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Working Paper

Trade facilitation provisions in regional trade agreements traits and trends

WTO Staff Working Paper, No. ERSD-2014-01

Provided in Cooperation with:

World Trade Organization (WTO), Economic Research and Statistics Division, Geneva

Suggested Citation: Neufeld, Nora (2014) : Trade facilitation provisions in regional trade agreements traits and trends, WTO Staff Working Paper, No. ERSD-2014-01, World Trade Organization (WTO), Geneva,
<https://doi.org/10.30875/8fd951c4-en>

This Version is available at:

<https://hdl.handle.net/10419/90709>

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World Trade Organization

Economic Research and Statistics Division

TRADE FACILITATION PROVISIONS IN REGIONAL TRADE AGREEMENTS

TRAITS AND TRENDS

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Manuscript date: January 15, 2014

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TRADE FACILITATION PROVISIONS IN REGIONAL TRADE AGREEMENTS

TRAITS AND TRENDS

Nora Neufeld¹

Abstract

The paper first surveys the Trade Facilitation landscape at the regional level and analyses the main forces shaping it. It identifies key factors driving regional Facilitation approaches, examining their priorities, features and underlying philosophies. The study also highlights significant trends in regional Trade Facilitation provisions and analyses their implications.

The paper then compares regional and multilateral initiatives, looking at areas of convergence and divergence, and highlighting where potential gaps exist. It analyses negotiating positions in the respective frameworks and discusses both the benefits and limitations of the resulting Trade Facilitation provisions. Examining the impact of the recently concluded WTO Agreement, the study highlights its potential value added.

Key words: regional trade agreements, trade facilitation, WTO Agreement on Trade Facilitation

JEL classifications: F13, F15, F53

¹ A great number of people contributed to this study. Sheri Rosenow, Jean-Daniel Rey and Rohini Acharya helped getting it started. Rohini also continued to offer valuable advice throughout the writing process. Helpful comments and suggestions were equally received from Marie-Isabelle Pellan, Jo-Ann Crawford, José Maria Rubiato and several other colleagues. Louis Cousin was of tremendous help in compiling the related data. I am also grateful to Armando Ortega for his research assistance. Nora Neufeld is a Counsellor in the Trade Policies Review Division.

Introduction

The proliferation of Regional Trade Agreements (RTAs) over the past few decades has sparked intense debate on their purpose, structure and impact. Trade facilitation (TF) aspects did not figure too prominently in these discussions and have only recently attracted more attention. For many years, they merely played a marginal role, both in the agreements themselves and in the related analysis.

The launch of WTO negotiations on this area – and the growing prominence of TF measures in recent RTAs - has triggered new interest. With the Geneva talks now having been brought to a successful conclusion, it seems timely to take a look at parallel facilitation efforts at the RTA level and to compare them against the multilateral initiative. Linkages and overlaps would clearly have implications for both the regional and the multilateral negotiating agenda.

Structure

The paper will start with a brief overview of the TF landscape at the regional level before reviewing the developments that led to its formation. It will then analyze important factors that shape the way in which Facilitation is being approached in RTAs, followed by an evaluation of key features such as areas covered, special characteristics, countries involved and underlying philosophies. A look will also be taken at the two largest trading nations' critical areas of interest.

A subsequent section will compare TF approaches in regional trade agreements with those in the Geneva negotiations, looking at parallels, additions and possible overlaps. The study will then summarize the main findings and offer a few concluding remarks.

Data and calculations build on the WTO's RTA database.² Of the 259 agreements notified by the end of June 2013,³ 217 were considered relevant for the present study (see annex). Treaties forming customs unions, representing accessions to an existing agreement⁴ or exclusively addressing services aspects were left out as being of a different nature. Some accords could equally not be considered as a result of their parties not having notified the content, or provided only partial data.⁵

Overall Picture

In some ways, the evolution of TF measures has reflected the same broad trends observed in the general evolution of RTAs. The rapid expansion of regional trade agreements both in quantity (the numbers quadrupled over the past two decades⁶) and quality (their depth and coverage has also generally increased) is equally mirrored in their TF segments which governments came to recognize as an important element of their trade policy. There is further a common tendency towards increased RTA involvement of the developing world.

² Publically accessible via <http://rtais.wto.org/UI/PublicMaintainRTAHome.aspx>.

³ Notifications on accession matters were excluded for the purposes of the study.

⁴ Most of the latter cases are linked to the EU's enlargement process.

⁵ Adjustments were further made for double listings of plurilateral treaties that had already been notified by some of the agreement's parties.

⁶ More than half of all RTAs have been concluded during the last decade only. For details see the WTO's RTA database (as referenced in footnote 1).

But in other respects, TF provisions have evolved in separate and distinct ways. They have certain characteristics that set them apart from other aspects of RTAs, most notably their tendency to be largely non-discriminatory in design and application. There are also particular challenges involved, starting with the lack of a consistent terminology. Common definitions of trade facilitation do not exist. The subject is typically framed by the scope of measures covered in the respective agreement. What some treaties label as "Trade Facilitation" can have little to do with how the matter is approached in others (and how it is understood in the WTO). Rules of origin, SPS and TBT matters are considered part of the TF chapter in several agreements whereas they are treated in separate sections elsewhere.

In order to compare developments in RTAs with the ongoing negotiations at the multilateral level, this study restricts its focus to the trade facilitation issues agreed upon in Geneva. This implies a relatively limited scope of analysis as the WTO's mandate concentrates on only three provisions of the existing GATT: Articles V, VIII and X (dealing with freedom of transit, fees and formalities connected with importation and exportation, and publication and administration of trade regulations, respectively.)⁷

First Steps

A look at early RTAs shows that trade facilitation aspects were almost non-existent. For many years, supranational facilitation initiatives predominantly took the form of subject specific co-operation arrangements and hardly ever spread to the realm of broader regional trade accords.

It was only when governments began to realize the need to expand the trade agenda beyond tariff policies that trade facilitation found its way into RTAs, first in Europe and then in other parts of the world. The launch of WTO negotiations on facilitation in 2004 gave another boost to this trend. Virtually all of the RTAs concluded after that date contain at least some kind of reference to facilitation measures. Many set out a comprehensive set of TF disciplines.

The first attempts to include TF aspects in RTAs were fairly modest, typically limited to a narrowly defined area of customs reforms (often linked to fees and charges aspects as well as basic transparency disciplines). Later agreements expanded their coverage to include areas such as simplification of trade documents and border agency cooperation. The scope expanded further in subsequent treaties, which incorporated measures like risk management, advance rulings, appeal rights, authorized operators, express shipments, single window, temporary admission or procedures for the rapid release of goods.

Subsequent Developments

A look at more recently concluded RTAs reveals an increasingly complex picture. While they tend to be even broader in scope than the earlier treaties and more profound in their reach, individual treaties can differ in how they address TF. A precise analysis is complicated by the already mentioned absence of a consistent terminology. Trade facilitation provisions can be found scattered across sections on customs procedures, transparency and general provisions or grouped in a separate TF chapter. Shared definitions do not exist, although one frequently finds common elements (mostly with respect to import/export procedures).

⁷ The mandate also extends to "*cooperation between customs or any other appropriate authorities on trade facilitation and customs compliance issues*".⁷ For details, see WTO document WT/L/579, Annex D.

In addition, RTAs have become diverse with respect to their TF content, varying considerably as far as scope, precision and level of ambition are concerned. Some agreements, such as the ones concluded by APEC, EFTA, the EU or the United States are broad in coverage whereas others, like the treaties between the Russian Federation and many of its former USSR partners, have a very limited reach (typically covering merely transit and customs-related information exchange). Even when covering common ground, the depth of the respective measures can vary greatly. Measures on a given issue range from general calls to undertake an unspecified work programme to detailed binding disciplines.

While cross-cutting trends are therefore hard to measure with any precision, one can identify several factors that seem to have an influence on how trade facilitation has been approached in recent RTAs.

Influential Factors

Type of Agreement

Trade facilitation provisions in customs unions typically have a broader scope and a higher level of ambition than those in other regional trade agreements. Having a common external tariff allows for – and sometimes even requires – a deeper level of simplification and alignment of internal border procedures.

No clear correlation could be found between the scope of TF provisions and number of signatories (alone). Ambitious agreements were concluded both bilaterally and plurilaterally. The same goes for treaties with a very limited TF scope. Other factors, such as when the agreements were concluded, or the parties' level of development, seem to play a more prominent role.

Date of Conclusion

Most of the RTAs concluded⁸ up to the late 1970s limited themselves to tariff reductions as well as rules on quantitative restrictions, safeguards, balance-of-payment and non-discrimination. Some (see, for instance the EEC Agreements with Norway and Iceland) also included provisions on competition policy and anti-dumping. The few agreements that contained provisions on simplifying trade procedures typically focused on rules of origin - and sometimes on SPS and TBT - matters (such as certification issues or technical requirements). Almost none⁹ addressed trade facilitation issues specifically.

This situation slowly began to change in the 1980s when TF-specific provisions occurred more frequently in RTAs, albeit limited in scope and mostly aspirational in nature.¹⁰

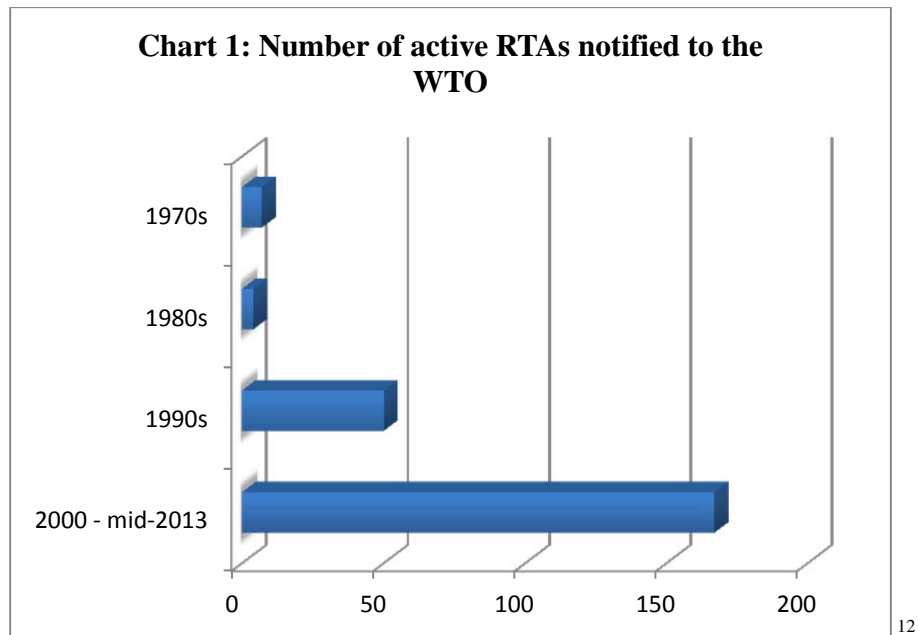
By the early 1990s, TF had become a recurrent – and more comprehensive - feature of regional trade accords; and by the end of the decade, the vast majority of all RTAs (92%) set out at least some kind of TF reforms, reflecting the growing importance of Facilitation at the regional level. This trend intensifies even further after 2000 when regional trade agreements almost always contain a TF component (95%. See

⁸ The actual reference date used was the agreement's entry into force.

