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U.S. International Trade Commission's Trade Facilitation Roundtable

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Abstract

The U.S. International Trade Commission moderated a trade facilitation roundtable on October 15, 2015, focusing on the implementation of the World Trade Organization (WTO) Trade Facilitation Agreement (TFA) that was signed in Bali in December 2013. Participants included representatives from government, industry, trade associations, think tanks, and academia. The discussion centered around five areas: (1) individual country/regional experiences in trade facilitation reform; (2) international organizations' trade facilitation programs; (3) the benefits and challenges of implementing the TFA; (4) public-private partnership in trade facilitation reforms; and (5) the TFA Single Window provision. This article summarizes discussions held during the roundtable's two sessions. The first session concerned country and regional experiences in trade facilitation reform and the effectiveness of public-private partnership in implementing such reforms, while the second focused on international organizations' trade facilitation programs and on the United States' progress on implementing the Single Window provision.

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Introduction

On October 15, 2015, the U.S. International Trade Commission (Commission or USITC) hosted a trade facilitation roundtable providing a discussion forum for representatives of various industries, government agencies, think tanks, international organizations, and academia. The forum enhanced the Commission's understanding of both current issues and potential future issues in the field of trade facilitation. The roundtable focused on the implementation of the World Trade Organization (WTO) Trade Facilitation Agreement (TFA) signed in Bali in December 2013.

The roundtable discussion centered on five areas: (1) individual country and regional experiences in trade facilitation reform; (2) international organizations' trade facilitation programs; (3) the benefits and challenges of implementing the TFA; (4) public-private partnership in trade facilitation reforms; and (5) the TFA Single Window provision. This provision requires TFA parties to set up a facility allowing traders and transport providers to submit standardized information and documents to border control authorities at a single entry point, instead of as a series of transactions in different locations.[2]

This article summarizes discussions held during the roundtable’s two sessions. The first session concerned country and regional experiences in trade facilitation reform and the effectiveness of public-private partnership in implementing such reforms, while the second focused on international organizations' trade facilitation programs and the United States’ progress in implementing the Single Window.

Country and Regional Experiences in Trade Facilitation Reform

In the first session of the roundtable, the presenters addressed developing countries' varied experiences in trade facilitation. Discussion centered on U.S. engagement in Africa with respect to trade facilitation; U.S. engagement with Brazil on its Single Window program and its Authorized Economic Operator (AEO) container security program[3] through the U.S.–Brazil Commercial Dialogue; and Albania's trade facilitation reforms in customs.

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[2] Morley, "Single Window Concept,” July 13–15, 2006.

[3] Customs-Trade Partnership Against Terrorism (C-TPAT) is the United States' Authorized Economic Operator (AEO) program. The World Customs Organization (WCO) defines an "authorized economic operator" as "a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with WCO or equivalent supply chain security standards." AEOs include manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, and distributors. The major goal of developing an AEO program is to ensure that a country's role in the international supply chain is secure and that the country's customs controls and procedures are efficient and compliant. AEO programs make customs risk management and enforcement more efficient by allowing customs officials to focus their attention and resources on non-AEO participants, rather than on participants that have already extensively proven compliance. UNECE, "Authorized Economic Operator (AEO)" (accessed November 2, 2015).

U.S. Engagement in Africa

The first presenter noted that the United States has enhanced its collaboration with African countries on trade facilitation. In 2015 the United States signed a new agreement with the East African Community (EAC) on trade facilitation, sanitary and phytosanitary measures (SPS), and technical barriers to trade (TBT).This agreement targets the enhancement of food safety and of plant and animal health in the EAC, as well as increasing the ability of EAC partner states to meet international quality and safety standards. Moreover, according to the same presenter, the United States recently expanded its Trade Africa initiative. This partnership, between the United States and sub-Saharan Africa, was launched in 2013. The initiative aims to increase internal and regional trade within Africa, among Senegal, Côte d'Ivoire, Ghana, Mozambique, and Zambia, to further facilitate trade among African countries, as well as between these partner countries and the United States.[4]

Africa needs assistance on trade facilitation issues because high trade costs currently hamper investment and trade in the region. The first presenter cited a report published by the United Nations Economic Commission for Africa,[5] noting that the cost of both exporting and importing for African countries was much higher than in other regions, and that the high trade cost applied to both inter-regional and intra-regional trade among African countries. According to the presenter, due to the high cost of intra-regional trade, potential investors view each country market as self-contained and isolated, which makes sub-Saharan Africa a less attractive destination for foreign investment.

