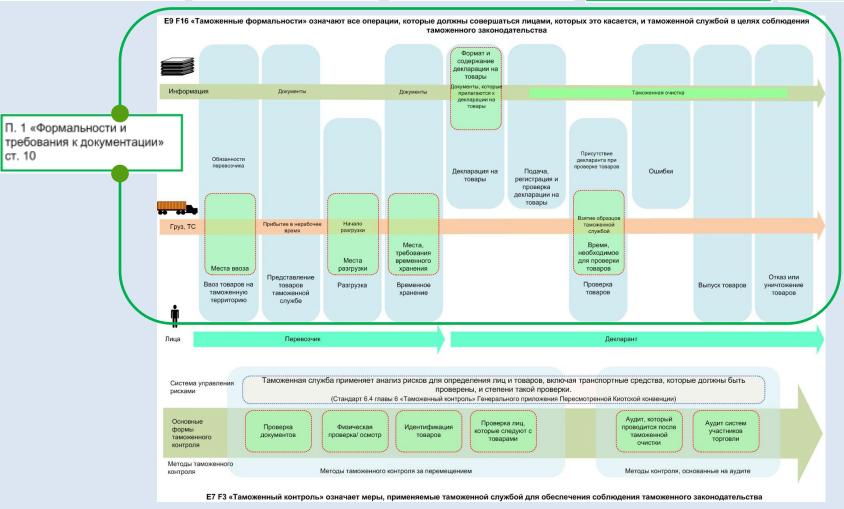






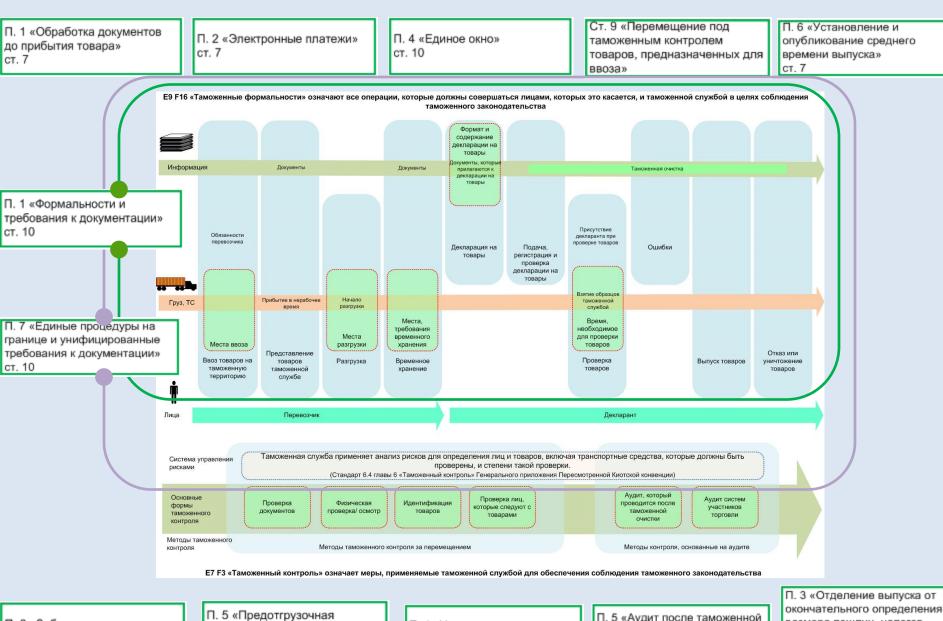
П. 1 «Обработка документов до прибытия товара» ст. 7

П. 2 «Электронные платежи» ст. 7 П. 4 «Единое окно» ст. 10 Ст. 9 «Перемещение под таможенным контролем товаров, предназначенных для ввоза» П. 6 «Установление и опубликование среднего времени выпуска» ст. 7