⁹ The notable exception is the EFTA treaty.

¹⁰ See, for instance, the ANZCERTA's recognition that "the objectives of this Agreement may be promoted by harmonization of customs policies and procedures in particular cases." (Article 21). The Latin American Integration Association essentially limits its trade facilitation-related provisions to a not very comprehensive transit provision.

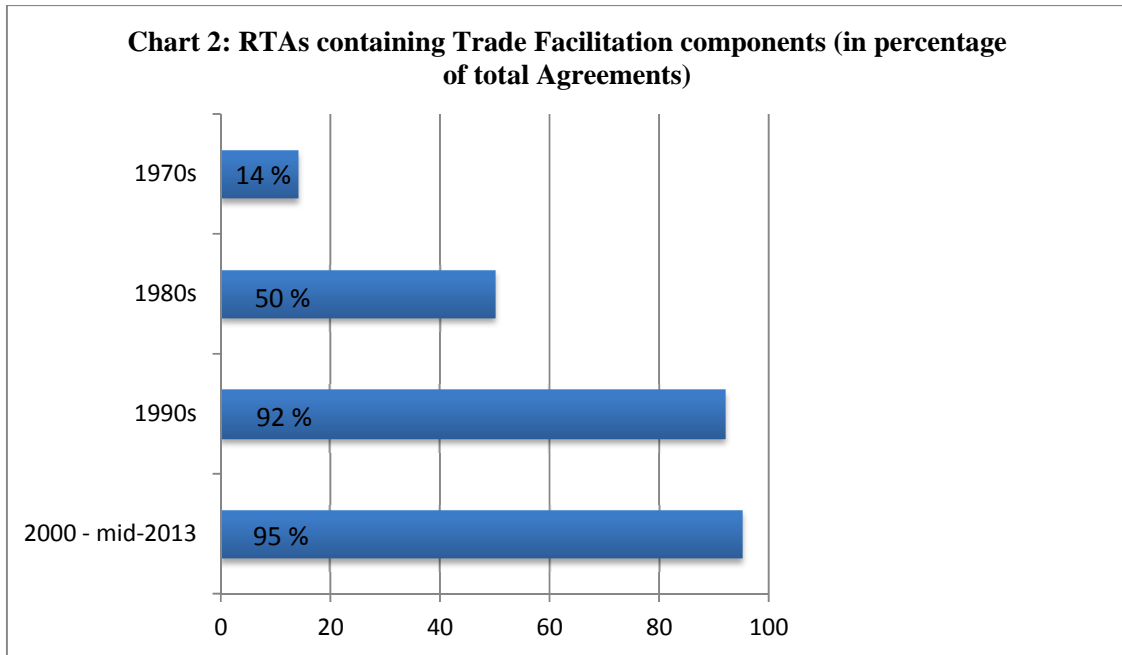
chart 2.) The extent and depth of their coverage varies, however, with some RTAs from that period containing only a very limited number of related provisions.¹¹



Source: Calculations by the author based on information contained in the WTO's RTA database.

¹¹ See, for instance, the RTAs concluded by Turkey or by the Ukraine.

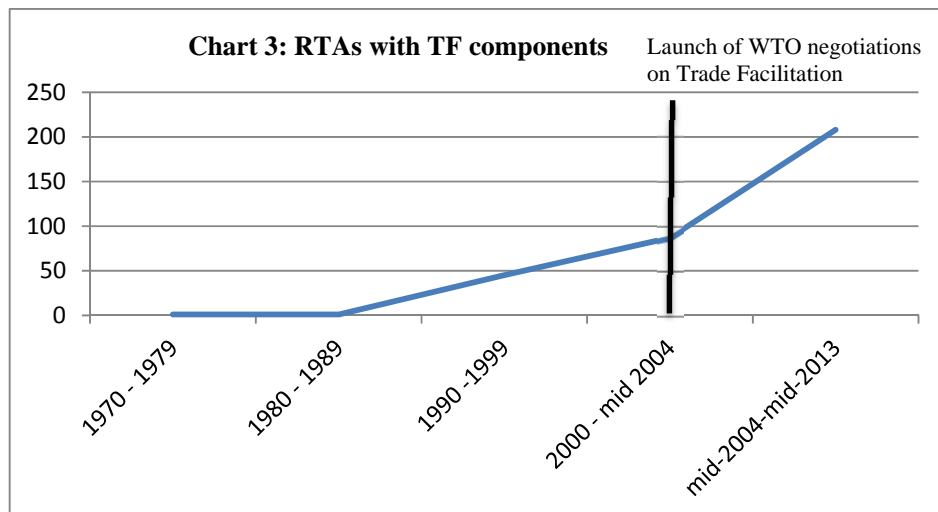
¹² Includes all RTAs covering goods. While some of them include service aspects as well, pure services Agreements were excluded. This also goes for RTAs related to accession.



Source: Calculations by the author based on information contained in the WTO's RTA database.

Launch of WTO Negotiations on TF

The start of WTO negotiations in 2004 added a significant boost to this trend. The vast majority of RTAs concluded after that date contains provisions on TF. In Asia, for instance, 90% of the RTAs signed between 2005 and 2011 include such measures (compared to less than 25% between 1975 and 2004.¹³)



Source: Calculations by the author based on information contained in the WTO's RTA database.

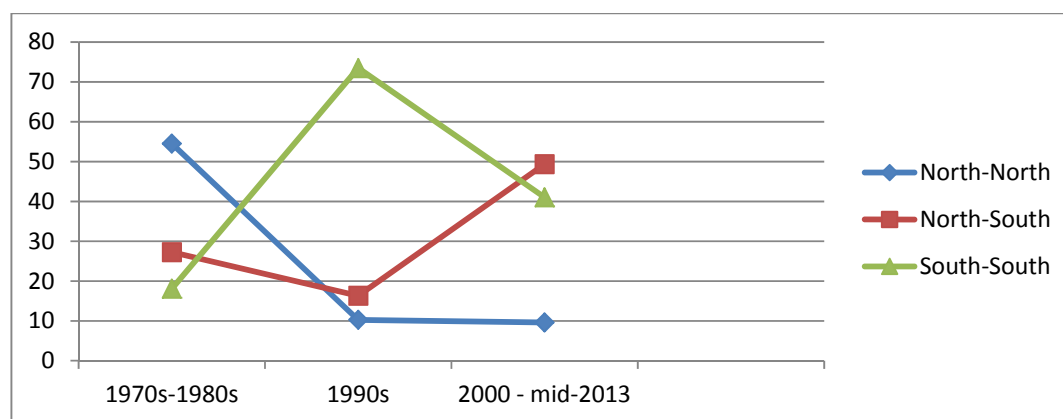
¹³ Marie-Isabelle Pellán and Marn-Heong Wong, "Trade Facilitation in ASEAN and ASEAN +1 FTAs: An Analysis of Provisions and Progress", *Journal of World Trade* 47 No.2, 2013, page 253.

The influence of the WTO talks has also been felt on the content side. There is a noticeable difference between the TF provisions in RTAs concluded before and after the start of the multilateral negotiations. Many of the regional agreements signed after 2005 include facilitation measures that are similar – and in some cases virtually identical – to the disciplines debated in Geneva. The impact has also been felt in the reverse direction - one can equally find measures in the WTO's TFA that were inspired by Facilitation initiatives undertaken in regional trade accords. (See, for instance, the provisions on express shipments in the US accords with Chile and Singapore.) Both developments have led to certain convergence between regional and multilateral trade facilitation efforts.

Level of Development

The parties' level of development can have an influence as well, although the impact is not always as clear-cut as one might expect. While there is a certain tendency for TF provisions in developing country RTAs to be somewhat less ambitious than those in developed-country agreements,¹⁴ this is not always the case. One third of the treaties with the most extensive Facilitation coverage¹⁵ were concluded amongst developing economies. Less than 7% of those treaties are developed-country accords. Some of the North-North RTAs have only a very limited TF component (see, for instance, the treaties between Australia - New Zealand, EC - Iceland, EC - Norway or EU - Switzerland and Liechtenstein) while there are many agreements among developing countries that have a considerable trade facilitation segment.¹⁶ Other factors – such as date of conclusion – often play a more important role. All of the above-mentioned developed country RTAs, for instance, belong to the old generation treaties with limited TF reflection concluded in the 1970s and '80s.

Chart 4: RTA signatories by level of development (shares in per cent of total signatories)



Source: Calculations by the author based on information contained in the WTO's RTA database.

¹⁴ This has been attributed to factors such as infrastructure limitations, financing and other capacity problems as well as different priorities in the literature (see, for instance, Evdokia Moisé, the Relationship between Regional Trade Agreements and the Multilateral Trading System, TD/TC/WP(2002)17/FINAL, page 4.)

¹⁵ Defined as the 30 Agreements with the most comprehensive TF component.

¹⁶ See, for example the series of RTAs concluded by Central and South American countries (Chile - Colombia, Chile - Central America, Panama - Chile, Panama - Peru) or the treaties between China - Costa Rica, India - Malaysia and Chile - Malaysia, to name just a few.

Number of RTAs Concluded

While there is no clear correlation between the number of signatories to an agreement and its TF scope - bilateral treaties do not necessarily have a broader coverage than their plurilateral counterparts – there appears to be a link between the ambition of RTAs and the frequency with which certain countries have negotiated them. In several cases, agreements seem to have a more extensive TF coverage when forming part of a series of regional trade accords (see, for instance, the treaties signed by Chile, Colombia, Panama or Peru). The conclusion of one comprehensive treaty appears to facilitate the negotiation of equally ambitious follow-up accords, both in the case of developed and developing countries. Trade Facilitation provisions of the first such treaty are often carried over into subsequent arrangements with little to no change.¹⁷ This tendency is particularly pronounced where large economies are involved. Treaties concluded by EFTA, the EU, the US and – especially noticeably - the Russian Federation, all contain provisions that resemble each other. First agreements seem to have served as a blueprint for subsequent accords.

Special Interests

Not surprisingly, the key interests of RTA signatories play a role as well. A look at the TF components of agreements signed by the US, for instance, shows that they tend to include provisions on issues that are close to Washington's heart (such as expedited shipments, internet publication, penalty disciplines or consularization). Similar results are found when analyzing the agreements concluded by the European Union. They frequently contain disciplines on issues such as authorized operators, international standards or simplification of procedures that Brussels has been advocating in the WTO context as well. RTAs concluded by Japan, to give another example, almost always contain provisions on appeal procedures – an area strongly advocated by Tokyo in Geneva.