U.S.-Brazil Customs Cooperation

The second presenter shared key lessons learned through U.S.-Brazil customs cooperation, specifically on developing interoperable and mutually recognized Single Window and AEO programs. The first lesson was the importance of intra-governmental collaboration: the participant stated that in any given country, it is important for different ministries to coordinate their activities at the border when commodities enter through customs. It is also crucial that one agency or department be appointed as the leading agency to implement the Single Window reform, from both a regulatory perspective and a revenue collection perspective.[6] Also, it is important to have a strong political mandate from the executive branch or central government, and setting firm deadlines with manageable and reasonable timelines for interagency cooperation.

[4] Trade Africa is a partnership between the United States and sub-Saharan Africa to increase internal and regional trade within Africa, and to expand trade and economic ties between Africa, the United States, and other global markets. USAID, "Trade Africa," September 9, 2015.
[5] UNECA, "Trade Facilitation from an African Perspective," November 2013.
[6] The participant noted that in the Brazilian case, the Single Window reform did not take off until the President of Brazil designated the Ministry for Development and the Ministry of Industry and Commerce to implement the provisions of a Single Window.

The second lesson is that transparency and outreach matter. The presenter emphasized the importance of extensive travel to Brazil and other countries by officials from U.S. Customs and Border Protection as well as the Department of Commerce. During these visits, they actively participate in public/private dialogues to ensure that the customs decision-making process is transparent across all parties.

The third lesson is the importance of building trust between the government and the private sector. The presenter cited as an example Brazil's development of its AEO container security program and the significant involvement of the private sector in designing the program for the government. Other lessons learned include the importance of political will and of having a focus on immediate goals rather than pushing aggressively towards long-term goals.

Trade Facilitation Reform in Albania

The third presenter addressed the effect of Albania's trade facilitation reform. In particular, the presentation examined whether using a risk management system to reduce the need for physical inspections of import shipments also reduced customs clearance time at the Albanian border, and what the other benefits of the reduction in physical inspections might be. According to the presenter, the Albanian government implemented a risk management system in the 2000s. This systematic approach shifted from physical inspections, which are more time-consuming, towards a documentary inspection for low-risk shipments only. The risk management system turned out to be an effective way to reduce inspections and maintain safety. According to Albanian customs data, the share of physical inspections declined from about 43 percent in 2007 to 12 percent in 2012.

The presenter's analysis showed that reduced physical inspections in Albania in 2007–12 contributed to overall import growth, and that the impact of the reduction in inspections was equivalent to an average tariff cut of 0.36 percentage points. This streamlining also corresponded to $12 million in private sector savings in 2012. The presenter indicated that the evidence demonstrates the value of risk management as a crucial component of the reforms described in the 2013 WTO TFA.

International Organizations' Efforts in Trade Facilitation

Participants also discussed the efforts of various international organizations to support trade facilitation. As an example, they mentioned the Trade Facilitation Agreement Facility (TFAF)[7] launched by the WTO in July 2014. The TFAF was established to serve as a backup resource for

[7] Trade Facilitation Agreement Facility (TFAF) is a new facility that complements existing efforts by regional and multilateral agencies, bilateral donors, and other stakeholders to provide trade facilitation-related technical assistance and capacity-building support to developing and least-developed countries. The facility acts as a focal point for implementation efforts and would become operational when the protocol to insert the Trade Facilitation Agreement into the existing regulatory framework is adopted by WTO members. WTO, "Azevêdo launches new WTO TFAF," July 22, 2014.

developing and least-developed countries that on their own could not find a donor for targeted trade facilitation assistance. Its major goal is to help match developing countries with potential donors and to ensure that developing and least-developed countries receive the assistance they need to reap the full benefits of the TFA.

