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Establishing India's National Trade Facilitation Committee: A proposal

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Working Paper 317

Establishing India's National Trade Facilitation Committee- A Proposal

**Nisha Taneja
Shravani Prakash
Samridhi Bimal**

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Abstract

Trade and transport facilitation are vital for increasing countries' international trade and it is important to ensure that the measures implemented to facilitate trade are effective. One of the crucial factors behind the successful implementation of trade and transport facilitation is ensuring effective co-ordination among the various government agencies as well as private players involved in trading goods. The disjointed activities of the large number of players involved in cross-border trade can be effectively coordinated at a centralized level by a national level trade facilitation body.

The current paper assesses various nuances of national trade facilitation bodies; with the aim of prescribing a way forward for establishing such a body in India. Guidelines for India's NTFC have been drawn from recommended guidelines by UN agencies as well as by using lessons from case studies of existing NTFCs.

It is recommended that the body be a joint 'Trade and Transport Facilitation Committee'. This committee could have both regulatory and advisory functions, and be empowered to implement facilitation measures. The chairmanship could be shared between the Ministry of Commerce and the customs department. The members should comprise representatives of all public and private sector organizations involved in trade and transport. Other factors shown to drive the success of NTFCs that should also be incorporated, include linking the committee's work program to government and business priorities, creating an effective review mechanism, ensuring adequate funding, making the terms of reference flexible and giving the committee legal status.

Keywords: *Trade Facilitation, Trade facilitation bodies, WTO Trade Facilitation Agreement, India, UN/CEFACT*

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Establishing India's National Trade Facilitation Committee- A Proposal

Nisha Taneja, Shravani Prakash and Samridhi Bimal

In November 2014, WTO members signed a Trade Facilitation Agreement (TFA) in line with a decision adopted as part of a “Bali Package” at the Bali Ministerial Conference in December 2013. One of the requirements of the TFA is for each Member to establish a “National Trade Facilitation Committee” (NTFC) to facilitate domestic coordination as well as facilitate the implementation of provisions of the TFA. India does not have a Trade Facilitation committee in place but is working towards establishing one. In the light of this, the current paper proposes a set of guidelines for establishing such a body in India. These suggestions and guidelines have been derived by reviewing and drawing lessons from existing NTFCs around the world.

This paper discusses the need, genesis and current status of trade facilitation committees around the world. It examines the guidelines recommended by some of the UN agencies for establishing stable and effective national trade facilitation committees. Different approaches to establishing NTFCs by some developing and developed countries are reviewed on the basis of case studies carried out by UNCTAD and relevant work by other institutions. Building on the existing institutional structure in place for trade facilitation, this paper draws lessons from country experiences and global best practices to suggest a framework for establishing a Trade Facilitation Committee in India.

1 Need for and Genesis of National Trade Facilitation Committees

Over the last few decades, international trade has become increasingly globalized and interconnected. Developed, developing and emerging economies have become connected into global international supply and value chains. The need to ensure efficiency of trade has thus become increasingly important. While countries have made significant progress in lowering tariffs and other trade barriers consequent to negotiations in the World Trade Organization (WTO) and other international agreements, cumbersome documentation requirements, non-transparent regulations and excessive border delays still constitute costly non-tariff barriers. All these slow down trade flows, adding costs to businesses that are often passed on to consumers. This reduces the extent of gains achieved as a result of the reduction of tariffs and innovations in modern production and distribution methods.

This brings to the forefront the importance of intensifying measures to promote *trade facilitation* to bring down trade transaction costs. Trade facilitation measures “seek to establish a transparent, consistent and predictable environment for border transactions based on simple and standardized customs procedures and practices, documentation requirements, cargo and transit operations, and trade and transport conventions and arrangements” (UNCTAD, 2006). More formally, the WTO defines Trade Facilitation as “the simplification and harmonization of international trade procedures,” with trade procedures being “the activities, practices and formalities involved in collecting, presenting, communications and

processing data required for the movements of goods in international trade”. The 2014 WTO TFA contains provisions for expediting the movement, release and clearance of goods. WTO estimates suggest that costs of trading across borders is about US\$ 2 trillion, and removing these trade barriers and cutting red tape in half has the potential to stimulate the world economy by more than US\$ 1 trillion (WTO, 2013a).

Another concept inter-related and overlapping with trade facilitation is *transport facilitation*. Theoretically, “trade facilitation” deals with a set of processes and activities which must be completed in order to allow the export /import of trade consignments, while “transport facilitation” deals with the set of processes and activities which must be completed before and during the process of movement of cargo and people. Collaboration and coordination between trade facilitation and transport facilitation can strengthen both trade and transport sectors and avoid duplicated efforts in facilitation (UNESCAP, 2007). Trade and transport facilitation together are, thus, vital tools for helping countries further increase their international trade.

Trade and transport facilitation involves a wide and diverse range of public and private agents and one of the crucial factors behind the successful implementation of trade and transport facilitation is ensuring effective co-ordination among them. Public sector players include a wide range of government agencies (like customs; trade, transport and other ministries) that are authorised to perform diverse tasks and often operate in different locations. Each government agency has a specific mandate dealing with specific aspects of the movement of goods, vehicles and people across borders. In addition, there is also significant private sector involvement at the national borders for undertaking trade and transport activities like storage, trans-shipment, consolidation of cargo, banking, insurance and other trade related services. There is thus a need for formalized, effective collaboration among all of the government agencies whose legislative and regulatory charters include responsibility for some aspect of operations at their nation’s borders (Holler et al, 2014).

This necessity for coordination creates the requirement of having a national level trade facilitation body such as a National Trade Facilitation Committee (NTFC). A NTFC can provide the needed framework where diverse requirements of different agencies and private sector can be reconciled to jointly find optimal solutions to impediments facing trade and transport. A NTFC is “a formally constituted body where all interested parties in the Nation’s international trade and transport could present their respective problems and search, through consultation and consensus, for mutually agreeable solutions.

The benefits of NTFCs are many. They bring governments and traders together to work in partnership through a platform for continuous dialogue. This enables the design and implementation of border procedures that minimize regulatory costs and inconvenience to trade flows, while enabling governments to pursue public policy objectives related to border controls, consumer protection, public health and revenue collection (ITC 2015). It acts as an inter-institutional forum to promote facilitation, study international trade and transport regulations, prepare recommendations, and create transparency on major trade and transport issues” (UNECE, 2000). A NTFC ensures that the main public and private stakeholders are

consulted and engaged in the elaboration and implementation of national trade facilitation reforms.

The formation, structure, composition and functioning of trade facilitation committees may differ according to a country's needs and institutional capacity. Several NTFCs have already been established under technical assistance projects executed by various international institutions in the last 30 years. Developed countries have successfully operated national trade facilitation bodies (known as PRO committees). These committees have helped to expedite trade facilitation measures by simplifying and automating procedures and information exchange in administration, commerce and transport. More recently, many developing countries are also increasingly using this method for streamlining their trade and transport operations (UNCTAD, 2006). Many of these national bodies were conceived in the context of projects and programmes supported by international organizations, prominently UNECE and UNCTAD.

The United Nations Economic Commission for Europe (UNECE) has been working in support of national trade facilitation bodies for over 30 years. Its subsidiary - The United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) was mandated to develop a programme of work of global relevance to achieve improved worldwide coordination and cooperation in these areas. Through the UN/CEFACT, the UNECE develops instruments for trade procedures and documents. Of the key UN/CEFACT instruments which are based on over 30 trade facilitation and e-business recommendations, Recommendation No. 4 is on National Trade Facilitation Bodies and was adopted by UN/CEFACT at its fifth session in March 1999. Recommendation 4 was proposed as the basis for the creation of trade facilitation committees, or Pro committees, with the overall objective of reducing the amount of time required for, and the costs of, cross-border trade procedures and operations. PRO organizations had a narrow focus, largely on trade document alignment, automatic Customs data processing and coding (UNCTAD, 2006). Specifically, [UN/CEFACT] “recommended that Governments establish and support national facilitation bodies with balanced private and public sector participation in order to:

- identify issues affecting the cost and efficiency of their country's international trade;
- develop measures to reduce the cost and improve the efficiency of international trade;
- assist in the implementation of those measures;
- provide a national focal point for the collection and dissemination of information on best practices in international trade facilitation;
- participate in international efforts to improve trade facilitation and efficiency”

UNCTAD-executed technical assistance projects have also established several national trade and transport facilitation committees (NTTFCs), to broaden the scope of trade and transport disciplines as well as address the dire need for institutional capacity in developing countries (UNCTAD, 2006). The NTTFC model developed by UNCTAD was based on Recommendation 4 but the model extends the functional scope of the committees recommended by UN/CEFACT to include transport facilitation in addition to trade

facilitation. It also specifies a more prominent role for the private sector members of the committee. NTTFCs are tasked not only with identifying border problems but also with drawing up proposals for their solution and ensuring their implementation by the relevant government agency.