Geography

Geography can matter as well. Lack of access to the sea, for instance, was found to have an impact. Transit aspects are more likely to be covered in RTAs that involve a landlocked partner, especially when they share a common border. This tendency is even more pronounced when the country with no sea access has a relatively lower level of development. Agreements concluded by transition economies almost always have a transit component.¹⁸

Geographical proximity of the signatories, on the other hand, does not necessarily have a significant impact on the nature or frequency of TF provisions. Almost two thirds (63%) of all examined RTAs are not strictly regional. Indeed, the proliferation of inter-regional accords has been especially noticeable over the last 15 years. The vast majority of the most recent treaties has a broad geographic scope.

¹⁷ See, for instance, the transit provisions in the RTAs concluded between Russia and several CIS countries, the provisions on inquiry points set out in the treaties between the US - Chile and the US - Bahrain or the provisions on fees and charges in the treaties concluded between the US and (i) Peru, (ii) Singapore. (iii) Australia and (iv) Bahrain.

¹⁸ See, for instance, the agreements concluded by Armenia, Azerbaijan, Belarus, Georgia, Kyrgyz Republic, Moldova, Kazakhstan, Tajikistan, Turkmenistan, Ukraine or Uzbekistan.

Key features

Areas addressed

Trade facilitation provisions in regional trade agreements cover a wide range of areas. For the purposes of this study, only the issues addressed in the current WTO talks – i.e. GATT Articles V, VIII and X – plus customs cooperation¹⁹ – were compared across RTAs, leaving other matters (such as rules of origin, SPS or TBT aspects) aside.

Within these limited parameters, the analysis reveals that co-operation-, transparency-, fees and formalities aspects were frequently addressed while transit matters were tackled less often.

Ranked by frequency of occurrence, provisions on the exchange of customs-related information and on cooperation top the list, followed by rules on the simplification of import- and export-connected fees and formalities. Disciplines regarding publication, appeals and the harmonization of regulations also appear in the top 10 list, together with measures on risk management, prior publication,²⁰ transit and advance rulings.

Conversely, provisions on pre-shipment inspection, single window, post-clearance audit and customs brokers are the least frequently found. Measures on business consultations, authorized operators, separation of release, penalty disciplines²¹ and release times are also rare.

¹⁹ While efforts were made to cover as many of the issues addressed in the WTO negotiations as possible, an inclusion was not always meaningful. Issues that did not appear in practically any of the examined agreements – or at least not in the related TF sections - such as provisions on notifications on enhanced controls or inspections, detention, acceptance of copies or inward/outward processing – were excluded from the analysis which focussed on the main facilitation topics addressed in the RTAs. In some cases, issues were included, albeit not in a separate heading, but as part of the broader topic under which it was typically taken up in the RTAs (see, for instance, provisions on uniform rules which are most likely to be covered by disciplines on harmonization).

²⁰ The issue was addressed in a separate heading in line with how it had been approached in the WTO negotiations. RTAs tend to treat it as part of a broader publication package.

²¹ Provisions on the imposition of penalties as such are more frequent but were excluded as they are not covered in the WTO negotiations.

Table 1: TF measures contained in RTAs by frequency of occurrence (in per cent)

Rank	Measure	Occurrence
1.	Exchange of customs-related information	69.6%
2.	Cooperation in customs and other TF matters	59.4%
3.	Simplification of formalities/procedures	52.5%
4.	Publication and availability of information	50.2%
5.	Appeals	41.5%
6.	Harmonization of regulations/formalities	38.7%
7.	Risk management	36.9%
8.	Publication prior to implementation	36.4%
8.	Transit	36.4%
10.	Advance rulings	35.9%
11.	Automation/electronic submission	35.5%
12.	Use of international standards	33.2%
13.	Disciplines on fees and charges connected with importation and exportation	32.7%
14.	Opportunity to comment on proposed laws/regulations	28.1%
15.	Enquiry points	27.2%
16.	Internet publication	26.7%
17.	Temporary admission of goods	21.7%
18.	Consularization	18.9%
19.	Expedited shipments	16.0%
20.	Pre-arrival processing	15.7%
20.	Release times	15.7%
22.	Penalty disciplines	15.2%
22.	Separation of release from clearance	15.2%
24.	Authorized operators	13.8%
25.	Obligation to consult traders	9.7%
26.	Customs brokers	5.5%
27.	Post/clearance audit	5.1%
28.	Single Window	3.6%
29.	Pre-shipment inspection	3.2%

Source: Calculations by the author based on information contained in the WTO's RTA database.

Focus areas in RTAs concluded by the two largest trading Members (US, EU)

RTAs negotiated by the US and the EU underwent several developments. Some of them – such as the increased detail and level of ambition – are also reflected in other regional treaties and underline a broader trend.

The European Union was among the first to engage in RTAs. More than half of all the agreements from the 1970s have Brussels as a contracting party. None of those agreements, however, contain a TF component. With the exception of a treaty with Syria, all have EFTA Members as partners and focused on strengthening their existing inter-relationship. No regional trade accords were concluded during the 1980s, and RTA activity remained limited during the subsequent decade with only four EU engagements. It was not until the following years that RTA initiatives really took off. Eighteen new agreements were concluded between 2000-2009, and another five by mid-2013.

As far as coverage is concerned, the early agreements were very limited in their TF scope. It was not until the last five years that facilitation provisions became a significant focus of Brussels' RTA strategy in a systematic manner. Customs-related cooperation and information exchange, as well as the simplification of formalities, are the most frequently addressed issues. They are followed by harmonization provisions, which are included in almost two thirds of all EU-partnered agreements while transit questions are covered in more than half.

Offensive interests expressed by the EU in the WTO negotiations appear in its recent RTAs as well, although less frequently – and sometimes in less pronounced ways – than the issues of concern to the US surface in its RTAs. Provisions on authorized operators – high on Brussels' Geneva agenda – as well as on international standards are included in less than a third of all agreements. Disciplines on other key EU interests – pre-shipment inspection (PSI) and customs brokers – appear even less frequently. At the same time, they are still relatively highly represented given that only a few of the parties to these agreements use PSI or require the mandatory use of brokers. In the case of pre-shipment inspection, for instance, the EU is party to all RTAs that include PSI-related provisions.

Where the same issues are covered in different agreements, the provisions' wording is often similar – although rarely a complete copy and paste.²²

With respect to ambition levels, even the most comprehensive agreements are not always binding in a strict sense. Provisions are often phrased in non-coercive terms, calling for “cooperation” on a given area or the enactment of certain measures without prescribing mode and methods. The language can also be relatively unspecific, setting out broad objectives while leaving it up to each partner to decide how to implement them. The EU-Chile Agreement, for instance, calls for “*the application of modern customs techniques, including risk assessment*” before then holding that “*Each Party will take the necessary measures to ensure the effectiveness of the risk assessment methods.*”²³

The United States started to engage in RTAs in the mid-1980s. The first Agreement (with Israel in 1985) does not yet have a trade facilitation component. It took almost another decade for Washington to conclude its next agreement²⁴ which remains in force – NAFTA entered into force in 1994 – and this time, there was a Facilitation segment. The subsequent treaty with Jordan (2001) went back to having almost no TF content. It was not until 2004 – the year the WTO negotiations started – that RTA activity really took off with 11 agreements entering into force during the period up to 2012. That year also marked the beginning of extensive TF coverage, to the point where all regional trade accords were now having a substantial facilitation component.

Looking at their content, one finds considerable similarities. The negotiation of earlier agreements clearly helped inform – and provide blueprints for – subsequent treaties. Many of the provisions were carried over into later treaties, often with little or no change. Apart from surface modifications, such as the addition of “and Trade Facilitation” to the relevant chapter heading (which had been titled “Customs

²² See, for instance, the provisions on simplification and harmonization of customs procedures set out in the Agreements concluded between the EU and (i) Cameroon, (ii) Cote d'Ivoire and (iii) the Cariforum states.

²³ Article 79:3:c.

²⁴ The calculation is based on agreements which remained active. There was an earlier agreement with Canada – it became effective in 1989 – but it is no longer in force.

Administration” in the agreements with Bahrain,²⁵ Chile,²⁶ Morocco,²⁷ and Singapore²⁸), there were few changes on the substance side. All agreements have provisions on publication (including internet and prior publication), enquiry points, advance rulings, appeal procedures, separation of release, risk management, release times, expedited shipments and simplification of formalities – many of which are similar in wording and often even in article number.²⁹ These agreements are also often similar in what they do not cover. None of those treaties have provisions on post-clearance audit, authorized operators, harmonization, single window, PSI, customs brokers or transit. Offensive interests pursued by Washington in the WTO negotiations are often reflected in its RTAs: most agreements have provisions on internet publication, penalty disciplines, expedited shipments and consularization.

The development level of the respective trading partners does not seem to play a noticeable role. Treaties with Australia, Singapore, the Republic of Korea and Chile do not significantly differ from those concluded with Bahrain, Colombia, Morocco, Oman, Panama or Peru. In some cases, agreements with developing countries are even more comprehensive than those with developed economies.³⁰

Compared to the EU's agreements, the US' RTAs tend to be somewhat more detailed – and stronger in their level of commitment. Many provisions are fairly comprehensive and define the envisaged objective in specific terms. Provisions on express shipments, for instance, set out a concrete (US\$200) de minimis threshold for exemption of customs duties or taxes (and formal entry documents)³¹ and a specific (four or six hours) clearance timeframe.³² There are also requirements for release of all goods within a clearly determined deadline (usually a maximum of 48 hours).³³ Provisions in comparative EU agreements are more general. Release times are typically not prescribed at all, and in the one case where provisions on expedited procedures are set out, the language is far more general than in the RTAs signed by the United States – to the point of there not really being any equivalence at all.³⁴

The US RTA with Chile – to give another example – sets out fairly detailed rules on advance rulings that cover an entire page.³⁵ The EU Agreement with the same country contains only a short paragraph on the matter, calling for little more than the provision of advance rulings on tariff classification and rules of origin and stipulating certain requirements for the modification or revocation of the ruling.³⁶ Similarly, the rules on appeal or review procedures are much more detailed in the US-Chile treaty than they are in

²⁵ See chapter 5 of that Agreement.

²⁶ Chapter 5 of that Accord.

²⁷ Chapter 6.

²⁸ Chapter 4.

²⁹ See, for instance, the provisions on enquiry points (art. 5.1.2) advance rulings (art.5.10), separation of release from clearance (art. 5.2) or expedited shipments (art. 5.7).