World Bank Trade Facilitation Support Program (TFSP)

A participant described the World Bank's efforts to coordinate with other international organizations, such as the WTO, to implement different trade facilitation programs. The participant noted that freight transportation and carrier transit time across all developing countries are, on average, much higher than in advanced economies. According to the participant, in developing countries about 40 to 70 percent of the time required to import or export is spent on documentation, border clearance, and technical controls. For example, World Bank statistics show that 60 percent of the trade costs for Saint Lucia to import pineapples from Costa Rica relate to document preparation, border clearances, transportation, and logistics.[8] Consequently, World Bank experts work in groups to support trade facilitation programs that focus on reducing the time and costs of transportation for private sectors.

To help developing countries reduce their trade costs and implement the WTO TFA on schedule, the World Bank announced the establishment of the Trade Facilitation Support Program (TFSP) in 2014. According to the participant, seven donors currently fund the program: the U. S. Agency for International Development (USAID), the European Commission, and other nonprofit development agencies in Australia, Norway, the United Kingdom, Canada, and Switzerland. The individual further stated that the funding contributed by various donors to the program has reached $36 million, and is eventually expected to approach nearly $50 million. The World Bank also works with other international organizations to ensure confidentiality and non-duplication of efforts within the TFSP program.

The participant showed a list of 49 countries that had already ratified the TFA, and mentioned several others that were moving quickly to complete their ratification, such as Panama, Pakistan, Nigeria, and Montenegro.[9] According to the participant, the World Bank is actively following up with Montenegro and Madagascar on ratifying the TFA. Beyond that, the World Bank has worked with the Organization for Economic Co-operation and Development (OECD) and many government agencies to develop practical instruments, such as the Implementation Tracking Tool and Trade Pools, which aim to make information about global trade more transparent and predictable.[10]

[8] World Bank, "Logistics, Transport and Food Prices in LAC," July, 2009; World Bank, "Organization of Eastern Caribbean," September 2008.

[9] As of November 2, 2016, 96 countries have ratified the TFA. Panama and Pakistan ratified the TFA in November 2015.

[10] The participant noted that the World Bank Group (WBG) is working with the OECD to develop a WBG Implementation Reform Tracking Tool, which would expand the current trade facilitation indicators; these indicators could help analysts assess the potential impact of trade facilitation reforms quantitatively. The Trade Pool is a unified database developed by the WBG that stores global trade-related information, which can be accessed by the private sector.

The Sequencing of TFSP

The participant summarized three phases of TFSP implementation. The first phase is to finalize Validation Missions (the mission to validate each individual country's' self-assessment of its trade facilitation reforms) and to identify reform gaps.[11]The second and third phases support the medium- to long-term reforms and move forward to other relevant priority actions. The participant added that it is important to construct a framework for the Validation Mission at the beginning of the process to identify what has been done in the past. According to the participant, longer-term activities would focus on technical assistance that would help leverage funds from the World Bank and other partners to countries in need of help.

The effective implementation of trade facilitation reform takes time, the participant emphasized. Therefore, setting up a Single Window system too hastily, without proper sequencing of reforms, would be inefficient.[12] However, according to the speaker, many developing countries have been making this error. Other participants stated that sustaining strong political will, engaging different stakeholders in the process, designing a proper time horizon, and enforcing compliance over different stakeholders are also key to implementing a successful trade facilitation program.

Benefits and Challenges of Implementing the TFA

Industry participants noted that the implementation of TFA, particularly by developing countries, will bring certainty to retailers who would then be more willing to trade with these countries. One participant discussed specifically the benefits of automation and advanced ruling[13] under the TFA. According to that participant, when a country's customs authority has an automated system that manages import and export paperwork, and when more transparent rules are established, those will benefit small and medium-sized enterprises (SMEs) the most and facilitate their integration into the world trade system.[14]

Participants also discussed the positive spillover effects of implementing TFA. One stated that when launching trade facilitation reforms, it is important to tie the benefits of trade facilitation to gains in other domains; doing so can allow trade facilitation reform to attract diverse groups that might see a vested interest in building a coalition with the trading community to push for the

[11] The participant noted that most countries have conducted self-assessments on their trade facilitation reforms. The World Bank has undertaken "Validation Missions" to validate these assessments in order to quickly identify the gaps in these countries' reforms. According to the participant, 47 countries had formally requested TFSP assistance, and 33 Validation Missions had been completed.