Most recently, the WTO's Trade Facilitation Agreement of 2014 (Article 23.2), "Each Member shall establish and/or maintain a national committee on trade facilitation or designate an existing mechanism to facilitate both domestic coordination and implementation of provisions of this Agreement". It, however, does not elaborate on the rationale for these national trade facilitation committees or on their composition and function.

2 Guidelines for establishing National Trade Facilitation Bodies

UN agencies, such as UNECE, UNCTAD and UNESCAP have published guidelines and recommendations for establishing an effective and efficient national trade (and transport) facilitation coordination mechanisms, which can be adapted and used depending on national requirements (UNECE, 2000; UNCTAD, 2006; UNESCAP, 2011). This section gives a broad overview of these guidelines regarding the different elements of a national trade facilitation body, including its objectives, functions, structure, membership and other operational issues such as funding sources and frequency of meetings.

2.1 Scope and Functions

2.1.1 Purpose

The purpose of the NTTFC's, as defined by UNCTAD, "is to encourage the modernization of trade and transport practices in support of the nation's foreign trade". It is recommended that national coordination bodies take on the role of regulatory and advisory bodies that propose facilitation measures to government as well coordinate and implement trade facilitation activities (UNESCAP, 2007). Four types of objectives were identified for NTTFCs (UNECE, 2000):

- Facilitation objectives - To provide a national forum for the facilitation of formalities, procedures and documentation used in international transport and trade
- Regulatory objectives - To propose transport and trade related regulations and practices, for government approval
- Development policy objectives - To make policy recommendations on future trade and transport-related investments
- Training objectives - To increase awareness of the methods and benefits of transport and trade facilitation

2.1.2 Terms of Reference and Functions

UNCTAD (Belastegui, 2014) recommends that it is important to define terms of reference in a comprehensive and inclusive way in order to ensure the sustainability and efficient working

of the trade facilitation body. The terms of reference should be concrete yet flexible and be agreed by all involved stakeholders.

UNESCAP (UNESCAP, 2011) recommends that Terms of Reference of NTFCs should reflect the following functions:

1. Providing a framework and platform for inter-ministerial/inter-agency coordination and cooperation
2. Supporting simplification, standardization and harmonization of rules, procedures and documents
3. Assisting in use ICT tools in trade and transport facilitation
4. Studying changes in international trade and transport environment to assess their implications for the country and suggest modification or amendment in procedures, administrative instructions, legislations and/or codes to various agencies involved in international trade and transport.
5. Assisting in conception, negotiation and implementation of sub-regional and bilateral agreements related to trade and transport facilitation.
6. Developing capacities of the officials and other stakeholders by conducting or facilitating training programmes, workshops or seminars

2.1.3 Work plans, programmes and activities

An important element of the NTTFC model developed by UNCTAD is requirement to prepare a work plan to focus the committee's activities on the achievement of its main objectives. UNESCAP (UNESCAP, 2007) also recommends that each facilitation body have a detailed work programme setting out the objectives, expected outputs and schedule of its major activities. The identified objectives should be captured into annual work programmes as well as a long-term work plan.

2.2 Structure and Organisation of the NTTFCs

2.2.1 Form

The NTFCs must focus on both core areas of cross-border movement of goods, i.e. trade and transport. Such an appropriate form may be achieved by establishing one joint trade and transport facilitation body or two government inter-agency coordination bodies for trade and transport respectively. The main advantage of the 1st alternative is that it can easily join the efforts of trade and transport sectors and avoid possible duplication or conflict in taking facilitation measures. The advantage of the 2nd option is that it can easily take substantive responsibilities and take concrete facilitation actions (UNESCAP, 2007).

2.2.2 Composition and Membership

The most crucial aspect for establishing a national trade facilitation body is its composition and membership. Recommendations of UNCTAD, UNECE, UNESCAP, etc. all have one major emphasis – that of ensuring that the committee has adequate representation from all

parties involved in trade, especially from the private sector. UNECE Recommendation 4 urged that the composition of such committees should include representatives of all key public and private sector player, as depicted in the Figure 1.

<u>Public sector</u>	<u>Private sector</u>
<ul style="list-style-type: none"> • Transport <ul style="list-style-type: none"> – Ministry – Parastatal companies • Commerce <ul style="list-style-type: none"> – Ministry – Foreign Trade Instit. – Banking & Insurance • Finances <ul style="list-style-type: none"> – Ministry – Customs Administr. 	<ul style="list-style-type: none"> • Transport <ul style="list-style-type: none"> – Prof. associations – Operators, agents • Commerce <ul style="list-style-type: none"> – Chambers of Comm. – IMP/EXP associations – Banking & Insurance associations • Finances <ul style="list-style-type: none"> – Prof. associations – Customs agents

Figure 1: Key Partners to Trade

The UNCTAD model recognizes an essential partnership between three key players in the facilitation of efficient international trade and transport (UNESCAP, 2007):

- Government agencies - mostly ministries of trade or commerce, transport, and finance including Customs, which are responsible for regulating international trade and transport;
- Trade and transport service providers - who supply market oriented support services to the trading community (such as carriers, freight forwarders, multimodal transport operators, Customs brokers, commercial banks, and insurance companies)
- Traders (exporters and importers) - who are the main beneficiaries of an improved trading environment created by institutional reforms and greater efficiency in service provision.

UNCTAD (Belastegui, 2014) further emphasises that the public sector should actively and genuinely involve the private sector in the trade facilitation body, as this is has been found to be the most crucial success factors for a trade facilitation body. The involvement of the private sector should be inclusive and representative; and it should be ensured that the members from the private sector are active participants and not just dormant spectators. Additionally, agency representatives to the national committee on trade facilitation should come from different functional levels, including executive and non-executive directors and technical staff.

2.2.3 Operational set-up

There should be around 20 to 40 public and private sector representatives constituting the Committee. Since such a large group is generally not very effective at discussing proposals

and making decisions, UNECE, therefore, suggested that a smaller Permanent Commission be created to prepare documentation to assist the decision-making process of the Committee. This Permanent Commission would include a limited number of participants (less than 10) drawn from the main committee and will represent the most relevant institutions (Customs department, Ministries of Transport, Trade, Finances plus representatives from key private sector institutions i.e. banks, insurance, transport operators, transport users). The Permanent Commission could further organize its work in *ad-hoc* Working Groups constituted on the basis of specific requests from the Committee.

Since the members of the Permanent Commission will only have limited time to devote to the Commission regarding the practical elaboration of the documentation, it is therefore considered appropriate to have a Technical Secretariat headed by a Secretary whose duties would be to ensure the day-to-day functioning of the Commission and the preparation of the NTTFC meetings.

The offices of national facilitation bodies can be set up within the ministries which chair the bodies. The technical secretariat of the NTTFC can be established in a separate office, functioning independently of those of the government agencies. It would assist both the committee and the permanent commission.

2.2.4 Limits of authority

A nominated government agency would accept overall responsibility for the NTTFC's activities and would provide a Chairperson. It was considered that ministries of transport, trade or finance (being responsible for Customs) would be suitable lead agencies for this purpose, since they could also provide secretariat services to the committee. Countries should consider whether the Ministry of Trade should take over the role of coordinating agency or whether this role could be shared with other public organisations essential for trade facilitation (i.e. Customs) or with the private sector (i.e. Chamber of Commerce).

The Chairperson would ideally be appointed from the highest levels of the designated agency – preferably at the level of a Deputy Minister, Permanent Secretary, Secretary or other appropriate senior official of trade/commerce or transport. Direction and commitment at the highest level of government is essential to ensure effective coordination and cooperation between the different agencies and to convert proposals and recommendations into actions.

2.2.5 Degree of institutionalisation

UNCTAD (Belastegui, 2014) recommends that “Make it official”, by giving the national trade facilitation body a strong legal backup. As trade facilitation is a policy that includes different public stakeholders, an institutionalisation at governmental level could be beneficial, as to prevent strong conflict of interests, increase participation and ensure high level political commitment.

2.3 *Financing*

UNCTAD's recommendation says that the national trade facilitation body should be provided with the necessary resources since the lack of financial resources can adversely affect the sustainability of trade facilitation bodies. UNECE recommends that the Committee must have a sound financial base in order to be able to deal with issues on both a short and longer term basis, and this funding should be established on a rolling basis to cover not less than 3-5 years periods.

The most used source for the funding of facilitation bodies are regular government budgets. This can be supplemented by direct contributions from private/ business sector members. If these funding sources are not of sufficient, it is necessary to tap new sources of funding, such as international assistance (UNESCAP, 2007). UNCTAD recommends, especially for developing and least developed countries, to include tasks and budget allocations for the trade facilitation bodies when applying for international funds for concrete projects in trade facilitation.