³⁰ See, for example, the treaty with Australia compared to those with Colombia, Peru or Morocco.

³¹ See, for instance, the Agreements with Colombia (Art. 5.7:g) and the Republic of Korea (art. 7.7:g).

³² Examples include the Agreements with Chile (art. 5.7 d), Colombia (art. 5.7.e) and with Korea, Rep. of (art. 7.7.e).

³³ See, for instance, Art. 5:2:2(a) of the RTA between the US and Peru or article 49:2 of the agreement between China and Costa Rica.

³⁴ The agreement between the EU and the Republic of Korea, for example, merely calls for each party to “adopt or maintain expedited customs procedures” without specifying any further requirements.

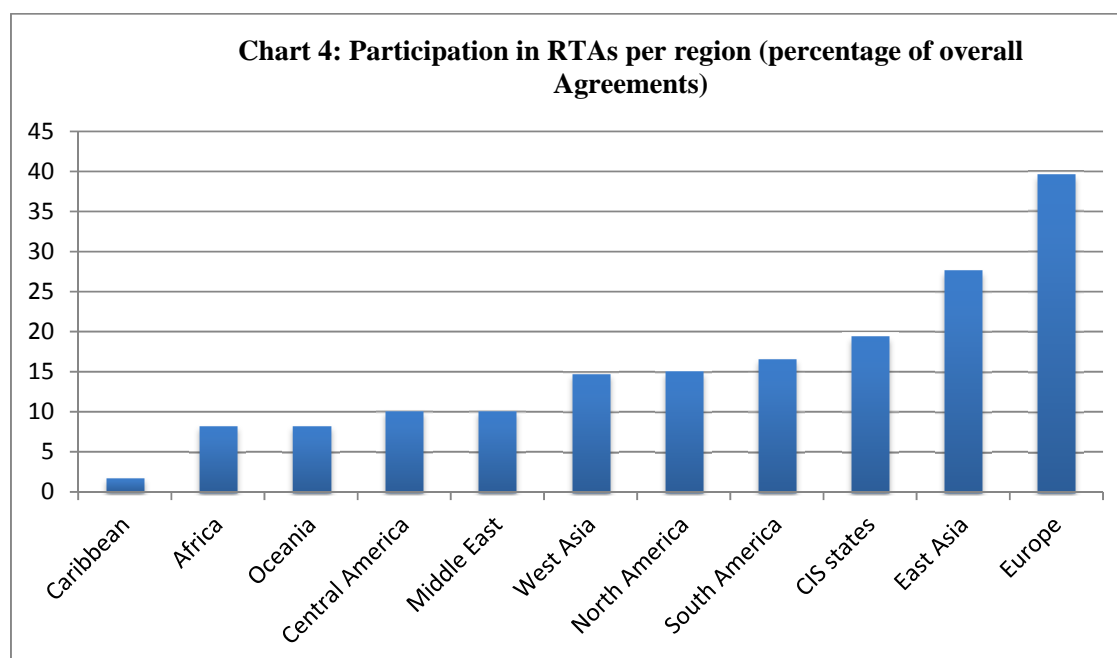
³⁵ See article 5.10 of that Agreement.

³⁶ See article 79:3:f of that Agreement.

the EU-Chile counterpart.³⁷ Several EU RTAs frame provisions as areas of cooperation whereas the US tends to be more specific in prescribing concrete obligations for each party.³⁸

Signatories: Origin, Regional Distribution and Level of Development

Europe has the highest share of RTA participation – both in terms of regional partners and with respect to arrangements with parties from other regions. Almost 40% of all the agreements examined in this study have a European signatory. East Asia comes second, accounting for slightly over a quarter (27.6 %) of all treaties. RTAs involving a member of the commonwealth of independent states (CIS) account for almost 20%. The region saw a big jump in RTA engagement during the 1990s when former USSR members re-organized their economic and political ties with the Russian Federation. Around 17% of all RTAs have at least one South American partner - and 15% have at least one North American signatory. Africa, Oceania and the Caribbean show the lowest RTA participation levels with only 8% (both for Africa and Oceania) and 2% (Caribbean).



Source: Calculations by the author based on information contained in the WTO's RTA database.

Broken down at individual WTO Member-level, the EU takes the lead with participation in more than 30 (31) RTAs,³⁹ followed by the four EFTA states⁴⁰ (Switzerland: 27, Iceland: 26, Norway: 26 and Liechtenstein: 24). Turkey and Chile share the sixth position with membership in 18 regional trade agreements each⁴¹. They are followed by Singapore, which is party to 17 RTAs. The Ukraine is closely behind with only one agreement less. The Russian Federation completes the top ten with 15 accords (almost all with former CIS or COMECON partners).

³⁷ See article 79:2 of the EU- Chile treaty and articles 5:8 and 20:5 of the US-Chile one.

³⁸ See, for instance, rules on automation.

³⁹ This includes RTAs concluded by its predecessor, the EC.

⁴⁰ The respective numbers include all treaties signed under the EFTA framework.

⁴¹ The figures are based on the sample used for this paper (see page 1). The cut-off date was the end of June 2013.

Table 2: WTO Members with the highest number of RTAs (top 15)

WTO Member	Number of RTAs
1. EU	31
2. Switzerland⁴²	27
3. Iceland⁴³	26
3. Norway⁴⁴	26
5. Liechtenstein⁴⁵	24
6. Chile	18
6. Turkey	18
8. Singapore⁴⁶	17
9. Ukraine	16
10. Russian Federation	15
11. US	14
12. India	13
12. Japan	13
12. Peru	13
15⁴⁷ Mexico	12

Source: Calculations by the author based on information contained in the WTO's RTA database.

Many of the RTAs with a comprehensive Facilitation component were signed between countries at different levels of development. Sixty per cent of the treaties with the highest Facilitation coverage⁴⁸ have developing and developed signatories. Some of those North-South treaties are also fairly ambitious in their depth.⁴⁹

As far as composition of RTAs is concerned, there is a clear trend towards increased developing-country participation - both in North-South and in South-South agreements. This proliferation is especially striking when looking at South-South arrangements whose share in overall RTAs went up from below 20% (18) in the 1970s and 1980s to almost three quarters (73%) during the 1990s.⁵⁰ Their share then dropped to 41% in the 2000 to mid-2013 period, which saw a substantial rise of North-South agreements (49% compared to only 16% during the 1990s). The ratio of North-North agreements, which still accounted for more than half (55%) of all RTAs concluded up to the end to the 1980s went down to 10%

⁴² See footnote 38.

⁴³ Ibidem.

⁴⁴ Ibidem.

⁴⁵ Ibidem.

⁴⁶ Includes Agreements signed in the ASEAN framework.

⁴⁷ China would have made it to the top 15 had agreements signed by separate WTO Members Hong Kong China and Macao been included.

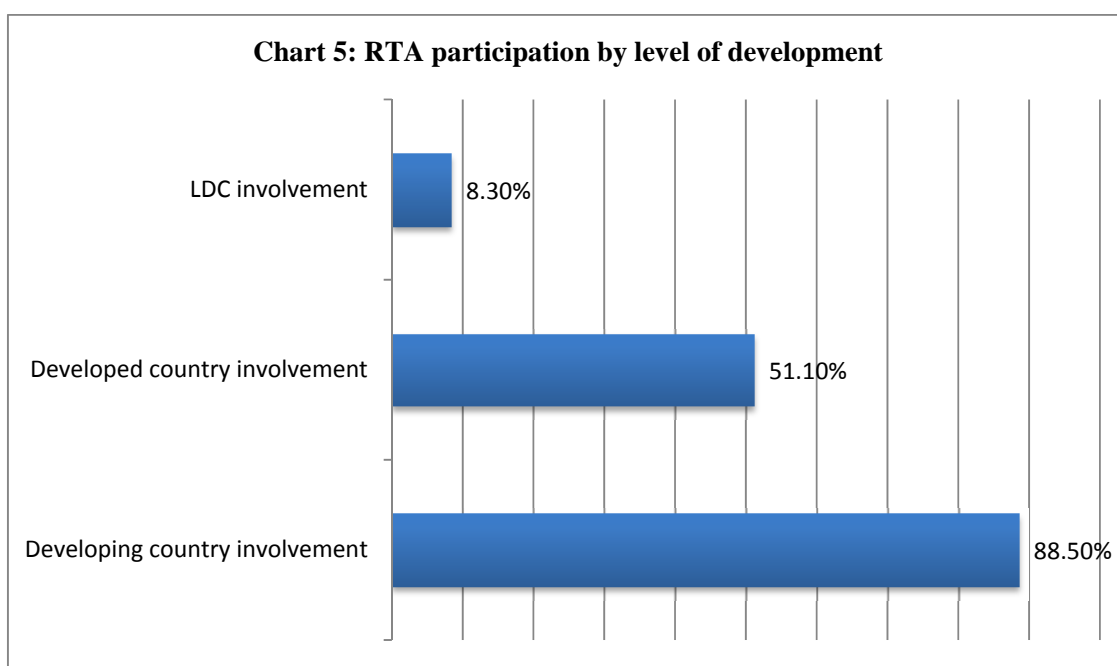
⁴⁸ See footnote 14.

⁴⁹ See, for instance, the EU agreements concluded with Cameroon and with Cote d'Ivoire.

⁵⁰ According to the WTO's 2011 World Trade report (which includes both notified and non-notified agreements), the share of South-South arrangements went up from barely 20 per cent % in the late 1970s to now representing almost two thirds of all agreements in force. (WTO, World Trade Report 2011, pages 55 and 56).

in the 1990s and dropped by another percentage point for all subsequent agreements (2000- up to mid-2013).⁵¹

An overall analysis shows that almost 90% (88.5) of all RTAs involve Members of the developing world. The numbers are even higher (93%) when focusing on the agreements with a trade facilitation component (which represent the vast majority of the notified accords). A little more than half (51.1%) of the agreements show developed-country participation – 48% when excluding agreements with no TF element. Nine per cent include LDCs. This number decreases slightly to eight when concentrating on treaties with a Facilitation segment.



Source: Calculations by the author based on information contained in the WTO's RTA database.

Special characteristics

Certain features of trade facilitation measures in RTAs differ from other elements of those agreements. This is especially true when examining their potential for discrimination. Unlike many provisions in areas such as tariffs, quantitative restrictions or rules of origin, which seek to grant preferential treatment to RTA partners, there are several parts of the trade facilitation agenda that are inherently non-discriminatory.

Requirements to publish rules and regulations on the internet, for example, cannot be implemented without allowing third countries to benefit from that information as well. This would also apply to many of the more traditional ways of publicizing laws and other relevant data (such as publication through a generally available national gazette). The switch from manual to automated clearance systems is another example of a non-discriminatory TF measure. The benefits from those measures cannot be limited to RTA

⁵¹ The ratio of North-North agreements, on the other hand, which still accounted for around 30% of all RTAs by the mid-1980s went down to less than 10%. (World Trade Report 2011, pages 55 and 56).

partners as a result of their inherent *erga omnes* character. In those cases, discrimination would not be possible even if intended by the parties.