[12] According to the participant, the sequencing of reforms includes properly dividing trade facilitation reforms into different phases, such as first carrying out a self-assessment study and identifying the gaps of the reforms, etc.

[13] Advance rulings are binding decisions by Customs at the request of the person concerned on specific particulars in relation to the intended importation or exportation of goods. Advance rulings can be requested with regard to either the classification, the origin or the Customs value of the goods in preparation for importation or exportation. Advance rulings facilitate the declaration and consequently the release and clearance process, as critical assessments in relation with the goods have already been made in the advance ruling. UNECE, "Trade Facilitation Implementation Guide," n.d. (accessed May 11, 2017).

[14] According to the participant, unlike large corporations, SMEs usually cannot afford to hire enough staff members who are specialized in customs rules and can deal with customs requirements of different countries.

reform. Possible non-trade gains include strengthening environmental protection, alleviating poverty, empowering women, and so forth. Other participants noted that implementing the TFA could result in better border management and a better security environment, as well as helping some countries qualify to join the European Union.[15]

Apart from the benefits of implementing the TFA, participants also expressed concerns about some common challenges to implementing the agreement. One participant discussed four major challenges: (1) a lack of general knowledge of the TFA in some countries; (2) issues in reform planning; (3) difficulties in prioritizing TFA provisions; and (4) technical challenges. The participant noted that some African countries, particularly landlocked ones, do not even have green channels at this stage, which makes it difficult to prioritize the sequence of trade facilitation reforms.[16]

The difficulty of transporting commodities from the hinterlands to the borders was noted by another participant, who stated that it is the most deep-rooted obstacle to implementing TFA in developing countries. According to the participant, the challenge has become greater due to a lack of funding for various trade facilitation programs. For instance, the participant noted that U.S. government funding for the Trade Capacity Building (TCB) program fell from $2.2 billion in 2008 to $300 million in 2013.[17] The participant added that it is critical to assist customs offices on both sides of the border through either regional trade capacity-building programs or multilateral trade facilitation programs.

Public-Private Partnership in Trade Facilitation

As a participant mentioned, bilateral and regional initiatives are in place to facilitate public and private sector cooperation in trade facilitation. One of those, a new program called Global Alliance for Trade Facilitation, was formally launched at the 10th WTO Ministerial Conference in Nairobi, Kenya, in December 2015. The goal of this program is for donor countries to work closely with the private sector to maximize the benefits that TFA would bring to developing countries. According to the participant, the United States will work with the UK, Germany, and Canada on this initiative; the key feature is engaging the private sector and facilitating its contribution to the overall trade facilitation effort.

Public-private partnerships supporting trade facilitation are important, participants stated, because TFA allows each developing country to customize its implementation depending on its

[15] The participant hinted that the implementing the TFA is one of the unofficial prerequisites for some Eastern European countries to join the European Union.

[16] According to the participant, custom procedures are separated into three "channels," which are green, yellow and red. The green channel is reserved for commodities that require little or no inspections; the yellow channel, for commodities that require a documentary inspection; the red channel, for commodities that require a complete physical inspection.

[17] The U.S. Trade Representative (USTR) describes TCB as "a critical part of the United States' strategy to enable developing countries to negotiate and implement market-opening and reform-oriented trade agreements and to improve their capacity to benefit from increased trade." USTR, "Trade Capacity Building" https://ustr.gov/issue-areas/trade-development/trade-capacity-building (accessed May 11, 2017).

trade capacity needs. Thus, each developing country decides which terms to implement and enforce. As each country has its own circumstances, participants noted that collaboration between main stakeholders, including those in both the public and the private sectors, is crucial to successfully implementing the TFA.