2.4 *Meetings*

UNECE recommends that the Committee should meet regularly (e.g., two or three times per year) or at the request of its Chairman or any of its members. The Permanent Commission would meet on a regular basis, probably twice a month. The minister of the designated Chairman ministry will chair the Committee meetings. The representative of the Chamber of Commerce could act as executive secretary and will be assisted by the NTTFC's Technical Secretary.

3 **Review of Trade Facilitation Bodies around the World**

3.1 *Overview of existing trade facilitation bodies*

Currently, there are a more than 70 different types of National Trade Facilitation Bodies that have been established. The UNCTAD database of Trade Facilitation Bodies (UNCTAD, 2013b) provides an overview of different national trade facilitation bodies in more than 30 countries (Table 1).

There are 4 types of trade facilitation bodies that are in operation (UNCTAD, 2013a):

- **PRO-Committee:** Pro Committees, where PRO stands for "procedures", are based on UN/CEFACT Recommendation No. 4. They deal with facilitation of procedures across all modes of transport and identify bottlenecks to trade and promote solutions. PRO committees are independent organizations and receive direct and/or indirect funding from public sector.
- **National Trade and Transport Facilitation Committee (NTTFC):** These consultative inter-institutional bodies promote trade facilitation, study international trade and transport regulations, prepare recommendations and create transparency on major trade and transport issues.

- **National Trade Facilitation Committees (NTFC):** they act as a coordination mechanism and help to streamline trade procedures and implement trade facilitation measures at national level.
- **WTO Negotiations on Trade Facilitation Support Group (NTFSG):** Created to support negotiators based in Geneva or delegates during the negotiations of the WTO TFA.

Table 1: Trade Facilitation bodies around the World

Country	Description	Country	Description
Afghanistan	PRO-committee	Japan	PRO-Committee
Albania	PRO-committee	Jordan	NTTFC
Angola	NTFC	Kenya	WNTFSG
Antigua and Barbuda	NTFC	Kyrgyzstan	NTTFC
Armenia	NTTFC	Mali	WNTFSG
Austria	PRO-committee	Malta	PRO-committee
Azerbaijan	NTTFC	Mexico	WNTFSG
Bahrain	NTFC	Mongolia	NTTFC
Bangladesh	WNTFSG	Namibia	NTFC
Benin	NTFC and WNTFSG	Nepal	NTTFC
Bhutan	NTFC	Netherlands	PRO-committee
Bosnia & Herzegovina	PRO-committee	Nicaragua	WNTFSG
Botswana	NTFC	Niger	WNTFSG
Brazil	PRO-committee	Nigeria	WNTFSG
Bulgaria	PRO-committee	Norway	PRO-committee
Burkina Faso	WNTFSG	Pakistan	NTTFC
Cambodia	NTFC	Paraguay	NTFC
Cape Verde	WNTFSG	Philippines	NTFC
C. African Republic	NTFC	Republic of Korea	PRO-committee
China	WNTFSG	Moldova	PRO-committee
Colombia	WNTFSG	Saint Kitts & Nevis	NTTFC
Croatia	PRO-committee	Saint Lucia	WNTFSG
Cuba	WNTFSG	Saint Vincent	NTFC
Czech Republic	PRO-committee	Senegal	WNTFSG
Dominica	NTFC	Sierra Leone	NTFC
Dominican Republic	NTFC	Spain	PRO-committee
Ecuador	WNTFSG	Sudan	NTFC
Egypt	WNTFSG	Sweden	PRO-committee
Finland	PRO-committee	Thailand	NTFC
France	PRO-committee	Togo	WNTFSG
Greece	NTFC	Turkey	WNTFSG
Grenada	NTFC	Uganda	WNTFSG
Guatemala	NTFC	United Kingdom	PRO-committee
Honduras	WNTFSG	USA	USTR
Hungary	PRO-committee	Viet Nam	PRO-committee
Iceland	PRO-committee	Zambia	NTFC
Iran	PRO-committee	Zimbabwe	WNTFSG
Italy	PRO-committee and NTFC		

Source: UNCTAD, Trade Facilitation Bodies around the world (<http://unctad.org/en/DTL/TLB/Pages/TF/Committees/default.aspx>)

* *NTFC* - National Trade Facilitation Committee

NTTFC - National Trade and Transport Facilitation Committee

WNTFSG - WTO Negotiations on trade facilitation support group

Trade facilitation co-ordination mechanisms have also been initiated at the sub-regional levels. Some active sub-regional initiatives/ programmes are:

- *EUROPRO* is the Association of Committees on Simplified Procedures for International Trade within the European Community and the European Free Trade Association. It was established in response to the UNECE Recommendation 4. It consists of most European PRO Committees.
- *SECIPRO* (UNESCAP, 2007), established in 1998, is a network of 10 PRO Committees in Southeast Europe. It was born out of the Southeast European Cooperative Initiative. It aims to facilitate transport and trade in the region by eliminating border obstacles to trade and expediting the movement of goods through the region.
- *Regional Programme of Trade and Transport Facilitation in Southeast Europe (TTFSE)* has 8 member countries. It is a regional partnership involving the World Bank, the European Union, UNECE, and SECI; and focusses on border issues and monitoring of transport. Under the program, National “pro-committees” were established to improve communication between those who trade and the many transportation operators (Dumitrescu and Moeller, 2006)
- In South-East Asia, multilateral cooperation in the area of trade facilitation is conducted through initiatives undertaken by APEC (Asia-Pacific Economic Cooperation), ASEAN (Association of Southeast Asian Nations) and GMS (Greater Mekong Sub region). ASEAN introduced trade facilitation committees as a requirement for member countries in 1998 under the ASEAN Framework Agreement on the Facilitation of Goods in Transit. Under the GMS programme, The Framework Agreement on the Facilitation of Goods in Transit signed in December 1996 included the establishment of national transit transport coordinating committees (NTTCCs), with the oversight of a regional Transit Transport Coordinating Board. Most countries in the region have already established committees in line with ASEAN and GMS.
- *ESCWA (Economic and Social Commission for Western Asia)* has been actively involved in identifying and seeking measures to resolve the major problems of trade and transport facilitation experienced by its member countries. Its members have a mandate that National facilitation committees should be established and implemented and ESCWA should prepare a manual for the establishment of those committees and put in place a regional mechanism for coordination between them. National facilitation bodies had been established by three member countries of the region (Egypt, Yemen and Jordan).

3.2 Case studies of some trade facilitation bodies

This section provides an overview of NTFBs operational in select countries, on the basis of publicly available information. This section describes the NTFBs in terms of membership, institutional structure, functions and responsibilities and also highlights the lessons learned from these NTFB’s.

3.2.1 Pakistan

Pakistan established a National Trade and Transport Facilitation Committee (NTTFC) in 2001, as a result of a Trade and Transport Facilitation Project funded by World Bank that had a prerequisite to establish a National Trade and Transport Facilitation Committee. It has proven to be a good example of NTTFC operations and the successful promotion of trade facilitation measures, which can be used as a model for replicating similar institutions in other developing countries (UNCTAD, 2006).

The Terms of Reference of the National Trade and Transport Facilitation Committee are to:

- i.** Review the regulation, procedures and systems pertaining to the conduct of trade and transport that impact the cost and efficiency of country's international trade;
- ii.** Develop and promote the adoption of measures for simplification and harmonization of trade and transport procedures to reduce the cost and improve the efficiency of international trade;
- iii.** Act as national focal point for the collection and dissemination of information
- iv.** Undertake coordination of efforts of concerned organizations in the field of facilitation of international trade and transport;
- v.** Promote adoption of standard trade and transport terminology and international codes for trade and transport information;
- vi.** Pursue simplification and alignment of trade and transport documents on the basis of the United Nations Layout Key;
- vii.** Organize and present training seminars and workshops to improve the capacity of domestic industry in international trade and transport procedures and knowledge of the international trading practices;
- viii.** Maintain interface with international and regional organizations with the objective of improving trade facilitation and efficiency;

The NTTFC is structured as follows:

- The committee is coordinated by and accountable to the Ministry of Commerce; and is chaired by the Secretary of this Ministry.
- Its affairs are managed by a Board of Directors required to meet twice a year to provide the vision, approve the work plan, approve the budget and review the performance of NTTFC. The Board is chaired by Additional Secretary of Commerce and consists of ten directors, including four from the private sector.
- There is a permanent secretariat headed by the Executive Secretary, who is a member of the Board of Directors, and is responsible for day-to-day functioning of the committee.