Another set of TF measures could – at least conceptually - be designed to only benefit RTA partners, but it would make little economic (or political) sense to do so. When establishing a single window, for instance, it does not seem sensible to limit its use to a small range of partners, requiring the existence of a costly parallel framework of non-centralized processing. To some extent, this could also be said for the use of international standards and the simplification and reduction of import and export related formalities. It simply does not seem wise to limit their use to a small number of partners at the expense of dealing with an additional set of more cumbersome forms for third parties. The use of electronic submission and of other IT technologies - as well as measures to improve coordination between domestic border agencies - provide additional examples of where it makes little sense to design discriminatory TF rules. In addition to it being impracticable to create parallel systems for different trading partners, there are also limits imposed by the GATT's rules which require trade regulations in RTA countries to be no more restrictive for non-RTA members than they were prior to the formation of the free-trade area.⁵²

This is not to suggest that there are not also TF measures which can have a potentially discriminatory effect due to their exclusive application to RTA partners. Advance rulings, for instance, can be limited to contracting parties as can appeal rights. There can also be preferential treatment with respect to fees and charges. Rules can also be exclusively harmonized among participating countries. Expedited treatment for express consignments and authorized operators can be restricted to traders from RTA partners as well.

Where discrimination occurs, however, it can sometimes be less a matter of differences in citizenship than of differences in economic size and resources. Access to advanced technological tools and fast track schemes, for example, can require skills and infrastructure not available to every operator, regardless of nationality.

The limited tendency for actual discrimination is also the result of many TF measures having a superregional – if not to say multilateral – approach. Measures such as the use of international standards can re-affirm non-discrimination principles rather than violate them. Trade facilitation initiatives in regional trade agreements can add further momentum to global TF reforms, thereby benefitting traders more broadly.

One also has to make a distinction between discrimination which is intentional and trade distorting and discrimination which is an inherent - even solicited - feature of a TF measure (such as the use of different selection criteria for risk management or the granting of preferential treatment under authorized operator or express shipment schemes). Differential treatment does not necessarily represent discrimination in the sense outlawed by the WTO. Careful use of terminology is therefore required.

⁵² Article XXIV:5:b of GATT states that « *with respect to a free-trade area, or an interim agreement leading to the formation of a free-trade area, the duties and other regulations of commerce maintained in each of the constituent territories and applicable at the formation of such free-trade area or the adoption of such interim agreement to the trade of contracting parties not included in such area or not parties to such agreement shall not be higher or more restrictive than the corresponding duties and other regulations of commerce existing in the same constituent territories prior to the formation of the free-trade area, or interim agreement as the case may be;* »

Approach and coverage

The examined trade facilitation provisions in RTAs vary considerably in their scope and depth – as well as in their similarity to the measures agreed upon in the WTO.

An analysis of the various measures – following the thematic structure used by Members in the Geneva TF negotiations⁵³ - shows that there are certain common trends, notably towards increasing coverage and growing ambition. At the same time, there are also noticeable differences in specific areas.

Cooperation in Customs and other TF Matters and Exchange of Customs-related Information

The divergences are perhaps most pronounced in the areas of customs cooperation and exchange of information. Despite the use of similar terminology, the substantive coverage can differ significantly, not just in comparison with the WTO's TF Agreement (TFA) but also amongst the RTAs themselves. In the Geneva negotiations, provisions listed as cooperation were largely focused on border agency cooperation, (both within a country and between different Members⁵⁴) whereas the rules on “customs cooperation” focus on the exchange of customs-related information. This is rather different from how this is termed in RTAs where rules on the exchange of information are hardly ever found in cooperation chapters.

To avoid conceptual confusion, the study separates the analysis of mere cooperation provisions from those on the exchange of information - and then labels the respective headings accordingly (referring to “cooperation in customs and other TF matters” and “exchange of customs-related information”, which broadly corresponds to what is negotiated in Geneva under the heading of “customs cooperation”).

Almost 60% of all examined RTAs contain some kind of language on cooperation. However, an analysis of their content shows considerable disparities. In some agreements, “cooperation” is used to prescribe the required engagement level in customs activities such as risk management or simplification of documents. More than setting out provisions on cooperation per se, the language is used to define the level of ambition in a given area, limiting it to less coercive legal terms. Rather than requiring the application of risk management systems, for instance, those Agreements merely call for “cooperation” on the development of such techniques between the respective partners without specifying concrete actions to this end.

Other agreements prescribe cooperation requirements in a more direct sense. Some of them do this in fairly comprehensive terms,⁵⁵ but many of the related provisions are fairly weak, unspecific and/or have a very limited scope. Article 33 a of the treaty between EFTA and Tunisia, for instance, simply states that “*Cooperation and assistance may cover any fields jointly identified by the parties that may serve to enhance Tunisia's capacities to benefit from increased international trade and investment, including, in particular (a) trade promotion, trade facilitation...*”. Article 53 of the RTA between ASEAN and Japan

⁵³ Differences were only made where the WTO structure did not seem meaningful. This could be the result of various factors such as a very specific WTO context (see, for instance, the provisions on the function of a future WTO Committee or on the application of the WTO's dispute settlement system) or the fact that certain measures are only covered in the WTO negotiations without equally being covered in the TF sections of the examined RTAs. Measures merely contained in RTAs without being addressed in the TF Agreement (such as SPS, TBT or rules of origin matters) were excluded as well in line with the overall scope of the paper.

⁵⁴ There are also a few cooperation provisions in the areas of consularization and transit.

⁵⁵ See, for instance, article 5:5 of the RTA between Panama and Chile.

merely calls for the parties to “*explore and undertake economic cooperation activities*” in several fields which include “*trade-related procedures*” and “*transportation and logistics*”.

Cooperation can also be found to be understood as joint action in undefined bilateral or plurilateral frameworks. Article 84 of the RTA between EFTA and Chile, to give an example, simply states that “*The Parties agree to cooperate in bilateral and multilateral fora on ways to increase transparency in trade matters.*”

Some agreements limit cooperation to the implementation of the treaty without calling for joint action in customs areas as such. This can be coupled with the possibility to agree on additional areas of cooperation which remain undefined. Article 50 of the RTA between China and New Zealand, for example, sets out that “*To the extent permitted by their domestic laws, the customs administrations of the Parties shall assist each other, in relation to: (a) the implementation and operation of this Chapter; and (b) such other issues as the Parties mutually determine.*”

In some RTAs, cooperation is reduced to a shell for work on future arrangements. Article XV of the Agreement between China and India represents an example for such a case. It states that “*In order to facilitate cooperation in customs matters, including compliance issues, the Parties agree to establish a Working Group on Customs, which would negotiate a mechanism/protocol for customs cooperation within a period of six months from the date of entry into force of this Agreement. (...)*”

Provisions on the exchange of customs-related information are even more frequent than those on cooperation with almost 70% of all RTAs containing at least some sort of language on the matter. As in the case of customs-related cooperation elements, however, there are considerable variations in scope and depth. They range from fairly comprehensive requirements⁵⁶ to vaguely phrased calls for an exchange of relatively unspecified data.⁵⁷ Some are confined to only one or two narrowly substantive areas.⁵⁸ Others limit the exchange to information with respect to the operation of the respective agreement.⁵⁹

Even in agreements with a fairly wide scope, usually little or nothing is set out regarding how the envisaged exchange should be executed. The RTA between ASEAN and the Republic of Korea, for instance, calls upon parties to “*(a) share expertise on ways to streamline and simplify customs procedures;*” and to “*(b) exchange information on best practices relating to customs procedures, enforcement and risk management techniques with the exception of confidential information*”⁶⁰ without saying anything about how this should be done and at which intervals. Most agreements calling for the exchange of information include some requirements for protecting confidential information.

Quite a few agreements address information exchange as part of their broader requirements related to publication and availability of information. Article 67 of the EFTA treaty with Singapore- which is

⁵⁶ See, for instance, the relevant provisions in the ASEAN FTA, in EFTA or the European Economic Area.

⁵⁷ Article 16 of the RTA between China and Macao, for instance, merely requires parties to “*promote trade and investment facilitation through greater transparency, standards conformity and enhanced information exchange.*”

⁵⁸ Article 4.2 of the treaty between EFTA and Colombia, for instance, calls for parties to “*exchange information related to the techniques of risk management applied by its respective customs authorities...*”.

⁵⁹ See for, for example, article 19.3.1 of the RTA between the US and Peru.

⁶⁰ AEC article 1 of that agreement. Article 19 of the Agreement between the EU and Mexico states that “*The Parties undertake to promote customs cooperation with a view to improving and consolidating the legal framework for their trade relations. Such cooperation shall deal, in particular, with the following: (a) exchanges of information ...*”.

mirrored in most of the other EFTA RTAs⁶¹ - requires parties to “*promptly respond to specific questions and provide, upon request, information to each other on matters referred to in paragraph 1*” which calls upon members to “*publish their laws, or otherwise make publicly available their laws, regulations and administrative rulings and judicial decisions of general application as well as their respective international agreements that may affect the operation of this Agreement.*” This is quite remote from what the proponents of an exchange of customs-related cooperation were seeking in the WTO negotiations.

In some agreements, information sharing requirements are approached as exchanges in the framework of aid provision. The Agreement between EFTA and Colombia, for instance, holds that “*The Parties, by a mutually agreed programme, may provide each other technical assistance in customs matters, including: (...) exchange of specific, scientific and technical information related to the effective application of customs legislation;*”.⁶² An identical provision is found in the EFTA treaty with Turkey.⁶³

Publication, Consultation and Availability of Information

Most RTAs contain some kind of provisions on the publication and availability of information – a few (8%) – even with an explicit reference to the main relevant GATT provision (Article X). Half of them require parties to publish relevant laws and regulations – slightly more than a quarter (27%) extend this obligation to publication through the internet, although sometimes with a more limited scope. Thirty-six per cent also demand publication prior to enforcement. If the scope were to be extended to include provisions that set out mere *inter partes* obligations - i.e. the requirement to make the information available to the other party alone, as opposed to general publication to a broader range of addressees – the figures would even be higher. Quite a few agreements require their signatories to make treaty-related information available to each other without extending it to the traders, governments or interested parties as a whole.