According to participants, to expand trade facilitation it is essential to understand how the public and private sectors affect trade: the public sector provides necessary infrastructure such as ports, airports, roads, and other transportation platforms to help the private sector transport goods regionally and internationally. The public sector is also responsible for developing and implementing the laws and regulations required to use public infrastructure, implementing measures for export/ import licensing, providing product certifications, and other international trade procedures.

Participants emphasized that for the private sector, procedure automation and a clear understanding of procedures for advanced rulings help reduce uncertainty about the movement of goods across borders. Moreover, being able to transport goods efficiently lowers operating costs for the private sector. That said, it is necessary for public and private sector stakeholders to work together to reduce trade barriers and improve trading conditions. For example, a participant mentioned that in Africa, without appropriate licenses or certifications from the public sector, SMEs cannot import products that they need or export goods that they have produced. The participant noted that in this case, the lack of collaboration between the private and the public sectors within Africa makes it more difficult for the African region as a whole to expand its trading capacity and hinders its usage of trade preference programs such as the African Growth and Opportunity Act (AGOA).

One participant stressed that reducing all barriers to trade creates economic opportunity for average citizens to import (obtaining access to “coveted” goods limited to developed nations) and for entrepreneurs to export (obtaining access to global supply chains). In the long run, according to participants, trade facilitation will raise living standards for citizens in their countries.

The Single Window Mandate

Participants explained that the purpose of a Single Window system is to enhance data sharing in different applications in order to provide a seamless flow of information between businesses and government agencies. A successful implementation of such a system relies heavily on political will and on a partnership between public and private sectors. Participants pointed to the U.S. International Trade Data System (ITDS), the platform of the U.S. Single Window system, which allows traders to submit import and export documents at a single online location. The participant noted that the system provides an electronic platform that enhances communication between government agencies and trade communities to allow smooth processing of electronic data. According to the participant, an executive order signed by President Obama in 2014 required government-wide use of the ITDS by the end of 2016. The order authorized a two-tiered governance process to monitor its implementation. Upon completion, the ITDS, under the Automated Commercial Environment (ACE), will allow companies to submit data on import and export commodities electronically through a Single Window, and paper submissions will gradually be eliminated.

In an era of globalization, the participant noted, there are increasing concerns over food safety, health, and environmental issues, which in turn create pressure to collect more data on import and export commodities. The ITDS allows the data collection process to be more efficient and less time-consuming. Moreover, it was noted that the adoption of the ITDS system in the United States has encouraged certain government agencies to seek out and receive data on areas that previously did not have data collection, since doing so now does not add costs to their budgets.

Other participants described different U.S. government agencies' efforts to implement the Single Window, with both positive and negative results. For instance, the Commission recently deployed the Harmonized Tariff Schedule (HTS) Data Management System, which provides all information in the HTS in electronic form. Meanwhile, an interface is being developed to enable all businesses and international organizations to download the HTS in Web-compatible formats into the databases of other organizations. The participant added that, in this way, the data can be manipulated more easily, which would benefit U.S. internal trade facilitation efforts. On the other hand, some participants expressed their concerns about increasing cyber threats, noting a general concern that if commercially meaningful data are consolidated into one system under the Single Window, the system could potentially become a higher-valued target of cyberattacks.[18]

The roundtable concluded with participants from the private sector noting that the development of the Single Window had included private sector input and participation from the beginning. As a consequence, the burden on the private sector for compliance with the new system has been kept manageable, and work is progressing to help private sector users shift to the new system.

[18] One participant offered the contrasting view that it might be easier for the government to protect a single consolidated data system from cyberattacks, rather than having to protect 47 individual agency systems with duplicate information, as was the case in the current U.S. system before Single Window implementation.