- In addition, the committee is composed of 38 Members, with nearly equal participation by public and private sectors, as listed below:

Public sector representatives	Private sector representatives
Ministries of: <ol style="list-style-type: none"> 1. Commerce; 2. Communications; 3. Ports and Shipping; 4. Finance; 5. Planning and Development; 6. Food, Agriculture and Livestock; 7. Industries; Others: <ol style="list-style-type: none"> 8. Karachi Port Trust; 9. Port Qasim Authority; 10. National Ship Owners; 11. Pakistan Railways 12. Civil Aviation Authority; 13. Pakistan International Airlines; 14. Central Board of Revenue; 15. State Bank of Pakistan; 16. Small and Medium Enterprise Development Authority; 17. Trade Development Authority 18. Pakistan Horticulture Development 19. Export Board 	<ol style="list-style-type: none"> 1. Multimodal Transport Operators 2. Federation of Pakistan Chambers of Commerce and Industry; 3. Insurance Association of Pakistan; 4. Dry Port Operators; 5. Pakistan International Freight Forwarders Association; 6. Customs Clearance Agents Associations; 7. Goods Carriage Associations; 8. Pakistan Ships Agents Association; 9. Pakistan Bankers Association; 10. International Chamber of Commerce, Pakistan; 11. Karachi International Container Terminal; 12. Qasim International Container Terminal; 13. Pakistan International Container Terminal; 14. Karachi Chamber of Commerce and Industry; 15. Lahore Chamber of Commerce and Industry; 16. Faisalabad Chamber of Commerce and Industry; 17. Sialkot Chamber of Commerce and Industry; 18. Sarhad Chamber of Commerce and Industry; and 19. Chamber of Commerce and Industry, Quetta.

The expenditure of the National Trade and Transport Facilitation Committee is met through a grant from Export Development Fund. The EDF is financed by a small surcharge on most exports. The committee has a budget, which covers salaries, rental of premises, travel, maintenance, committee meetings, etc.

Since its establishment, the work of the committee has largely focused on the improvement of the regulatory and administrative procedures for trade and transport through the country's seaport and airport systems (UNESCAP, 2007). The NTTFC has helped improve Pakistan's international trade environment substantially and has made tangible contributions to the trade and transport facilitation initiatives and efforts in Pakistan (UNESCAP, 2011)

The NTTFC has been working in coordination with the concerned ministries and the public/private stakeholders for adoption of various trade and transport facilitation measures. A number of measures recommended by the Committee have been implemented. Some concrete operational outcomes include:

- Introduction of some UN layout key based documents
- Introduction of Single Administrative Document for Customs clearance
- Computerisation of Customs clearance system;
- Introduction of Web Base One Custom (WeBOC) system by Pakistan Customs
- Modernisation of Freight forwarding industry in progress
- Security arrangements for international transport of goods; and
- Modernisation of transport legislation

The most crucial factors for the success of the NTTFC and lessons learnt from Pakistan's experience are:

- Political will and commitment at highest level is one of the most important ingredients for the success of this Committee, demonstrated by various resolutions issued by the Ministry of Commerce in Pakistan (UNESCAP 2011).
- Support from the top, full commitment and participation from lead agencies and key stakeholders are essential requirements
- Stakeholders need to have a sense of ownership and a clear understanding of their roles.
- Active consultation and collaboration with private enterprise to ensure operational relevance and efficiency as well as the longevity of the institution
- Preparatory workshops/seminars conducted by an international organization could identify the national trade facilitation priorities and create interest among stakeholders to commit human, technical and financial resources for designing and implementing trade facilitation measures.
- Membership should be open to all interested public and private entities engaged in trade and transport activities, who should have senior level representations
- Budgetary support from the government is very vital
- There should be a defined Institutional arrangement for functioning on permanent basis
- Strong linkage with international trade facilitation institutions
- Professional contribution of technical specialists in the working groups enables the follow-up on decisions and recommendations made by the Committee over a long period of time

3.2.2 Nepal

Nepal's National Trade and Transport Facilitation Committee was established in 2012, comprising key stakeholders from public and private sector. The committee provides policy direction to the concerned agencies, takes decisions on trade facilitation issues, and helps settle inter-sectoral problems.

In the past, a similar Nepal Trade and Transit Facilitation Committee was established in 1994 in the context of a World Bank financed Multimodal Transit and Trade Facilitation Project. This committee did not see much success and was phased out after the completion of the project in 2001.

The committee focuses on national reform initiatives for reducing time and cost of trade. Its Terms of Reference set out the following tasks:

- Reviewing and advising on regulatory reform with a view to facilitate domestic and international trade
- Monitoring and coordinating activities related to trade transport and transit facilitation

- Capacity building, training and skill development of the public and private sector institutions
- Identification of best practices and implementation of such measures in the Nepalese setting
- Suggesting measures for simplification and harmonization consistent with the objectives of facilitating trade.
- Improving coordination and dialogue among trade and transport-related agencies
- Providing policy feedback for advancing the concept of cooperation in trade, transport and transit facilitation at the sub-regional and regional level.
- Promoting training and research in international trade transit and transport, and upgrading common knowledge of the stakeholders on the international practices
- Promoting the adoption of standard trade and transport terminology, particularly the use of INCOTERMS,
- Mobilising the Trade Related Technical Assistance and Aid for Trade on trade and transport facilitation.

The Organisational structure of the Nepal's NTTFC is as follows:

- It is a legal entity formed by Ministerial decision of the Government.
- Ministry of Commerce and Supplies is the coordinating agency and the committee is chaired by the Secretary of that.
- The committee further has two Sub-committees - Process Simplification and Automation Sub Committee, and Infrastructure Sub Committee. Other Sub Committees may be formed according to the Committees' requirements. The Committee meets at least once a month. The Sub-committees meet when needed.
- The secretarial works are carried out by a permanent Secretariat of the Secretary and other related divisions assist.
- Membership of the committee comprises of high level representatives from public and private institutions such as Secretaries, Joint Secretaries, Under Secretaries, Presidents, Directors, and Executive Directors.

Public sector representatives	Private sector representatives
1. Ministry of Commerce and Supplies, 2. Ministry of Finance, 3. Ministry of Agricultural Development, 4. Ministry of Industry, 5. Ministry of Urban Development, 6. MoIDT 7. Department of Commerce and Supply Management, and 8. Nepal Rastra Bank (NRB) 9. Nepal Transport and Warehousing Company Ltd. 10. Nepal Intermodal Transport Development Board (NITDB) 11. Trade and Export Promotion Centre	1. Federation of Nepalese Chambers of Commerce and Industry (FNCCI) 2. Confederation of Nepalese Industries (CNI) 3. Chamber of Commerce

The committee is financed through government funding. There is no provision for the NTTFC in the national budget but if necessary, the required financial resources are made available from other headings of the budget.

Nepal's current NTTFC is still just 2 years old but has reportedly guided and assisted in carrying out trade facilitation related work in a smooth and well-coordinated manner. Since the establishment of the Committee, several reforms related to trade facilitation have been implemented.

The older committee that was established in 1994 had been instrumental in the adoption by the Government of three significant pieces of transport legislation: the Multimodal Transport Act, the Railway Act, and the Goods Carriage by Road Act (UNESCAP, 2007). This older NTTFC proved to be unsustainable owing to political instability, concomitant shifts in priorities by the Governments in power and frequent transfers of the technical team. The NTTFC was never a key priority on the political agenda. Another major weakness of that NTTFC was the private sector's passive role. A sense of ownership or of advantages to be gained from being proactive was lacking, with participation limited to attending meetings. The NTTFC did not, however, suffer from a lack of funds.

Therefore, the Nepal's NTTFC's case shows that even with financial support and the committee's involvement in a larger project; the lack of political will, of active private sector involvement, and of communication links to similar bodies and international organizations made the organisation unsustainable (UNCTAD, 2006)

3.2.3 Sweden

Sweden stands out as one of the first countries to pursue a trade facilitation agenda (National Board of Trade, 2008). It established a PRO-committee by the name of Swedish Trade Procedures Council (SWEPRO) in 1975. Until 2009, SWEPRO was a legal entity but now is an informal forum at the National Board of Trade. SWEPRO had a mandate to discuss and analyse trade facilitation issues at a strategic and tactical level. It has a running one-year programme and the main objectives set out for the committee are to highlight trade procedures that constitute hindrances to Swedish industry; and to discuss possible solution at national, regional and international level.

SWEPRO is coordinated by The National Board of Trade. Special task forces and working groups have been instituted ad hoc to look at specific issues. The National Board of Trade is also responsible for the secretariat. The committee also has nine other members from the private and public sectors.