Only 10% of the examined RTAs require parties to consult addressees of prospective laws and regulations before their enactment - almost 30% (28) give business/interested parties a right to comment. The discrepancy between these two figures suggests that at least some of the agreements stipulating comment rights implicitly include consultations as well – although the text usually does not offer much guidance on this question. There are overlaps and semantic ambiguities in the terminology used. Some agreements stipulate consultation requirements, but only with other contracting parties – not with a more general audience.⁶⁴

With respect to enquiry points, 27% of all examined agreements require them. As in the case of publication, there is an additional number of treaties with pure *inter partes* obligations, usually limited to enquiries related to the implementation of the respective agreement.⁶⁵ Some are very narrow in scope,

⁶¹ Such as the agreements with Canada (Article 37), Egypt (Article 35), Hong Kong, China (Article 1.6), Mexico (Article 79) or Montenegro (Article 6).

⁶² Annex VI, Article 5.

⁶³ Protocol D, article 5.

⁶⁴ See, for instance, article 13.04(1) of the Agreement between Honduras, El Salvador and Chinese Taipei, article 2.4 of the RTA between Jordan and Singapore, article 3.25 of the Agreement between Malaysia and Australia or the Agreement concluded between Georgia and the CIS.

⁶⁵ See, for instance, article 44(2) of the Central European Free Trade Agreement or article 12 of the Agreement between Brunei and Japan.

limiting the application to a single area (often rules of origin).⁶⁶ The terminology varies. Apart from “inquiry points” and “enquiry points”, some agreements also refer to “contact points” (although the latter cases are typically used for the mere *inter partes* obligations).

A comparison between publication/availability of information provisions in regional trade agreements and in the WTO Agreement shows several commonalities. Both frameworks set out requirements for how the publication should take place, including means, addressees and often also time frames. At the same time, there are important differences. The Geneva rules tend to be more specific as far as coverage is concerned, listing the relevant publication components in considerable detail.⁶⁷ There are also WTO-specific elements that are not found in RTAs (such as requirements to publish in an official WTO language).

Advance Rulings

More than a third – 37% – of all examined RTAs contain provisions on advance rulings (ARs). Some have a limited scope, applying to a single area only (often rules of origin). Others are broader, extending to issues such as tariff classification, customs valuation, applicable rates of customs duties or certain taxes.⁶⁸ A few further allow for the addition of all “*other matters the parties may decide upon*.”⁶⁹

Differences can also be found with respect to the level of prescriptiveness. Some of the advance rulings provisions in RTAs are fairly detailed and resemble the equally elaborate disciplines negotiated in the WTO.⁷⁰

As far as commitment is concerned, most agreements use “shall” language. A few resort to less binding terms (such as “shall endeavor to”). It has to be noted, however, that the “shall” variants tend to get softened by the addition of built-in flexibility. Obligations are often set out “*to the extent permitted by domestic law*”, “*where available*” or “*where possible*”.

As in the case of the WTO Agreement, many RTAs include provisions on the validity of a ruling and its applicability. Several agreements also prescribe time frames for the issuing of a ruling and conditions for its revocation. Many RTAs further set out procedural rights and requirements such as the obligation to provide the person requesting the ruling with a full explanation of its reasons.⁷¹ Usually not included are the publication requirements agreed upon in the WTO.

The language is often similar – suggesting that older RTAs may have served as a blueprint for later agreements. Some of them may even have been a source of inspiration for the AR provisions negotiated in the WTO.

⁶⁶ See, for instance, Article 42 of the RTA between Chile and China.

⁶⁷ See Article 1:1:1 of WTO's TF Agreement (WT/MIN(13)/36, WT/L/911).

⁶⁸ Such as, for instance, article 419:1 of the RTA between Canada and Colombia, which refers to “*any tax applicable on importation or information about the application of quotas*.”

⁶⁹ See, for example, Article 419:1:d of the treaty between Canada and Peru.

⁷⁰ See, for instance, the relevant provisions of the RTA between China and New Zealand.

⁷¹ Such an obligation is, for instance, contained in article 419 of the Canada – Colombia treaty.

Appeal Procedures

Rules on appeal and review procedures are a common feature of RTAs. More than 40% (43) of all examined agreements contain related provisions. While some limit their prescriptions to the granting of appeal rights per se, without elaborating on specific requirements, most are comprehensive and elaborate on individual components. The language tends to be similar, often even identical. This trend is even more pronounced in the case of consecutive agreements signed by the same party.⁷²

The majority of the provisions are broad in scope, although several agreements formulate appeal rights only with respect to clearly defined specific areas.⁷³ Some limit appeal procedures to judicial or administrative review while others cover both levels.⁷⁴ A few agreements also include "quasi-judicial" forms.⁷⁵ Many set out requirements for the tribunals involved, usually mandating their impartiality and independence.⁷⁶ Some elaborate the prerequisites even further, such as by demanding the absence of a substantial interest in the outcome of the matter.⁷⁷ A few also request the competence to maintain, modify or reverse the determination made.⁷⁸

Frequent and sometimes elaborate references can be found to procedural requirements and due process rights. Reference is often made to "prompt" and/or "easily accessible"⁷⁹ reviews, "without penalty" or "at reasonable costs."⁸⁰ The parties are often entitled to a reasonable opportunity to defend their respective positions. Decisions, which are sometimes mandated to be based on the evidence and the submissions provided, typically have to be notified to the applicant. Several agreements also require that the underlying reasoning is communicated.⁸¹ Some treaties further require each party to ensure that such decisions are implemented by, and govern the practice of, the office or authority with respect to the subject matter in question.⁸²

There are also RTAs that contain non-discrimination provisions.⁸³ Several further set out requirements for the protection of confidential information.⁸⁴ A number of treaties – often with the EU as a party – complement the procedural requirements with a reference to the underlying policy objective (for instance,

⁷² See, for instance, the almost identical language contained in the RTAs signed by EFTA with various other parties (Canada; Colombia; Hong Kong, China; Montenegro; Peru; Serbia; Ukraine) or the treaties to which Canada is a party.

⁷³ See, for instance, Article 34 of the treaty between China and Singapore.

⁷⁴ This difference is also reflected in the WTO's TF Agreement. The text refers to administrative "and/or" judicial appeal.

⁷⁵ See, for example, the treaties between Australia – Chile, between Canada – Chile or between the US, the Dominican Republic and several central American countries.

⁷⁶ See, for instance, Art. 19.6 of the Australia – Chile treaty or art. 8 of the RTA between Japan and Peru.

⁷⁷ See, for example, Art. 19.6 of the Australia – Chile treaty or article L-05 of the Canada – Chile accord.

⁷⁸ See, for instance, article 6-12 of the RTA between Canada and Jordan.

⁷⁹ Article 5.7 of the Republic of Korea–India RTA.

⁸⁰ RTA between the EU- Cameroon, Art. 26.

⁸¹ See, for instance, article 4.8 of the Malaysia - Australia treaty.

⁸² Article 19.6.3 of the Australia-Chile treaty offers an example for such a case.

⁸³ See, for instance, the relevant provisions in the treaties concluded between Canada – Chile, Canada – Costa Rica or Canada - Israel.

⁸⁴ See, for instance, article 6.7 of the EU-Republic of Korea accord.

invoking that appeal or review rights are granted to “*improve of working methods, as well as ensure non-discrimination, transparency efficient, integrity and accountability of operations...*”⁸⁵.”

An overall comparison between appeal/review provisions in RTAs and those contained in the WTO’s TF Agreement shows similarities as well as differences. Both contain references to administrative and judicial levels, as well as to independence and non-discrimination requirements. There is also a shared reference to the impact of an appeal or review.⁸⁶

In some respects, such as procedural/due process requirements and institutional set-up, RTAs often go further than the WTO language, perhaps because the fewer parties involved in RTAs make it easier to accommodate differences in legal systems.

Fees and Charges Connected with Importation and Exportation

Around a third of all examined RTAs contain disciplines on fees and charges. Almost a quarter of them refer to GATT Article VIII directly. In many cases, the obligations are limited to that provision.⁸⁷ Some are even narrower in scope, confining their coverage to only one type of fee.⁸⁸

Those agreements which do not simply restate the relevant parts of GATT Article VIII often still use it as a template, sometimes with only minor changes.⁸⁹ Several agreements combine GATT Article VIII-based prohibitions with bans of consular fees and calls for all import or export connected fees to be published on the internet. The language used in those treaties is frequently similar, sometimes virtually identical.⁹⁰

Some of the examined RTAs truly go beyond GATT Article VIII. Article 6.9 of the EU-Republic of Korea treaty, for instance, includes a provision that bans fees and charges from being calculated on an ad valorem basis. The article also states that they “*shall only be imposed for services provided in connection with the importation and exportation in question or for any formality required for undertaking such importation and exportation.*”

An attempt in the WTO negotiations to also prohibit the levying of GATT Article VIII-based fees and charges on an ad valorem basis was met by strong resistance. Faced with the continued opposition of several Members, the related language had to be dropped and was not included in the final text of the new TF Agreement.

While most RTAs contain some language on penalties – usually prescribing their imposition under certain conditions – only 20% address the related disciplines negotiated in the WTO. Those which do, include varying levels of coverage. Some limit their requirements to listed areas (such as importation, exportation,

⁸⁵ Art. 118 of the RTA between the EU and several Central American countries.

⁸⁶ In the sense of it governing the practice of the relevant authorities.

⁸⁷ See, for instance, article 11 of the Agreement between the EU and Côte d’Ivoire.

⁸⁸ See, for example, the RTA between the US and Singapore. The only relevant provision seeks to ban merchandise processing fees (article 2.8).

⁸⁹ See, for instance, the agreements between Turkey and Chile (Art. 14) or between Thailand and Australia (Article 205.)

⁹⁰ See, for instance, Art. 2.9 of the US –Bahrain treaty and article 2.10 of the RTA between the US and Peru. Another example can be found in the treaties concluded between Peru and China (Art. 13) and Peru – Republic of Korea (article 2.10).

temporary admission etc.) Others encompass a wider range of rules and regulations, or even all matters covered by the respective agreement.

Differences are also found with respect to the specificity of the language. Some call for limits on penalties that can be imposed, but do so in general terms. Art. 31 of the EU-CARIFORUM treaty, for instance, bans the application of "*excessive penalties for minor breaches of customs regulations or procedural requirements*" without defining the terms "excessive" and "minor". Others are more specific (equally to varying degrees). The EU-Central America RTA, for instance, not only requires "*rules that ensure that any penalties imposed for minor breaches of customs regulations or procedural requirements are proportionate and non-discriminatory*" but also has an outcome-oriented dimension by requesting parties to ensure that they "*do not result in unwarranted delays.*"⁹¹ Even more elaborated provisions can be found in several agreements to which the United States is a party. The RTA between the US and Peru, for instance, describes the situations in which penalties should not be imposed in relatively comprehensive terms.⁹²

Compared with provisions in RTAs, the penalty disciplines negotiated in Geneva are fairly broad in coverage and elaborate in terms of specific procedural requirements. They also reflect, however, the need to accommodate differences in the domestic systems of WTO Members.

