

Trade Facilitation Innovations for Sustainable Development in Asia and the Pacific

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Facilitating perishable goods in the context of the TFA:
Key considerations

Dolores Halloran
Maria Alvarez





Section I (Articles 1 to 12)



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
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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**

TFA Provisions on Transparency and Appeals: Articles 1 to 5



Article 1

Publication & Availability of Information



Article 2

Comment and Consultations



Article 3

Advance Rulings



Article 4

Procedures for Appeal or Review



Article 5

Measures to Enhance Impartiality, Non-Discrimination & Transparency

- These provisions address the need for greater transparency for traders regarding the regulations and procedures for entering and operating in a market.
- They provide opportunities for traders to comment on proposed rules related to the movement of goods, and to appeal decisions made by customs.
- They also address the need for greater consistency and predictability on the application of rules and procedures

Provisions on Import/Export/ Transit Fees & Formalities: Articles 6 to 10



Article 6

Disciplines on Fees
and charges



Article 7

Release and
Clearance of Goods



Article 8

Border Agency
Cooperation



Article 9

Movement under
Customs Control



Article 10

Import, Export &
Transit Formalities

- The provisions in these 5 articles address the need to speed up processing at the border, including for goods in transit.
- Therefore, they focus on streamlining border processes as much as possible in a number of ways:
 - ✓ using automation and e-services;
 - ✓ introducing risk-management programmes
 - ✓ releasing goods on the basis of minimal data provided by traders
 - ✓ increasing cooperation between border agencies to create integrated border management

TFA provisions on Freedom of Transit



Article 11 **Freedom of transit**

The provisions of Article 11 focus on restricting regulations and formalities on traffic in transit through the following means

Procedures

- ✓ Limit on formalities, documents, controls
- ✓ No unnecessary delays/restrictions
- ✓ No TBT/conformity assessment
- ✓ Limit customs escort

Charges

- ✓ Limit on guarantee amount
- ✓ Discharge guarantee promptly
- ✓ No customs charges

TFA Provisions on Customs Cooperation



Article 12 **Customs Cooperation**

The provisions of Article 12 seek to ensure coordination of customs control between Members.

It sets out a framework for sharing relevant information in accordance with strict guidelines to ensure the confidentiality of information held by customs.

ARTICLE 7

OBLIGATIONS

Release And Clearance Of Goods

Members are obliged to establish or maintain procedures to allow for the following actions or situations:

- release and clearance of goods for import, export or transit
- Pre-arrival processing
- Electronic payment
- Separation of release from final determination of customs duties, taxes, fees and charges
- Risk management
- Post-clearance audit
- Establishment and publication of average release times
- Trade facilitation measures for authorized operators
- Expedited shipments
- Perishable goods

ARTICLE 7.9 PERISHABLE GOODS

9.1 With a view to preventing avoidable loss or deterioration of perishable goods, and provided that all regulatory requirements have been met, each Member shall provide for the release of perishable goods:

- (a) under normal circumstances within the shortest possible time; and
- (b) In exceptional circumstances where it would be appropriate to do so, outside the business hours of Customs and other relevant authorities.

9.2 Each Member shall give appropriate priority to perishable goods when scheduling any examinations that may be required.

9.3 Each Member shall either arrange or allow an importer to arrange for the proper storage of perishable goods pending their release. The Member may require that any storage facilities arranged by the importer have been approved or designated by its relevant authorities. The movement of the goods to those storage facilities, including authorizations for the operator moving the goods, may be subject to the approval, where required, of the relevant authorities. The Member shall, where practicable and consistent with domestic legislation, upon the request of the importer, provide for any procedures necessary for release to take place at those storage facilities.

9.4 In cases of significant delay in the release of perishable goods, and upon written request, the importing Member shall, to the extent practicable, provide a communication on the reasons for the delay.

For the purposes of this provision, perishable goods are goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions.

What authorities are directly concerned?

- Customs
- Other Border Agencies involved in the release of perishable goods

What is the new requirement?

Members shall adopt or maintain procedures for the importation of perishable goods that:

- allow release within shortest possible time;
- provide for release, where appropriate, outside Customs normal business hours;
- give priority to such goods when scheduling examinations;
- allow such goods to be stored in appropriate conditions for their conservation, where facilities approved by the relevant authorities are available;
- where practicable, and upon request, allow release to occur at these storage facilities; and
- require Customs to give a written explanation to the importer, on request, when there is a significant delay in the release of the goods.

16 Asia-Pacific Members have notified implementation commitments on perishable goods

Member	Cat. A %	Cat. B %	Cat. C %
Brunei Darussalam	100	0	0
Cambodia	0	0	100
China	100	0	0
Fiji	100	0	0
Hong Kong, China	100	0	0
India	80	20	0
Korea, Republic of	100	0	0
Macao, China	100	0	0
Malaysia	100	0	0
Pakistan	0	100	0
Philippines	100	0	0
Singapore	100	0	0
Solomon Islands	100	0	0
Chinese Taipei	100	0	0
Thailand	100	0	0
Tonga	0	100	0

13 Asia-Pacific Members have not yet notified commitments on perishable goods

Member	Has presented some notifications under the TFA	Has not presented any notification under the TFA
Afghanistan		√
Bangladesh		√
Indonesia	√	
Lao People's Democratic Republic	√	
Maldives		√
Mongolia	√	
Myanmar		√
Nepal	√	
Papua New Guinea	√	
Samoa	√	
Sri Lanka	√	
Vanuatu		√
Viet Nam	√	
	8	5

The breakdown of implementation notifications in categories A, B, C

Region	% of Implementation Commitments Notified in each Category			
	Category A	Category B	Category C	Not yet notified
Africa	25	7	2	66
Asia & the Pacific	44	8	3	45
Commonwealth of Independent States (CIS)	57			43
Europe	50		25	25
Latin America & The Caribbean	57		1	42
Middle East	78			22

Art. 7.9 – Perishable goods

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A

Members designated
category A commitments

6

B

Members designated
category B commitments


4

C

Members designated
category C commitments

60

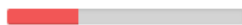





N

Members have not yet notified


Average implementation dates

Category	Average implementation date
A, B and C	June 2017
B and C	September 2019
B	June 2018
C	October 2020
A, B, C and developed Members	June 2017

Type of technical assistance requested

Type	Count	
Human resources and training	3	
Information and communication technologies (ICT)	2	
Institutional procedures	2	
To be determined	1	
Legislative and regulatory framework	1	
Infrastructure and equipment	1	

<https://www.tfadatabase.org/measures/23>

www.TFAFacility.org



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