Public sector representatives	Private sector representatives
<ol style="list-style-type: none"> 1. National Board of Trade; 2. Swedish Customs; 3. Business Sweden; 4. Swedish Association of Local Authorities and Regions; 5. Ministry of Foreign Affairs. 	<ol style="list-style-type: none"> 1. Swedish Trade Association; 2. Swedish Bankers' Association; 3. Swedish International Chamber of Commerce (ICC); 4. Swedish International Freight Association; 5. Network for Electronic Business.

In the past, SWEPRO helped significantly in simplification of trade procedures in Sweden. The group initiated work on supply chain security issues that have had a large impact both as information to companies and as a source for Sweden's position on security issues in the EU. Also other coordination issues have been ironed out. Currently its role is more marginal, but is still an important source of information for the participants, especially regarding identification of legislations at the European Union (EU) level that will constitute problems for Business and showing how business works with various issues.

Crucial success factors have been identified as:

- Flexibility in organization
- Concrete work program
- Dedicated membership

3.2.4 Finland

Finland's National trade facilitation body "The Finnish National Body for Simpler Trade Procedures (FINSIPRO)" is amongst the oldest TF bodies in the World, established in 1973. It is in the form of an Ad Hoc Working Group, established for carrying out standardisation and harmonisation of the trade and document requirements domestically and internationally. FINSIPRO supports Finland's participation in international trade procedures development activities, in particular under the auspices of UN Economic Commission for Europe - UN/CEFACT, as well as in European and Nordic trade procedures organizations: EuroPro and NordiPRO (Salo, 2013).

FINSIPRO's objectives are enhancement of cooperation among trade facilitation related organisations; Information dissemination; and domestic and international trade facilitation work. Its Terms of Reference are:

- To foster and enhance functional cooperation between traders and authorities
- To highlight the obstacles and barriers in domestic and international trade facilitation arena;
- To ensure that the points of view of Finnish companies are considered in international recommendations on trade facilitation; and
- To provide companies with:
 - Knowledge on international trade facilitation,
 - Opportunity to have information on international procedures in eBusiness,
 - Opportunity to ask about problems concerning trade facilitation in companies,
 - Opportunity to keep up with trade facilitation development projects, and
 - Opportunity to influence on development of trade facilitation.

The major tasks and activities undertaken include:

- Distribution of Trade Facilitation information to organizations
- Coordination of national Trade Facilitation projects
- Participation and monitoring domestic Trade Facilitation projects as well as international work (UN/CEFACT, WTO, OECD etc.)

Ministry of Employment and the Economy is the coordinating agency and the chair. A permanent technical secretariat is operated by the Finnish Information Society Development Centre (TIEKE).

The body has both public and private sector members that include:

Public sector representatives	Private sector representatives
<ol style="list-style-type: none"> 1. Ministry of Employment and the Economy; 2. Ministry for Foreign Affairs; 3. Ministry of Transport and Communications; 4. National Board of Customs 	<ol style="list-style-type: none"> 1. Private associations 2. Federation of Employers; 3. Central Chamber of Commerce; 4. International Chamber of Commerce (ICC) Finland; 5. Standards Association; 6. Trade Associations; 7. Federation of Financial Services; 8. Logistic Association; 9. Confederation of Finish Industries; 10. Finish Business Community 11. GS1 Finland.

FINSIPRO's key benefit for the members has been its contribution towards awareness raising and information exchange on trade Facilitation and related topics among the stakeholders. It helps increase knowledge of domestic trade organizations that conduct operations both domestically and internationally; and facilitates discussions and contacts between national players.

Main lessons learned from FINSIPRO's experience are:

- Information distribution on both national and international activities initiated, conducted and attended by different stakeholders involved in trade facilitation field is very vital
- Practical approach is important to attract the interest of stakeholders especially in business.

3.2.5 Kyrgyzstan

National Trade and Transport Facilitation Committee (Kyrgyz Republic National Council on Trade and Transport Support) established in 2007. The National Council is a collegial organisation, coordinating the actions of the ministries, state committees, administrative departments and other executive bodies on export-import trade facilitation and realisation of the single window project.

The National Council has the following functions contained in its Terms of Reference:

- Elaboration of the governmental policy on trade procedures regulations and transport in the Kyrgyz Republic;
- Coordination of State bodies' operations on questions, linked with trade and transport;
- elaboration of the recommendations for the authorised bodies on trade and transport facilitation in the Kyrgyz Republic;
- Creation of a favourable, client-oriented infrastructure of external trade activity;
- Creation and development of a single State data base of economic agents;
- Elaboration of proposals on the Kyrgyz Republic's position in multilateral and bilateral negotiations in the scope of Central Asian regional economic collaboration as well as in other international organisations ;
- Support for single window project realisation as well as exercise general control for the implementation and execution of the Single Window project;

The Kyrgyz Republic National Council on trade and transport is coordinated by the Ministry of Economic Development and Trade, which is also the central executive body. It elaborates and ensures the realisation of the single State policy on economic development and external trade. The Minister of Economic Development and Trade is the chairman of the Council, while the Chairman of the State Customs Committee and the Minister of Transport and Communications are the deputy chairmen of the Council. The committee has not established a permanent technical secretariat .

The membership of the council comprises mainly of public sector representatives.

Public sector representatives	Private sector representatives
<ol style="list-style-type: none"> 1. Ministry of the economic development and trade 2. Government Customs committee; 3. Ministry of transport and communications; 4. Presidential Investment council; 5. Government apparatus; 6. Ministry of justice; 7. Ministry of finance; 8. Ministry of Health; 9. Ministry of agriculture, water management and industry; 10. Governmental agency of the information resources and technology; 11. Border guard; 12. National institute of standards and metrology; 13. Chamber of Commerce; 14. Kyrgyz temirzholu governmental entity; 15. Transporters Association; 16. Freight forwarders association; 17. Kyrgyz members of the Association of International Road Carriers; 18. Market, industry and services association; 19. Mountain association; 20. Entrepreneurs Union; 21. Oil traders association; 22. International business council 	<ol style="list-style-type: none"> 1. "Customs Cargo Service" Ltd; 2. Asian development bank to the Kyrgyz Republic 3. German entity on technical collaboration

The Council has made some significant progress in achieving its main objectives:

- Optimisation and reduction of the existing administrative procedures in export and import;
- Identification of the national border checkpoints and ensuring that these checkpoints have adequate technical and information equipment, as well as defining the order of control bodies collaboration on the checkpoints and initial sanitary control passing;
- Implementation of the Single Window mechanisms, creation of the single automated database on the relevant actors, implementation of the single administrative document on the checkpoints, as well as implementation of e-Systems of Customs declaration and clearance.

Crucial success factors have been identified as:

- Presence of a political will from the high level representatives
- Membership to the WTO, World Customs Organisation and other UN organisations responsible of trade development and trade facilitation
- Liberal trade legal system, corresponding the WTO standards and rules;
- Presence of an interested business community and its active participation in the facilitation and provision of transparency of trade procedures
- Realisation of the modernisation and automation of the Customs system, implementation of the electronic declaration and creating the information system for external trade;
- Acknowledgement by the involved bodies and organisations of the existence of double documentation requirements which are a burden for the business community.

3.2.6 *Philippines*

The Philippines has a National Trade Facilitation Committee under the name of Networking Committee on Trade Policy and Procedures Simplification. The Networking Committee on Trade Policy and Procedures Simplification is has a mandate to:

- Recommend trade policies and help simplify systems and procedures to reduce the cost of doing business; turnaround time and signatures
- Optimize the use of Information Technology in streamlining the systems and procedures pertinent to export
- Assist in ensuring that the tariff structures favour national interest

The Networking Committee on Trade Policy and Procedures Simplification is under the Export Development Council established under the Export Development Act of 1994. The Department of Trade and Industry is the coordinating agency of the Committee. It is composed of a Chairperson, Vice-Chairperson and members. The current Chairperson is from

Philippine Exporters Confederation Inc and Vice Chair from Assessment and Operations Coordinating Group, Bureau of Customs. The Committee has a Technical Secretariat, which assists in undertaking coordination with relevant stakeholders, formulating policy agenda, organising meetings, researching and carrying out projects.

The committee has representation from both public and private sectors.

Public sector representatives	Private sector representatives
<ol style="list-style-type: none"> 1. Bureau of Customs; National Economic and Development Authority; 2. Department of Trade and Industry-Bureau of Export Trade Promotion; 3. Philippine Economic Zone Authority; 4. National Competitiveness Council 5. Information, Communications and Technology Office 	<ol style="list-style-type: none"> 1. Philippine Exporters Confederation; 2. Philippine Chamber of Commerce and Industry; and 3. Representatives from the Value-Added Service Providers of the Bureau of Customs

The Networking Committee on Trade Policy and Procedures Simplification has been instrumental in introducing policy reforms for trade facilitation in coordination with relevant government agencies.