Release and Clearance of Goods

Measures under this category cover a broad spectrum. Following the Geneva negotiating parameters, this study focuses on pre-arrival processing, separation of release, risk management, post-clearance audit, release times, authorized operators and expedited shipments.⁹³ Issues linked to automation/electronic submission are also examined because they frequently appear in RTAs (often closely intertwined with other TF measures).⁹⁴

Pre-arrival processing is a rather infrequent feature of RTAs. Only 16% contain related provisions. They are usually addressed as part of a larger bundle of measures, often on customs release and clearance, on automation, or on risk management. A few agreements deal with it in a separate article.⁹⁵ Like the relevant provision in the WTO's TF Agreement (article 7:1), the language tends to be relatively concise. Some agreements call merely for the prior submission of information, while others also cover its processing – and sometimes also verification. Like the multilateral TFA, RTA language tends to be binding ("shall"), although some agreements use best endeavor terms as well (such as "shall endeavor

⁹¹ Article 118:1:d.

⁹² "*No Party may subject an importer to any penalty for making an invalid claim for preferential tariff treatment, if the importer: (a) did not engage in negligence, gross negligence, or fraud in making the claim and pays any customs duty owing; or (b) on becoming aware that such a claim is not valid, promptly and voluntarily corrects the claim and pays any customs duty owing.*" Article 4.19.

⁹³ The equally negotiated issues of electronic payment and perishable goods were not added as not being addressed in RTAs (at least not under the spectrum of trade facilitation measures. Elements can sometimes be found in other chapters, often as part of another measure). Both issues were added only recently to the WTO TF agenda.

⁹⁴ The WTO proposal on electronic payment has a certain conceptual link to this measure.

⁹⁵ See, for instance, the ASEAN treaty (Article 55).

to⁹⁶). One can sometimes also find flexibility built into the language (e.g. “to the extent possible⁹⁷”). Several treaties mention the objective of expediting the release of goods, as does the TFA.

Provisions on the **separation of release from clearance** are equally infrequent. They are found in only 15% of all examined RTAs.

The language tends to be fairly uniform and concise, requiring parties to allow for the release/withdrawal of goods prior to the final determination of the applicable customs duties, fees and taxes. While level of ambition remained disputed in the WTO negotiations almost until the very end⁹⁸, most RTAs clearly lean towards binding terms. The vast majority opt for mandatory (“shall”) language; use of best endeavor formulations is relatively rare. A few agreements offer additional flexibilities. They soften the requirement by calling for release merely “*to the extent possible*⁹⁹” or by stressing for it to be done “*in accordance with national legislations and regulations*.”¹⁰⁰ Some also give the release a temporary character.¹⁰¹

Many of the examined treaties allow their parties to make the release contingent upon the provision of a sufficient guarantee. Others make no reference to such an instrument.¹⁰² Several agreements stress that release is not mandated where legitimate import requirements have not been satisfied (the WTO text contains a similar provision.¹⁰³) Compared with the Geneva Agreement, RTA language tends to be less elaborate, especially with respect to framing the terms of a guarantee (which accounts for the largest part of the WTO provisions).

Almost 40% of all examined RTAs include provisions on **risk management**. In most cases, this is done in relatively general and unspecific terms. Article 4.2.6, Annex 6 of the Agreement between China and Macao, for instance, merely states that “... *the two sides agree to strengthen cooperation in the following areas: (...) strengthen the risk management of customs clearance with technical solutions*”. An identical provision is contained in China’s RTA with Hong Kong, China. Even when calling for risk assessment in more direct terms, the language is often restricted to mandating the practice without elaborating on the concrete actions. A frequent reference simply requires parties to facilitate the clearance of low-risk consignments and to focus on high-risk goods.¹⁰⁴

Post clearance audit (PCA) is a rare feature in RTAs. Only 5% of them contain related provisions, and the level of commitment varies. While some agreements use binding language (“*Members shall establish and operate Post Clearance Audit...*”¹⁰⁵), “*Each party shall provide traders with the opportunity to benefit*

⁹⁶ See, for instance, Article 55 of the ASEAN agreement.

⁹⁷ See, for example, article 5.7 of the Australia – Chile agreement.

⁹⁸ It was not until the ultimate round of textual review that Members were able to agree on “shall” language.

⁹⁹ This is, for instance, the case in the agreement between Australia and India (article 5.6.5).

¹⁰⁰ An example for such a case is the RTA between Peru and China (article 65.2).

¹⁰¹ See, for instance, the agreement between Republic of Korea and India (article 5.2.d).

¹⁰² See, for instance the treaties between Australia and Chile (article 5.6.5b) the Dominican Republic, Central American countries and the US (art. 5.2.c) or between the EU and the Republic of Korea (article 6.2.c).

¹⁰³ Article 7:3:1. The provision refers to “*all other regulatory requirements*”.

¹⁰⁴ See, for instance, article 5.7 of the RTA between Australia and Chile or article 4.9 of the treaty between the US and Singapore.

¹⁰⁵ ASEAN Free Trade Area, article 61.

from the application of efficient post clearance audits¹⁰⁶ⁿ), others adopt a best endeavor approach ("...Parties may conduct audit-based controls..."¹⁰⁷ⁿ).

The terminology varies as well. Some treaties speak of post-clearance audit whereas others refer to audit-based-controls, post-entry verification procedures, post release controls and company audit methods. This has implications on coverage since some of those terms have a broader conceptual coverage and include other measures.

Some RTAs list PCA as an element on which to base their customs legislation, provisions and procedures.¹⁰⁸ Others refer to it as an area of co-operation.¹⁰⁹ None of them go into any detail as to how such an audit should be conducted. There is no specificity of any kind – the provisions are limited to simply requesting (or inviting) the use of the instrument without offering any guidance on the terms of its execution. The language in the WTO agreement is more specific in this regard. It not only calls for post-clearance audits to be conducted in a transparent manner but also mandates each member to “*notify the person whose record is audited of the results, their rights and obligations and reasons for the results.*”¹¹⁰ In addition, it contains a reference to the underlying objective of the practice (expediting the release of goods), which is also absent in RTAs.

More than a third of all RTAs contain at least some language on **automation and/or the use of electronic systems**. They are often contained in sections covering a larger array of reforms, frequently grouped together with provisions on risk management, pre-arrival clearance and the use of international standards. As in the case of many other TF disciplines, the scope of the measures varies. Some are rather broad and do not elaborate on the specific areas of application¹¹¹ whereas others set out a fairly comprehensive list of commitments, covering not only the electronic exchange and processing of information but also aiming at the development of common data elements and processes. Some even target the creation of a fully interconnected and compatible single window system.¹¹²

Commitments are often phrased in binding terms (“shall”) but sometimes softened by the addition of flexibility language (à la “as soon as practicable”¹¹³, “where it is cost-effective and efficient”¹¹⁴ or “in accordance with domestic law and procedures”¹¹⁵). Some agreements also employ different levels of obligation, listing some measures as actions the parties “shall” undertake whereas they merely “shall endeavor” to engage in others.¹¹⁶

¹⁰⁶ EU-Republic of Korea, article 6.11.

¹⁰⁷ EFTA – Ukraine, Annex V, article 6, and EFTA – Serbia, article 6.)

¹⁰⁸ EC – Central America, article 118, EC – CARIFORUM, article 31, EC-Colombia-Peru, article 59, and EC – Chile, article 79)

¹⁰⁹ EU- Cameroon, article 34.

¹¹⁰ TFA, WT/MIN(13)/36, Articles 7:5.1 and 5.2.

¹¹¹ See, for instance, article 53 of the RTA between China and New Zealand which calls for the application of “*information technology to support customs operations, where it is cost-effective and efficient, particularly in the paperless trading context, taking into account developments in this area within the WCO.*”

¹¹² See, for instance, article 411 of the RTA between Canada and Costa Rica.

¹¹³ This can, for example, be found in the RTA between Australia and Chile (article 5.11).

¹¹⁴ Such a formulation can, for example, be found in the China – New Zealand treaty (article 53).

¹¹⁵ See, for example, article 413 of the Canada- Colombia RTA.

¹¹⁶ See, for instance, article 50 of the China-Costa Rica RTA.

A comparison with provisions negotiated in Geneva is difficult due to the different grouping – and related treatment - of individual aspects involved. In several areas, such as the development of common data elements or of electronic systems that are compatible between countries' customs authorities, the WTO Agreement is clearly less ambitious (or completely silent on the matter).

Provisions on **release times** are rather infrequent in RTAs. They can be found in only 16% of all examined accords. Unlike the WTO Agreement, which focuses on the measurement and publication of average release times without prescribing an upper limit for the release as such, those RTAs that address the issue opt for a higher level of ambition. Many call for goods to be released within a certain time frame. This is sometimes defined in broad terms (often by referring to "*a period no longer than that required to ensure compliance with (...) customs and other trade-related laws and formalities.*"¹¹⁷). Other agreements are more specific and prescribe a concrete maximum limit, frequently set as not lasting longer than 48 hours.¹¹⁸ This can be shortened to 24 hours in emergency cases.¹¹⁹ There are also cases of a combined approach.¹²⁰

Only 14% of all examined agreements contain language on **authorized operators (AOs)**. Scope and focus vary considerably. There are also differences in the terminology used (with "authorized operators", "authorized traders" and "authorized economic operators" being the most frequent choices.¹²¹)

Some of the treaties merely refer to the concept of AOs without prescribing any specifics for its practical application. Article 35 of the EU-Cameroon RTA, for instance, simply records the parties' agreement to base their relevant legislation and procedures on "*simplified procedures for authorized traders*" without defining the term and with no elaboration on qualification requirements or on concrete benefits. A little more guidance is offered by the EU-CARIFORUM treaty, which does not only refer to "*the need to apply modern customs techniques, including (...) objective procedures for authorized traders*" but also calls for these procedures to be "*transparent, efficient and simplified, in order to reduce costs and increase predictability for economic operators.*"¹²² Reference is sometimes made to the "authorized economic operators" scheme as defined by the WCO.¹²³ The most frequently used language calls on parties to "*aim to adopt or maintain simplified customs procedures for the efficient release of goods declared by economic operators who have proven to be reliable*" before then prescribing a few obligations¹²⁴ for "*A party introducing or expanding an Authorized Economic Operators System ...*".¹²⁵

¹¹⁷ This is, for instance, used on article 6.2 of the treaty between the EU and Korea. A similar formulation can also be found in article 5.6 of the Australia - Chile agreement.

¹¹⁸ This is made to apply to regular cases – provision is usually made for that period being open to extension should there be need for further customs action/inspection.

¹¹⁹ See, for instance, article 410:4 of the RTA between Canada and Peru.

