

WTO & RTAs: Experiences of Afghanistan in RTAs. Legal issues and Transparency requirements

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Economic Cooperation / Integration

- **Afghanistan's membership**
 - **Economic Cooperation Organization (ECO)**
 - **South Asian Association for Regional Cooperation (SAARC)**
 - **Central Asia Regional Economic Cooperation (CAREC) Program**
- **Comprehensive description of Afghanistan's activities in paras. 293-299 of the Working Party Report (WPR)**

Economic Cooperation / Integration

- **As a WTO Member, Afghanistan remains free to pursue economic cooperation, bilaterally and as part of a group of countries, both regionally and beyond**
- **However, when trade preferences are granted to other countries, certain WTO requirements have to be met**

Trade Agreements

- Different terminology: Regional Trade Agreement (RTA), Preferential Trade Agreement (PTA), Free Trade Agreement (FTA), Economic Cooperation Agreement, Deep and Comprehensive Free Trade Agreement (DCFTA), etc...
- What matters from a WTO standpoint are the trade preferences granted to select countries (*and not to ALL WTO Members – Most Favored Nation MFN*)

Trade Agreements

- **Most Favored Nation principle (GATT Article I and GATS Article II, TRIPS Article IV)**
 - **Favour one favor all, no discrimination between trading partners**
- **Exceptions possible for trade agreements**
 - **Trade in goods: GATT Art. XXIV / Enabling Clause**
 - **Trade in services: GATS Art. V**

Trade Agreements

- **WPR para. 300 “[...] Afghanistan [...] would observe the relevant provisions of the WTO Agreement, including Article XXIV [GATT] [...], the [...] Enabling Clause and Article V [GATS] in its trade agreements [...]”**

Transparency

- **WPR para. 300 “[Afghanistan...] would ensure that the applicable provisions of the WTO Agreements for notification [...] were met from the date of accession.”**

Transparency

- **Initial notification**
 - **Afghanistan's participation in SAFTA – in coordination with SAARC Secretariat**
- **Note:**
 - **2008 notification of SAFTA the WTO Committee on Trade and Development (by India to on behalf of the other SAFTA signatories - except Afghanistan, not yet a Party back then)**
 - **Draft notification for SATIS and ECOTA (prepared) NOT included in the package of initial notifications pending finalization of trade preferences to be exchanged**

Transparency

- **Going forward: transparency requirements set out in WTO General Council Decision of 14 December 2010 (WT/L/806)**
- **Notification of preferential trade agreements as early as possible, before start of application of trade preferences (if possible), at the latest within three months of entry into force**
 - **Format: WT/REG/16 23 November 2006**
 - **Provide full text of the Agreement and related instruments (regulations, annexes, schedules, protocols), in one of the WTO official languages - *internet links***

Transparency

- **Upon notification, the preferential trade agreement is considered by the WTO Committee on Trade and Development**
 - **Information to be provided (paras. 6-13 of the WTO General Council Decision of 14 December 2010)**
- **Coordinate with partner country(ies), institutions (e.g. SAARC Secretariat) and interact with WTO Secretariat**

Additional Information

- **WTO website:**

https://www.wto.org/english/tratop_e/region_e/region_e.htm

Thank You