Some of the operational outcomes of the committee are:

- Automation of export processing
- Reduction of documents needed for exports through the Self-Certification project
- Fast tracking of slow moving programs
- Monitoring of fees and charges imposed on export clearances, inspections, permits, certificates, and other documentation requirements

Some of the factors identified for the Committee's success include effective chairperson, coordination and mutual respect from public and private sector, balance between interests and competent technical Secretariat. It, however, faced obstacles in the form of limited budget for reaching out to further decentralised geographical levels / regions through consultation mechanisms at to ensure broader reforms and SME participation.

3.2.7 Thailand

Thailand established a National Transit Transport Coordinating Committee (NTTCC) in 2001, in pursuance of the ASEAN Transit Transport Agreement's requirement that each member country should establish a NTTFCC (UNESCAP, 2007). The main purpose of the Committee is to monitor and regulate the operation of the ASEAN Transit Transport Agreement. It is, therefore, slightly different from other national trade facilitation bodies established under the UNECE guidelines.

The NTTCC is accountable to the Ministry of Transport and is chaired by the Permanent Secretary of the Ministry of Transport. It is also required to report to the ASEAN Transit Transport Coordinating Board. It is funded from the Government's regular budget.

The committee consists of 13 members - 12 representatives from the public sector and one representative from the private sector:

Public sector representatives	Private sector representatives
1. Seven Members from the Ministry of Transport and its associated agencies (such as the Department of Land Transport) 2. Ministries of Foreign Affairs and Commerce 3. Customs Department 4. Royal Thai Police 5. Immigration Bureau	1. Thai Chamber of Commerce

The major activities of the committee are:

- Monitoring and assessment of the need for amendment to laws and regulations with a view to improving border control process and reducing the cost of international trade transport;
- Preparation of reports for the ASEAN Transit Transport Coordinating Board
- Management of the numbers of transit vehicles
- Cooperation with the NTTCC's of other ASEAN countries
- Implementation of any initiatives to improve the flow of goods and transport across international borders.

One of the major achievements of the NTTCC was the signing of a bilateral agreement on road transport with the Lao PDR. Under this, the prohibition on the operation of Laotian trucks in Thailand was removed after many years. The haulage of Laotian transit trade had earlier been monopolized by just five Thai truck operators, and now was opened up to all transport operators on both sides of the border. This initiative, coupled with the simplification of documentation and joint Customs inspection by both sides, was estimated to have resulted in a reduction of 20 per cent in transit transport costs.

3.3 Lessons learnt from the experience of operational National Trade Facilitation Bodies:

The following is a summary of main lessons learnt and key success factors from experience of existing national trade facilitation bodies¹:

3.3.1 Scope and Functions

- Having a defined work programme is essential, which should be linked to government/business priorities.
- It is important to carry out preliminary studies on the needs of the private sector to include them in the work plan.

¹ Drawn from UNCTAD (Belastegui, 2014); Butterly, 2009 and author's assessment of the select case studies discussed in previous section

- The committee’s mandate should be flexible, dynamic and open to change
- UNCTAD/WTO self-assessment exercise is critical and motivating
- Preparatory workshops/seminars conducted by an international organization to identify the national trade facilitation priorities prove to be very useful.

3.3.2 Organizational Structure

- Having active consultation and collaboration with private enterprise is necessary to ensure operational relevance and efficiency as well as the longevity of the institution
- Demonstration of “political will” is the key and can be achieved when the committee is chaired by the Minister (or has the “ear” of the Minister). Also, having meetings with high officials is a useful tool to obtain their commitment to support the work of the group
- Leadership is a crucial element. There need to be high level representatives (decision makers) from government / business organisations
- The institutionalisation of the committee (by making it legal) has proved to be effective
- Having a secretariat and enough human resources is essential.
- Making sub-groups/ ad-hoc committees on specific topics is essential.

3.3.3 Operational issues and other factors

- Ensuring adequate financial resources are essential, and public/ budgetary support from the government funds should constitute the basic financing source
- Regularly holding meetings is crucial
- Presenting concrete results and/or monitoring results is essential
- Information distribution on national and international activities is essential.
- Implementing trade facilitation agenda requires persistence and persuasion.
- There needs to be strong linkages with the work of international trade facilitation institutions

4 Suggested guidelines for India’s National Trade Facilitation Committee

India does not have a Trade Facilitation body yet. India used to have a PRO-committee housed within the Indian Institute of Foreign Trade (IIFT) called INDPRO, which is not functional anymore. It currently coordinates Trade Facilitation initiatives through various consultation mechanisms. The Consultative Committee on Trade Facilitation is a central consultation mechanism. There are other consultation mechanisms at different levels, namely field and central level (ministries, boards), bilateral and multilateral level, parliamentary

level, inter-agency level as well as pre and post budgetary consultation mechanisms (UNCTAD, 2013b). Permanent Trade Facilitation Committees (PTFCs) have been established in all Customs Houses including local trade and logistics association as well as Customs Brokers association (CBEC, 2013). An Indian Customs Single Window Project was announced in the Budget 2014, which aims to provide a common platform to help traders meet the requirements of all regulatory agencies (including Animal Quarantine, Plant Quarantine, Drug Controller, Textile Committee etc.) involved in Exim trade. Single Window Scheme essentially is a network of cooperating facilities bound by a set of agreed interface specifications in which trade has seamless access to regulatory services delivered through electronic means (PIB, 2014). Another move by the government that is expected to reduce the number of agencies involved in clearance processes is the recent integration and merger of related ministries.

The idea of an Indian NTFC was mooted in 2014 (Seth, 2014) and in February 2016 the Cabinet formally approved the constitution of a National Committee on Trade Facilitation (NCTF) to be jointly chaired by the Secretaries of Commerce and Revenue (PIB, 2016). In the light of this, this section of the paper gives a set of broad guidelines that can be used for creating and operating India's National Trade Facilitation committee. These have been drawn from the recommended guidelines discussed earlier and from lessons learnt from assessing the different country examples.

4.1 Scope and functions of the National Co-ordination body

The TF body should have clearly defined goals and objectives supported by time and resource commitments. This will help all stakeholders, especially the private sector, to have realistic expectations from the Committee with regards to the kind of issues that will be dealt with on this platform.

Some suggested focus areas could be:

- Devising national trade facilitation implementation strategies, possibly by drawing up a TF Implementation Action Plan
- Coordination and integration with other (existing) TF plans/programmes (like the Consultative mechanisms at central and state levels, PTFCs and the Single Window Project)
- Special focus on co-ordination of agencies involved in facilitation of trade on India's land borders
- Implementation of the WTO TFA and supporting future negotiations
- Execution of requisite actions for single window implementation
- Undertaking data harmonization
- Facilitating a move towards paperless trade with the help of cross border data exchange
- Implementing security aspects of trade facilitation

- Negotiating and coordinating with donors on implementation of trade facilitation
- Devising regional trade facilitation strategies and participating in implementing any future Regional level trade facilitation action plan (such as a future SAARC trade facilitation initiative).

The Committee should draw up a comprehensive Terms of Reference, which could include (but not necessarily be limited to):

1. Undertake monitoring and coordination of efforts of concerned organizations in the field of international trade and transport facilitation
2. Finalization and approval of the national trade facilitation plan for implementation of provisions of the TFA based on the categorization of provisions notified to the WTO, with clearly defined timelines for each provision or sub-provision.
3. Finalization and approval of an outreach program on Trade Facilitation comprising specific activities to be conducted for the education of stakeholders and for obtaining their regular feedback and the identification of agencies that would conduct these activities
4. Monitoring progress of TFA implementation and proposing corrective measures wherever necessary based on feedback received through the outreach program
5. Contributing to the legislative and systemic changes required for implementation of the TFA
6. Monitoring the work of the sub-committees established in the organizational structure.
7. Foster cooperation between traders and authorities
8. Identify bottlenecks in the process of international trade and transport; and propose measures for improving the operational performance thereof
9. Assess the adequacy of international trade and transport-related infrastructure (including seaports, airports, land-ports, roads, railways, and inland cargo storage facilities); and propose investment projects, as necessary (such as investments in Inland Container Depots and trade information technology like EDI)
10. Act as national focal point for the collection and dissemination of information on changes or revisions to border control procedures and documentation
11. Pursue simplification and harmonization of trade and transport documents (on the basis of the United Nations Layout Key)
12. Coordinate the implementation of Single Window clearances at border crossings
13. Promote the application of information and communication technology (ICT) to documentation and procedures of international trade and transport operations;
14. Elaborate governmental policy on trade procedures and transport regulations, and provide feedback regarding trade, transport and transit policies.
15. Promote adoption of standard trade and transport terminology and international codes for trade and transport information

16. Capacity building, training and skill development of the public and private sector institutions by organizing workshops and seminars on facilitation of international trade and transport
17. Serve as national focal points for international facilitation programmes and assistance; coordinate the implementation of regional and multilateral agreements on international trade and transport; and advise the Government on accession to the international conventions relating to trade and transport facilitation (such as United Nations Convention on the Carriage of Goods by Sea, the Convention on International Multimodal Transport of Goods, the Kyoto and the Customs Convention on Containers)
18. Include commitments under various sub-regional trade and/or transport agreement. It has been observed that member countries of such agreements benefit more than others, if they are able to actively shape the agreements to reflect their national interests (UNESCAP, 2005). Therefore, it will be in India's interest if the NTFC can be an active participant at the negotiation stages of such trade and/or transport agreements in future. Some of the agreements whose provisions should be considered while constituting a trade and transport facilitation committee include BBIN (Bangladesh, Bhutan, India and Nepal) Motor Vehicles Agreement (MVA), IMT Motor Vehicles Agreement among India, Myanmar and Thailand (IMT) and INSTC International North-South Transport Corridor which is the ship, rail, and road route for moving freight between India, Russia, Iran, Europe and Central Asia. And IIA (India Iran Afghanistan Agreement) under negotiation for use Chabahar port in Iran.