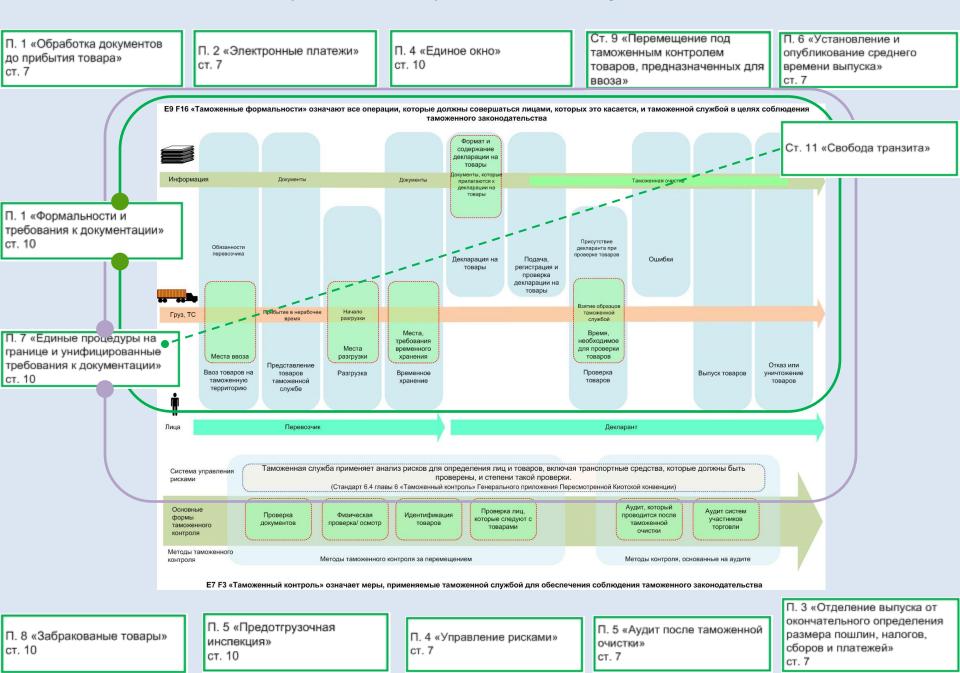


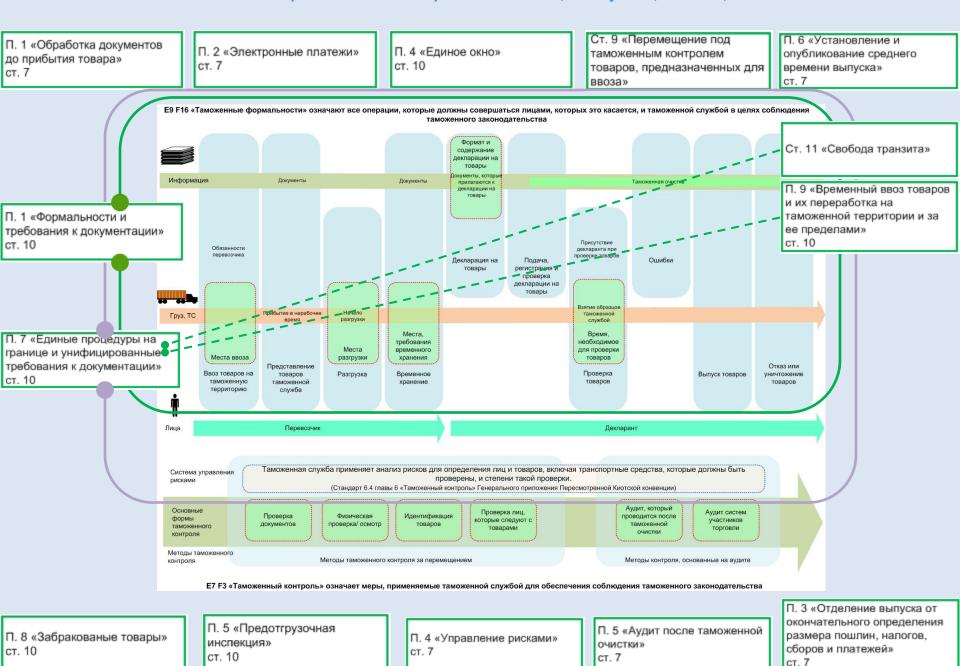
П. 8 «Забракованые товары» ст. 10 П. 5 «Предотгрузочная инспекция» ст. 10