Appendix

A Summary of the WTO TFA

In December 2013, WTO members concluded negotiations on a Trade Facilitation Agreement at the Bali Ministerial Conference, as part of a wider "Bali Package."[19] In line with the decision adopted in Bali in November 2014, WTO members adopted a Protocol of Amendment to insert the new agreement into the WTO Agreement.[20] The Trade Facilitation Agreement was to enter into force once two-thirds of members had completed their domestic ratification process, which occurred on February 23, 2017.[21]

The Trade Facilitation Agreement contains provisions for expediting the movement, release, and clearance of goods, including goods in transit. [22] A unique feature of the agreement is that it allows developing and least-developed countries to enjoy the flexibility of choosing the timelines on implementing different provisions. [23]

The WTO TFA also contains provisions for technical assistance and capacity building. Since developing and least-developed countries may require help to implement the provisions of the TFA, WTO members established the Trade Facilitation Agreement Facility (TFAF) as a means to assist developing and least-developed countries in securing assistance and support. Under the Facility, the WTO Secretariat will expand its existing technical assistance programs, provide information on the assistance programs made available by donors and other international organizations, and assist with matchmaking of donors and recipients.[24]

WTO Members That Have Ratified the TFA

Ninety-six WTO members had ratified the TFA as of November 2, 2016:[25] Hong Kong, China (December 8, 2014); Singapore (January 8, 2015); United States of America (January 23, 2015); Mauritius (March 5, 2015); Malaysia (May 26, 2015); Japan (June 1, 2015); Australia (June 8, 2015); Botswana (June 18, 2015); Trinidad and Tobago (July 29, 2015); South Korea (July 30, 2015); Nicaragua (August 4, 2015); Niger (August 6, 2015); Taiwan (Chinese Taipei) (August 17, 2015); Belize (September 1, 2015); Switzerland (September 2, 2015); China (September 4,

[19] WTO, "Trade Facilitation" (accessed November 24, 2015).
[20] Ibid.
[21] Ibid.
[22] Ibid.
[23] Developing and least-developed countries evaluate their ability to implement the TFA by selecting one of three categories for each of its provisions. Category A includes provisions that the member will implement by the time the TFA enters into force (or in the case of least-developed countries, within one year after entry into force). Category B includes provisions that the member will implement after a transitional period following the TFA's entry into force. Category C includes provisions that require assistance and support for capacity building to allow the member to implement them after a transitional period following the TFA's entry into force. WTO, "Trade Facilitation" (accessed November 24, 2015).
[24] WTO, "Trade Facilitation" (accessed November 24, 2015).
[25] The countries are listed in the order of date ratified. Date of ratification is in parentheses. WTO, "Members and Dates of Acceptance" (accessed April 29, 2016).

2015); Liechtenstein (September 18, 2015); Laos (September 29, 2015); New Zealand (September 29, 2015); Togo (October 1, 2015); Thailand (October 5, 2015); European Union and its 28 member states (October 5, 2015); Macedonia (October 19, 2015); Pakistan (October 27, 2015); Panama (November 17, 2015); Guyana (November 30, 2015); Côte d'Ivoire (December 8, 2015); Grenada (December 8, 2015); Saint Lucia (December 8, 2015); Kenya (December 10, 2015); Vietnam (December 15, 2015); Brunei (December 15, 2015); Norway (December 16, 2015); Ukraine (December 16, 2015); Zambia (December 16, 2015); Burma (December 16, 2015); Lesotho (January 4, 2016); Georgia (January 4, 2016); Seychelles (January 11, 2016); Jamaica (January 19, 2016); Mali (January 20, 2016); Cambodia (February 12, 2016); Paraguay (March 1, 2016); Turkey (March 16, 2016); Brazil (March 29, 2016); Macau, China (April 11, 2016); United Arab Emirates (April 18, 2016); Samoa (April 21, 2016); India (April 22, 2016); Russia (April 22, 2016); Iceland (October 31, 2016); Philippines (October 27, 2016); Bangladesh (September 27, 2016); Bahrain (September 23, 2016); Senegal (August 24, 2016); Uruguay (August 30, 2016); Peru (July 27, 2016); Saudi Arabia (July 28, 2016); Mexico (July 26, 2016); Honduras (July 14, 2016); El Salvador (July 4, 2016); Moldova (June 24, 2016); Madagascar (June 20, 2016); Saint Kitts and Nevis (June 17, 2016); Sri Lanka (May 31, 2016); Kazakhstan (May 26, 2016); Montenegro (May 10, 2016); Albania (May 10, 2016); and Afghanistan (July 29, 2016).

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