These Terms of Reference should be translated into a comprehensive Work Program as well as shorter Annual Work programs.

4.2 Organisational Structure

4.2.1 Form and Structure

- There needs to be a mechanism where different agencies and ministries involved in international trade and transport can come together and coordinate their actions. Since there is no existing trade or transport facilitation body, forming a combined "National Trade and Transport Facilitation Committee" would be advisable, along the lines of the NTTFCs in Pakistan and Nepal.
- The NTFC could be organised into a 3-tier structure –
 1. Permanent Commission – comprising of a core group of members drawn from among the committee membership. It will be responsible for following-up on decisions made by the main committee and providing support for its work programme.
 2. Ad-hoc working groups - formed within The Permanent Commission, which would be constituted depending upon into specific issues as mandated by the NTTFC. This could also include other experts.

3. An independent secretariat – this would support the main body and could be established in a separate office. The Secretariat’s function would be to manage the day to day activities of the NTTFC, such as organizing meetings, conducting studies as decided by the institution, providing information on facilitation to members, organizing seminars and workshops, etc. A very vital function of the secretariat should be to ensure that decisions taken at the meetings are implemented and followed-up.

4.2.2 *Coordination and Authority*

- Ministry of Commerce and Industry could be the main coordinating agency for the Committee.
- The chairman’s role could be a joint Chairmanship between the Ministry of Commerce (that deals with international trade and is responsible for implementation of the TFA) and the Customs Department (responsible for final clearance of traded goods at the border, also a large number of TFA provisions are related to customs)².
- The Chairperson would ideally be appointed from the highest levels of the designated agency – preferably at the level of Minister of State or the Secretary.

4.2.3 *Membership*

- The committee should be a public-private partnership and comprise representatives of all organizations involved in international trade and transport, especially from the Private sector. Further it should also be seen that the private sector representatives should be drawn from diverse types and sizes businesses, especially to include MSMEs and smaller business. The representatives must also be drawn from as many sectors and industries as possible.
- Another important consideration while setting up the NTFC would be to ensure the inclusion of some members who are directly involved with facilitation of cross-border movement of goods via the land ports that are used for trading with India’s neighbours in South Asia. This is essential because these land ports at India’s borders with countries like Pakistan, Nepal, Bangladesh and Bhutan continue to be less efficient than the sea and air ports, and often get left out of the trade facilitation agenda. One such agency that should be represented is the Land Ports Authority of India (LPAI) which has been established to manage entry points/land ports and entrusted with the task of development and management of Integrated Check Posts on the land borders. While under the provisions of the Land Port Authority Act the LPAI has to convene an inter-ministerial meeting once in three months along with a representative from each of the states (Chief Secretary) and a representative from a recognized workers

² Since transport in India is regulated by a number of different ministries

body and a recognized trade body (Appendix 1 and 2), the representation from industry seems inadequate. LPAI should include more members from trade bodies and at least one from each bordering state (Assam, Bihar, Manipur, Meghalaya, Mizoram, Punjab, Tripura, Uttar Pradesh, and West Bengal, as each border has its own unique problems. It is also important that the existing institutional framework is co-opted into the new framework such that it is compliant with the provisions of the WTO and also adopts global best practices in setting up a consultative mechanism. Also the Ministry of Development of North Eastern Region should also be included since a number of land ports are located in India's North Eastern Region.

A suggested list of agencies which could be represented in the NTTFC is as follows (not limited to):

Public sector representatives	Private sector representatives
<ol style="list-style-type: none"> 1. Ministry of Commerce and Industry (DGFT) 2. Central Board of Excise and Customs(CBEC) 3. Ministry of Railways 4. Ministry of Road Transport and Highways 5. Ministry of Shipping 6. Ministry of Civil Aviation 7. Ministry of Agriculture 8. Ministry of Communications and Information Technology 9. Ministry of External Affairs (Consular Division, Border Connectivity Division) 10. Ministry of Home Affairs (Department of Border Management) 11. Ministry of Defence 12. Ministry of Development of North Eastern Region 13. Land Ports Authority of India (LPAI) 14. Reserve Bank of India 15. Exim Bank 16. Federation of Indian Export Organisations 17. National Centre for Trade information 18. Export inspection council 19. Bureau of Indian Standards (BIS) 20. Border Security Force (BSF) 21. Indian Institute of Foreign Trade 22. Airport Authority of India <p>There could be an option to co-opt some State Governments</p>	<p style="text-align: center;">15-20 Representative agencies</p> <p>including:</p> <ul style="list-style-type: none"> • Chambers of Commerce • Transport Associations • Freight forwarders associations • Customs Houses • Trade/ Commerce Associations from Border cities • Banking and Insurance Associations • Import/ Export Associations • Transport operators (shipping companies, airlines, multimodal transport operators, road haulage companies, railways, inland waterway transport operators); and • Port authorities and transport terminal operators (e.g. operators of inland container depot).

The Permanent Commission could consist of following Members out of these:

1. Central Board of Excise & Customs (Ministry of Finance)
2. DGFT (Ministry of Commerce)
3. Ministry of Home Affairs
4. Ministry of Shipping/Civil Aviation
5. Department of Agriculture, Co-operation & Farmer's Welfare
6. Department of Animal Husbandry, Dairying and Fisheries
7. Land Ports Authority of India
8. Private sector

4.3 Operational Structure

4.3.1 Funding

- Ensuring adequate finances for the NTTFC is vital for its sustainability and success.
- Funding should be provided on a rolling basis for periods of not less than three years, as recommended by UNESCAP.
- As observed, different countries faced various constraints of financing using different approaches. Hence it would be desirable to combine all possible funding approaches to finance the operations and activities of the facilitation Committee:
 - Financial support from the government in the form of budgetary contributions or grants has proved to be vital for sustaining the committee in its early development and throughout its existence. The government could also generate funds from export trade promotion levies or from the issue of transport permits.
 - This can be supplemented by direct contributions from private/ business sector members.
 - In addition, the committee could itself undertake income-earning activities to bolster financial resources, such as through training courses at a fee, organizing workshops, publishing and selling reports, and technical material related to trade, etc.
 - If these funding sources are not of sufficient, it is necessary to tap new sources of funding, such as international assistance (UNESCAP, 2007).

4.3.2 Meetings

- Meetings of the NTTFC, permanent commission and the Working Groups should be held regularly. The full committee could meet once every 2-3 months but the Permanent Commission should meet more frequently like every fortnight.
- Having a prefixed schedule of meetings at fixed intervals has proven to be effective.
- Unavailability of the Chairperson should not be the cause of cancellation of meetings that can be presided over by a Vice Chair or other Senior Officials.