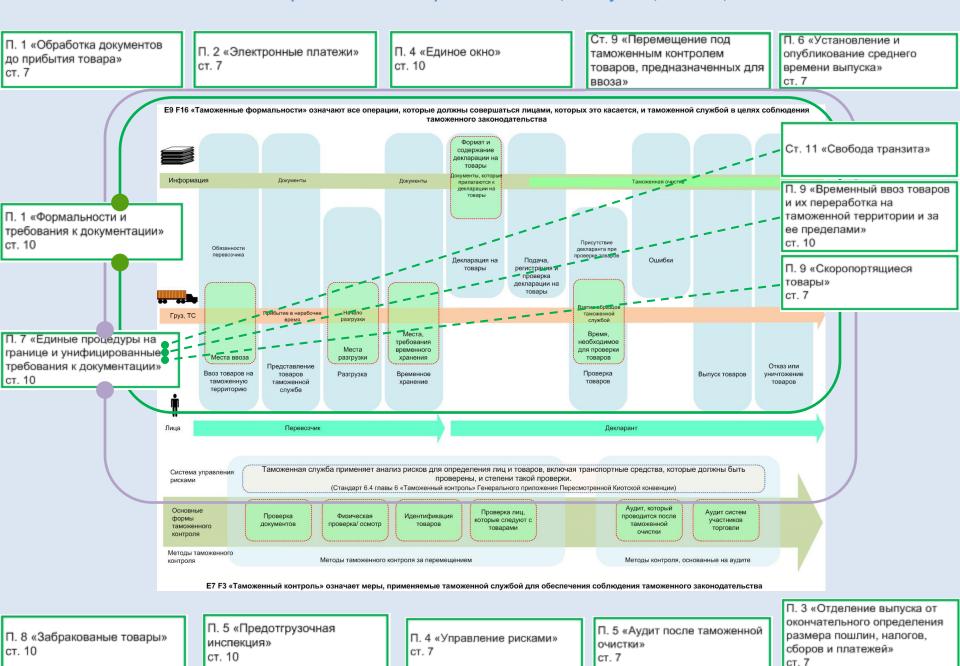
П. 4 «Управление рисками» ст. 7 П. 5 «Аудит после таможенной очистки» ст. 7 П. 3 «Отделение выпуска от окончательного определения размера пошлин, налогов, сборов и платежей» ст. 7

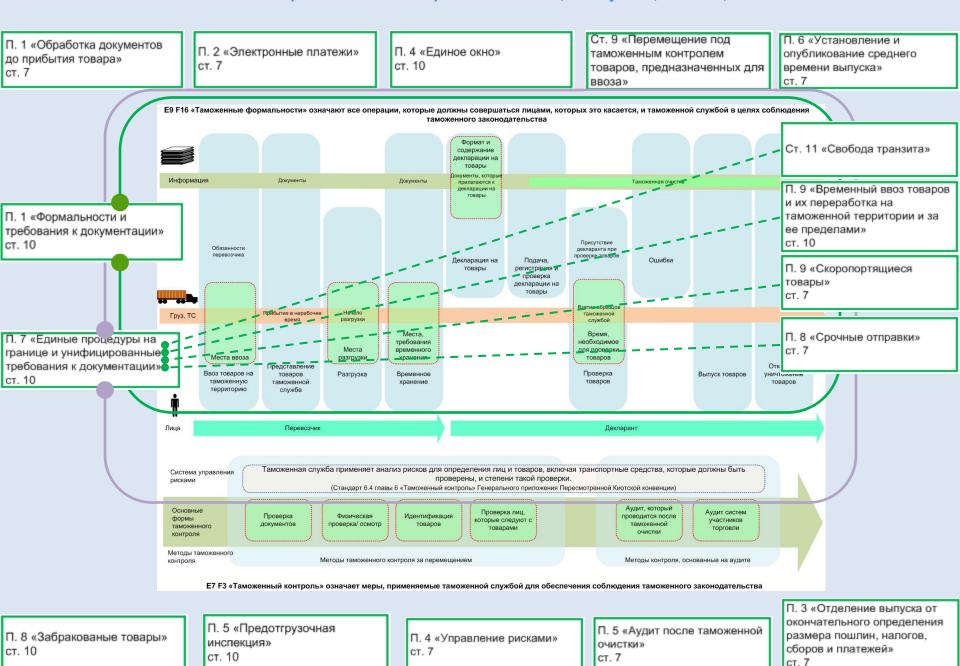


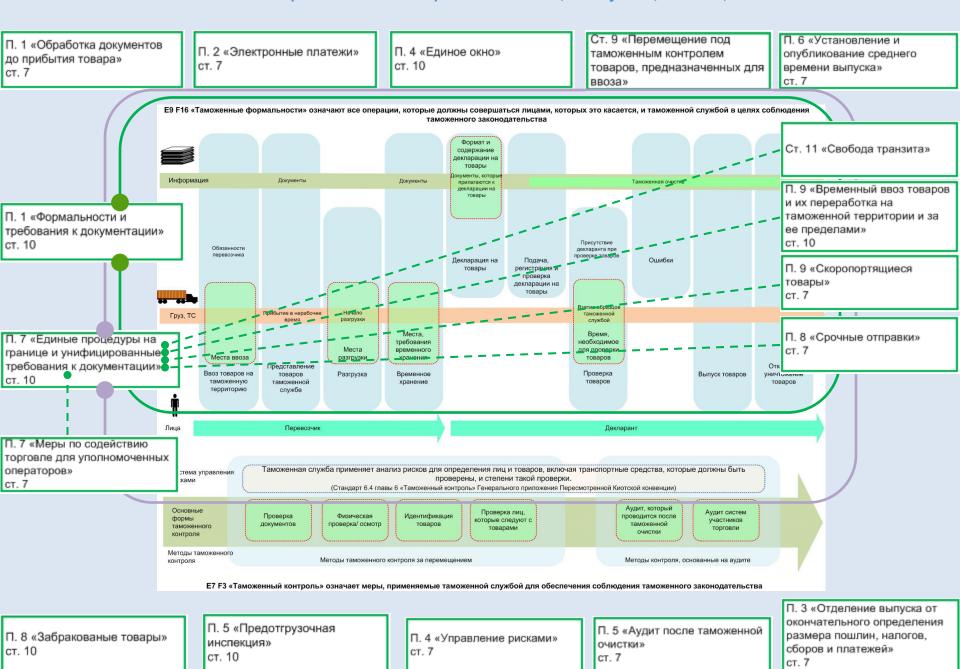
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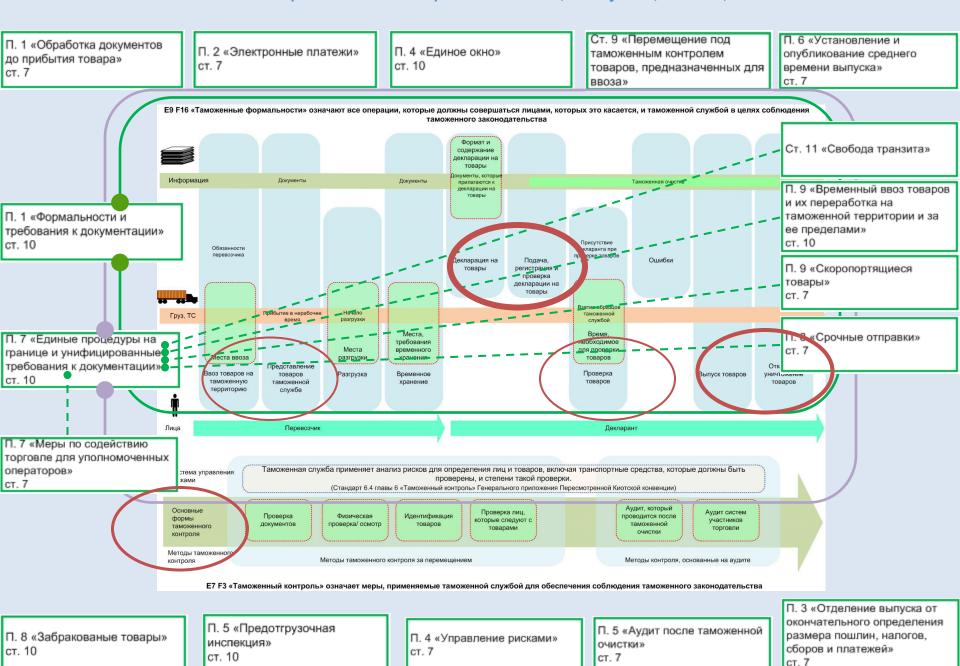