4.3.3 Institutionalisation and Legal basis for the NTTFC

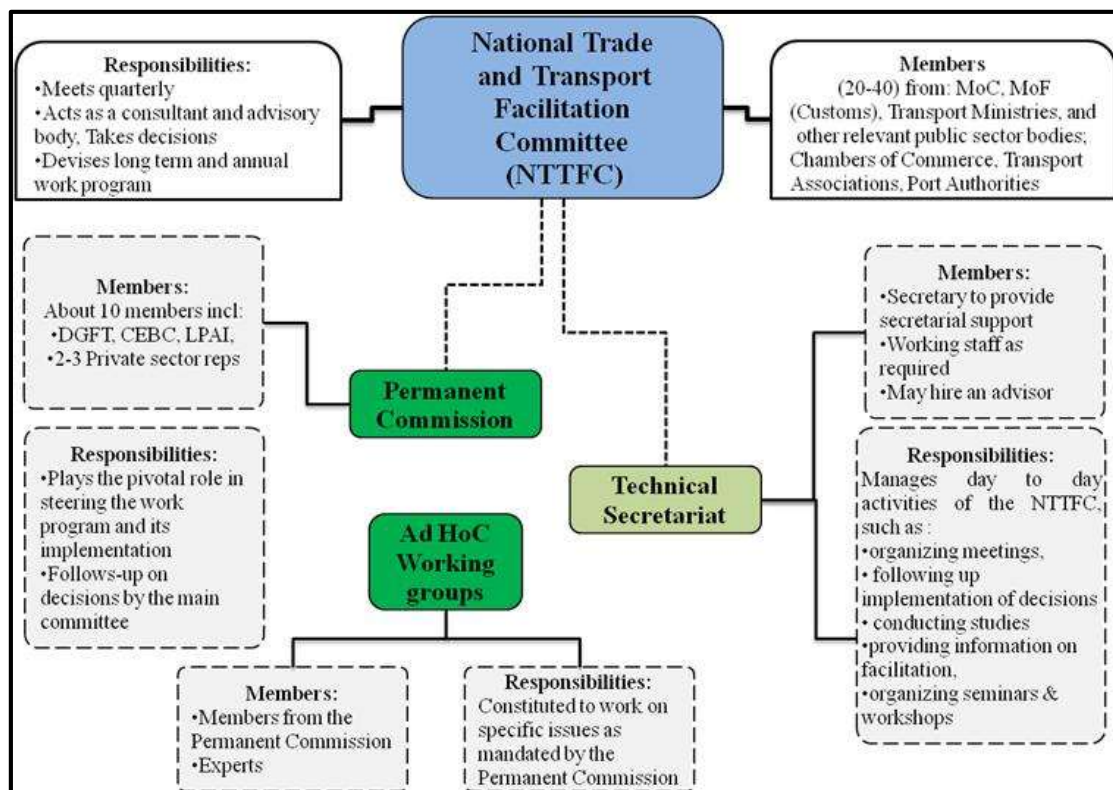
- The NTFC should have an appropriate legal backing to prevent conflicts that could block the implementation of reform measures by the vested interests. Instituting legal basis for the coordination institution will also give a clear signal of the presence of strong political will about the commitment towards the trade and transport facilitation efforts.
- The legal basis for the Committee can be by way of notification of a Government resolution and/ or incorporating in the appropriate legislation.
- In addition, there should be a comprehensive, written mandate specifying salient features of the coordination institution such as the composition, representation level, terms of reference, role of the Secretariat and possible source of funding.

4.4 Concluding Remarks

Now that the Government of India is in the final stages of establishing a NTFC, incorporating the suggested guidelines would help in ensuring that the Committee is most effective and efficient. For maximizing effectiveness of the NTFC, we suggest that the progress of implementation of decisions taken by the Committee be monitored by the Prime Minister (PM) periodically (maybe semi-annually). This would be the best way of demonstrating political will and giving confidence to the private sector. While forming the NTFC, government must keep in mind the pre-requisites required for an effective NTFC which include presence of political will, senior level participation, transparent and open communication, engagement with diverse businesses and clearly defined goals and objectives supported by time and resource commitments. Private sector participation, that has until now been lacking, is absolutely vital as observed from the experience of operational trade facilitation coordination bodies. Further it should also be ensured that the private sector representatives should be drawn from diverse types and sizes businesses, especially to include MSMEs and smaller business. Also important is to have adequate representation from India's bordering states which can be achieved by including the Land Ports Authority of India (LPAI) as well as private sector players involved in cross-border trade at the land borders. The 3-tier structure (NTTFC, Permanent Commission and Working Groups) will be most effective in ensuring smooth decision making and implementation, wherein the Permanent Commission will play the most pivotal role.

Incorporating all the above suggested elements, the structure of India's national trade facilitation body is depicted in the following Figure 2:

Figure 2: Suggested Structure for India's National Trade Facilitation Committee



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Appendix 1

THE LAND PORTS AUTHORITY OF INDIA ACT, 2010 NO. 31 OF 2010

[31st August, 2010.]

An Act to provide for the establishment of the Land Ports Authority of India to put in place systems which address security imperatives and for the development and management of facilities for cross border movement of passengers and goods at designated points along the international borders of India and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

CHAPTER II

THE LAND PORTS AUTHORITY OF INDIA 3. Constitution of Authority. - (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be constituted an Authority to be known as the Land Ports Authority of India. (2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued. (3) The Authority shall consist of— (a) a Chairperson; (b) two Members, out of whom one shall be Member (Planning and Development) and other shall be Member (Finance); (c) not more than nine members, ex officio, to be appointed by the Central Government from amongst the officers, not below the rank of the Joint Secretary to the Government of India, representing the ministries or departments of the Government of India dealing with Home Affairs, External Affairs, Revenue, Commerce, Road Transport and Highways, Railways, Defence, Agriculture and Cooperation, Law and Justice; (d) the Chief Secretary or his nominee not below the rank of the Secretary to the Government of the respective State where the integrated check posts are located; (e) two representatives, one of whom shall be from recognised bodies of workers and the other shall be from traders, to be appointed by the Central Government; and (f) such other representatives as the Central Government may co-opt for functional purposes. (4) The Chairperson and the members referred to in clause (b) shall be appointed by the Central Government and shall be whole-time members. (5) The Chairperson shall be chosen from among persons who have special knowledge and experience in the field of security, transport, industry, commerce, law, finance or public administration.

8. Meetings. - (1) The Authority shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations. (2) The Chairperson, or, if for any reason, he is unable to attend any meeting of the Authority, any other member chosen by the members present at the meeting shall preside at the meeting. (3) All questions which come up before any meeting of the Authority shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence the person presiding, shall have and exercise a second or casting vote

Appendix II

The Gazette of India
MINISTRY OF HOME AFFAIRS
(Department of Border Management)
NOTIFICATION

New Delhi, the 24th February, 2012

S.O. 328(E).--In exercise of the powers conferred by sub-section (2) of Section (1) of the Land Ports Authority of India Act, 2010 (31 of 2010), the Central Government hereby appoints the 1st day of March, 2012 as the date on which the provisions of the said act shall come into force.

[F.No.13/1/2010-BADP]

K. K. MITTAL, Jt. Secy.

NOTIFICATION

New Delhi, the 24th February, 2012

S.O. 329 (E). – In exercise of the powers conferred by Section 3 of the Land Ports Authority of India Act, 2010 (31 of 2010), the Central Government hereby constitutes the Land Ports Authority of India with effect from 1st day of March, 2012 consisting of the following, namely:-

- (a) Shri Anil Goswami, Additional Secretary, Ministry of Home Affairs – Chairperson
- (b)
 - (i) Shri Rajvir Singh, IA and AS (1991), Member (Finance),
 - (ii) Shri Mehendra Ranga, IRS (Customs and Central Excise) (1990), Member (Planning & Development)
- (c)
 - (i) Joint Secretary, Department of Border Management, Ministry of Home Affairs --- Member, *ex-officio*
 - (ii) Joint Secretary (Bangladesh, Srilanka and Maldives Division), Ministry of External Affairs --- Member, *ex-officio*
 - (iii) Joint Secretary (General Staff), Ministry of Defence --- Member, *ex-officio*
 - (iv) Joint Secretary & Legislative Counsel, Legislative Department --- Member, *ex-officio*

- (v) Joint Secretary (National Resources Management and Rainfed Farming System Division) Department of Agriculture & Cooperation --- Member, *ex-officio*
- (vi) Commissioner (Customs), Central Board of Excise and Customs, Department of Revenue ---Member, *ex-officio*
- (vii) Joint Secretary, Department of Commerce (South Asia) --- Member, *ex-officio*
- (viii) Executive Director, Traffic Transportation (Steel), Ministry of Railways, Railway Board --- Member, *ex-officio*
- (ix) Joint Secretary, Ministry of Road Transport and Highways --- Member, *ex-officio*

(d) Chief Secretary or his nominees not below the rank of the Secretary to the State Government of the each of the following States:-

- (i) Assam,
- (ii) Bihar,
- (iii) Manipur
- (iv) Meghalaya,
- (v) Mizoram,
- (vi) Punjab,
- (vii) Tripura,
- (viii) Uttar Pradesh,
- (ix) West Bengal,

(e)

- (i) One representative from recognized bodies of workers (to be appointed by Central Government),
- (ii) One representative from recognized bodies of traders (to be appointed by Central Government).

2. The Head Office of the Authority shall be at New Delhi.

(F. No. 13/1/2010-BADP)
K.K. MITTAL, Jt. Secy

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