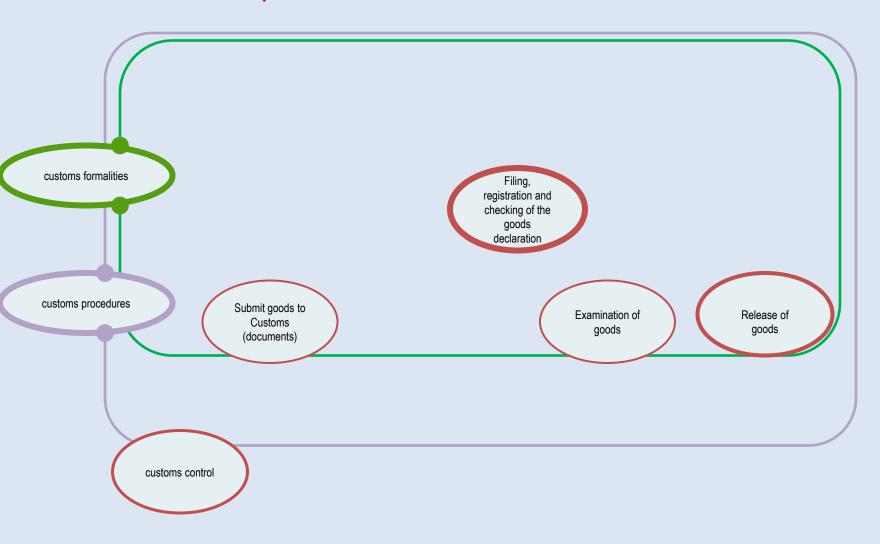


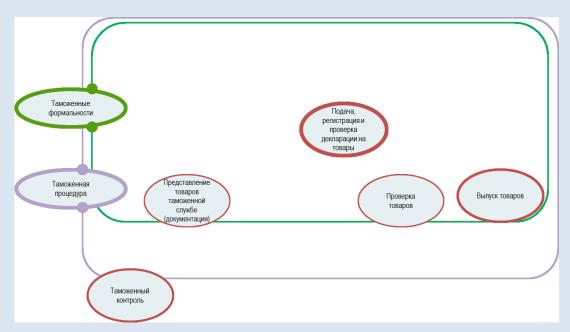






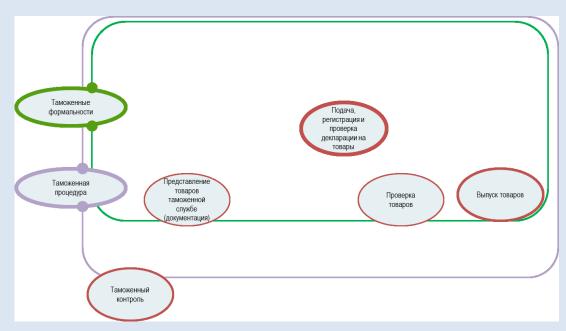
### Coincidence points between the TFA and the RKC

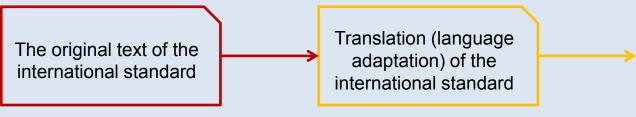






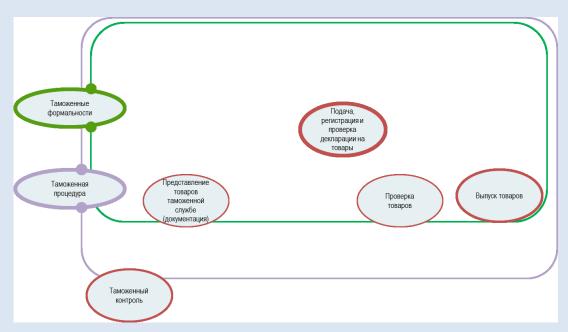
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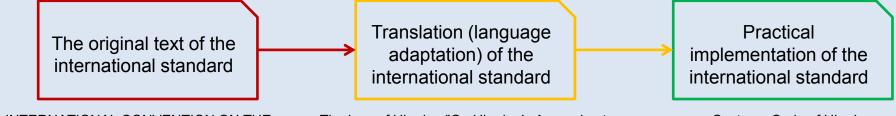




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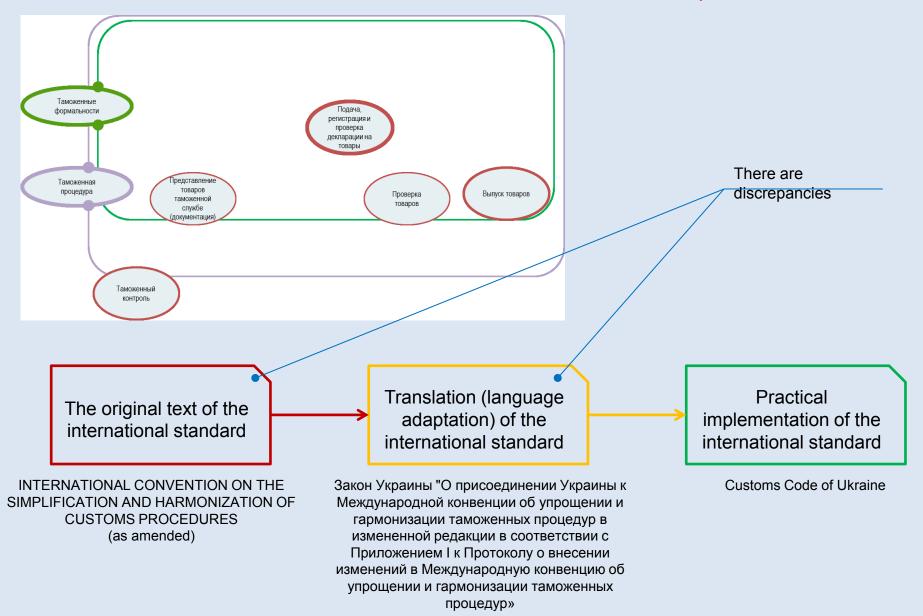
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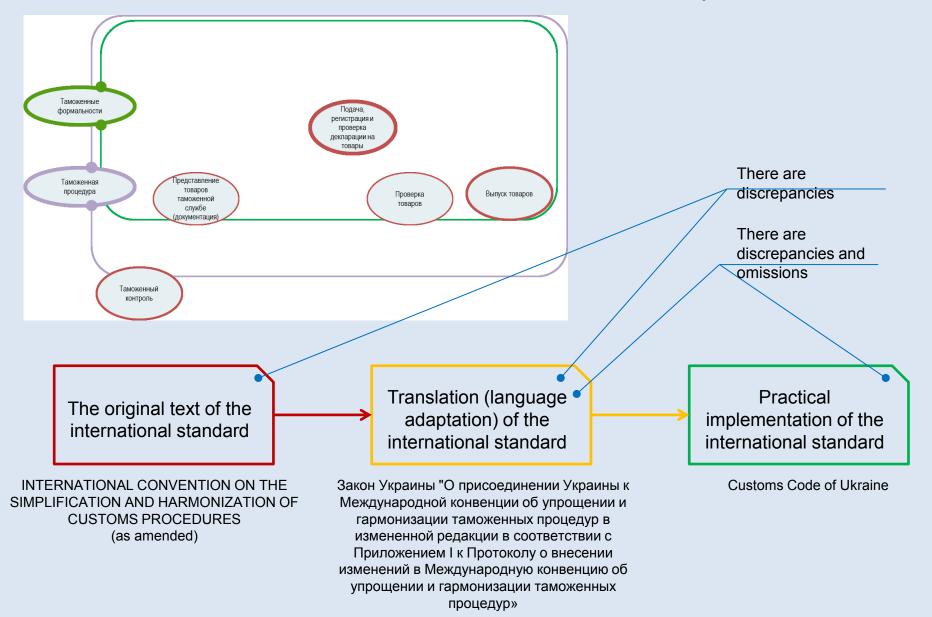




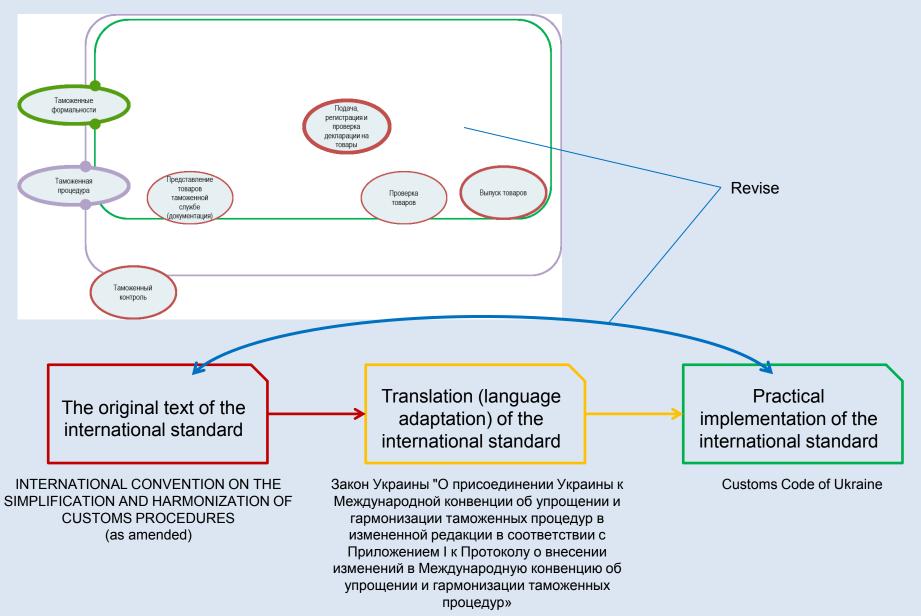
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Customs Code of Ukraine





### Eliminating differences between the RKC and the national practice



#### These proposals were formulated and announced:

- at the 18th meeting of the Interagency Working Group on Facilitation of International Trade and Logistics in Ukraine <a href="http://singlewindow.org/protocols/44?lang=ru">http://singlewindow.org/protocols/44?lang=ru</a> (28.04.15);
- at the Seminar on Ukraine's readiness to implement the WTO Trade Facilitation Agreement (adoption of the assessment report) <a href="http://singlewindow.org/events/36">http://singlewindow.org/events/36</a> (30.09-02.10.15);
- at the Final workshop on "Implementation of the provisions of the WTO Trade Facilitation Agreement: Challenges, Opportunities and Needs" <a href="http://singlewindow.org/events/37">http://singlewindow.org/events/37</a> (19.11.15).

# ANY QUESTIONS?

### THANK YOU!

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