¹²⁰ Article 5.2.2.a of the Agreement between the Dominican Republic, Central American countries and the US, for instance, calls upon parties to "*provide for the release of goods within a period no greater than that required to ensure compliance with its customs laws and, to the extent possible, within 48 hours of arrival.*"

¹²¹ All three were considered for the purposes of this study even though the different terminology sometimes comes with a different scope.

¹²² Article 31.

¹²³ See, for instance, article 6.11 of the RTA between Costa Rica and Mexico.

¹²⁴ Reference is particularly made to negotiations on mutual recognition and the drawing on relevant international standards.

¹²⁵ Annex III, articles 5 and 7 of the treaty between EFTA and Albania.

Flexibility is usually accorded with respect to the envisaged level of commitment. Parties "*shall aim to adopt or maintain*"¹²⁶ or "*promote the implementation of*" authorized operator schemes. "*Shall endeavour to establish*" can also occasionally be found.¹²⁷

Reference is sometimes made to the underlying objective of introducing such systems, referring to goals such as the promotion of "*informed compliance and efficiency of customs control*"¹²⁸ or to "*reduc(ing) costs and increas(ing) predictability for economic operators*."¹²⁹

Some agreements¹³⁰ mention the possibility of negotiating mutual recognition terms of authorized operator systems and call for such mechanisms to be based on relevant international standards, similar to what is contained the language agreed upon in Geneva. None of the examined agreements reaches the TFA's level of specificity with respect to qualification criteria for authorized operator schemes or the actual TF measures offered.

A model frequently used in RTAs is only remotely – if at all - linked to the authorized operator scheme negotiated in Geneva. The many agreements setting out provisions on so-called "approved exporters" are primarily linked to rules of origin matters and focus on the use of a special invoice declaration.

Only 16% of all examined agreements contain provisions on **expedited shipments**. As with many other measures, there are considerable variations in scope and level of ambition. Some RTAs merely call for procedures to expedite the clearance of express consignments¹³¹ without prescribing any details on their design and application. Others offer more specificity by requiring parties to apply the WCO's Immediate Release Guidelines in procedures for the clearance of express consignments.¹³² This occasionally gets elaborated further with some agreements setting out requirements for the procedures in question (such as for them to provide for advance electronic submission, pre-arrival processing or clearance within time limits and/or only a minimum of documentation).¹³³ In some cases, those requirements are fairly elaborate and ambitious.¹³⁴

While a few of the examined RTAs are more demanding with respect to certain requirements (such as release times), none of them match the WTO's TFA in terms of comprehensiveness and elaboration of the individual components involved.

Consularization

Consularization – the requirement of a consular transaction, including related fee or charge, in connection with the importation of a good – is addressed in almost 20% of all examined agreements (which is quite

¹²⁶ As mentioned in the previous paragraph, the call is for adoption/maintaining of simplified customs procedures for the efficient release of goods declared by economic operators who have proven to be reliable with specific commitments then be set out for parties "*introducing or expanding on authorized economic operator system*."

¹²⁷ See, for instance, article 59 of the ASEAN Free Trade Area treaty.

¹²⁸ Article 59, ASEAN TFA.

¹²⁹ Article 7, EFTA-Albania treaty.

¹³⁰ See, for instance the treaties between Costa Rica and Peru or between EFTA and Albania.

¹³¹ See, for example, the RTA concluded between China and New Zealand.

¹³² The Canada – Jordan treaty provides an example for this category.

¹³³ See the Canada – Colombia RTA, for instance, or the treaties between Chile – Colombia and the Dominican Republic, the US and several central American states.

¹³⁴ See, in particular, the RTAs partnered by the US.

remarkable when considering that the issue had to be dropped in the WTO negotiations as a result of Members' inability to find consensus on relevant language). Apart from the US – which was the main proponent of banning this practice in the WTO negotiations – the issue is most frequently pursued by Peru, Chile, the EU, Australia, Panama, Chinese Taipei and Colombia. All RTAs with provisions on consularization have at least one of those countries as a signatory. The language is usually brief and to the point, prohibiting any consularization requirement.

Formalities connected with importation and exportation

More than half (52%) of all RTAs call for the simplification and reduction of trade formalities. However, in several cases, this is set out in fairly general terms. Article 3 of the EFTA-Palestine treaty, for instance, require parties to “... to reduce, as far as possible, the formalities imposed on trade...” without specifying how this should be done. Even agreements among high-income economies sometimes have a limited reach.¹³⁵ In some cases, the issue is addressed in the context of cooperation arrangements. Article 19 of the EU-Mexico treaty, for instance, calls upon “*The Parties (to) undertake to promote customs cooperation with a view to improving and consolidating the legal framework for their trade relations*” before then listing the “*simplification of customs procedures for the clearance of goods*” as an area for such cooperation.

Provisions on the harmonization of formalities tend to be unspecific as well. In some cases, international standards are invoked as a basis for harmonization. In others, one party is requested to bring its laws and regulations closer in line with those of the other partner (often referred to as “approximation of legislation”). Article 52 of the EU - Tunisia treaty, for instance, holds that “*Cooperation shall be aimed at helping Tunisia to bring its legislation closer to that of the Community in the areas covered by this Agreement.*” Similar language is used in the EU – Jordan treaty, although in somewhat softer legal terms. Article 69 holds that “*The Parties shall use their best endeavours to approximate their respective laws in order to facilitate the implementation of this Agreement.*”

Use of international standards

A third of all analyzed RTAs contains language on international standards. The vast majority of these (almost 90%) were concluded in the last decade, reflecting the growing trend towards addressing increased standards in regional trade accords. All agreements suggest the use of international standards, albeit with varying scope and degree. Reference is frequently made to standards developed by the World Customs Organization or the UN, sometimes also specifying the specific instruments. The Revised Kyoto Convention, the Arusha Declaration and UN/EDIFACT are most often listed in this regard. This marks a difference from the WTO negotiations where such instruments were hardly ever mentioned directly.¹³⁶

With a few exceptions – usually linked to “deep” integration exercises, such as the various treaties concluded as part of the European unification process – none of the agreements go so far as to develop common rules. Uniformity of regulations is frequently cited as a goal, and reference is made to shared principles, based on international standards. But it remains up to each government to translate these

¹³⁵ See, for instance, the relevant provisions in the RTA between EFTA and Singapore.

¹³⁶ The only remaining exception is the TFA's reference to the WCO's Time Release Study when encouraging the measurement and publication of average release times for goods. See Article 7:6:1. Earlier versions used to contain more references which were subsequently removed from the text.

undertakings into domestic law. Compliance with national rules continues to be required for goods moving within the contracting parties.

Even when not explicitly referenced as a benchmark or as basis for import/export formalities, international standards and conventions provide an important inspiration for many provisions. As in the case of the WTO's TF Agreement, part of the language comes directly from those instruments (most frequently the WCO's Revised Kyoto Convention).

Single Window

Provisions on the establishment of a single window are rare. Less than 4% (3.6) of all examined RTAs contain some kind of related reference. Single window commitments cannot even be found in any of the bilateral agreements concluded by the Republic of Korea, one of the main proponents of the measure in the WTO.¹³⁷

Those agreements which do contain relevant language vary considerably in their scope and level of ambition. The most far-reaching commitment can be found in the ASEAN Free Trade Agreement, calling for the establishment and implementation of the so-called ASEAN single window. Others commitments are more limited, aiming only for a partial establishment (the Agreements between Costa Rica – Mexico, Costa Rica – Peru and Panama – Peru, for instance, all envisage a single window merely for external trade), and usually in soft legal terms, calling for nothing more than the "promotion" of such a facility.¹³⁸ Some also adopt a progressive approach, agreeing only to "*work towards developing or maintaining a ... single window*".¹³⁹ (Canada – Peru). The Agreement between the EU, Colombia and Peru equally mandates parties to merely "*progressively work towards the establishment of a single window in order to facilitate external trade operations*".¹⁴⁰ An even more limited approach is adopted in the ASEAN-Australia-New Zealand treaty which only mentions the measure in the context of assistance programs to facilitate the development of the facility, and this merely "*subject to available resources*" and "*as appropriate*".¹⁴¹

Pre-shipment Inspection

Only 3% of all examined RTAs contain provisions on pre- or post-shipment inspection, making it the TF measure least-frequently used. However, this has to be seen against the fact that few countries still use the tool. All treaties with a provision on the practice – usually banning it – have the EU as a signatory. Other contracting parties are primarily from Central and South America (Costa Rica, El Salvador, Guatemala, Honduras, Panama, Chile, Colombia, Peru) as well as the Caribbean¹⁴² and parts of the South Pacific (Fiji and Papua New Guinea). Cameroon and Korea agreed to address the matter as well. The language tends

¹³⁷ They are, however, a signatory of the Asia Pacific Agreement and its framework agreement on Trade Facilitation, which calls for the establishment of a single window.

¹³⁸ See, for instance, article 6.12 of the treaty between Costa Rica – Mexico or article 4.8 of the RTA between Costa Rica and Peru.

¹³⁹ Article 411 of the agreement between Canada and Peru.

¹⁴⁰ Article 59 (f).

¹⁴¹ Chapter 4, article 5:2.

¹⁴² Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago)

to be simple and to the point, calling for the elimination of PSI¹⁴³ (with varying degrees of immediate commitment). Sometimes, there is built-in flexibility. The agreement between the EU, Papua New Guinea and Fiji, for instance, allows the mandatory use of PSI “*in exceptional circumstances*.”¹⁴⁴ In one case, commitments are combined with calls for further discussion and possible future action. Article 31:2 of the EU-CARIFORUM treaty, for instance, first holds that “... *trade and customs legislation, provisions and procedures shall be based upon: (...) “(j) the need to avoid the mandatory use of pre-shipment inspections or their equivalent, without prejudice to their rights and obligations pursuant to the WTO Agreement on Pre-Shipment Inspections”* before then stating that “*The Parties shall discuss the matter within the CARIFORUM-EC Trade and Development Committee and may subsequently agree to renounce the possibility of using mandatory pre-shipment inspections or their equivalent.*” There are also cases where the matter is deferred for negotiation in a different legal framework altogether.¹⁴⁵

Customs Brokers

Provisions on customs brokers are rare as well, included in only 6% of all examined agreements. Most RTAs that address PSI also contain language on customs brokers. They are complemented by several agreements concluded between EFTA and partner countries (Albania; Hong Kong, China, Montenegro; Serbia; Ukraine), plus two other treaties. As in the case of the WTO negotiations – where the EU was a key proponent – the provisions seek to discipline or even completely ban the mandatory use of brokers.

The level of ambition varies. While some agreements ban their mandatory use altogether,¹⁴⁶ others merely impose disciplines on their operation. An agreement between the EU and several Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama), for instance, merely requires parties to “*ensure that legislation regarding customs brokers is based on transparent and proportionate rules. Where a Party requires compulsory use of customs brokers, legal persons may operate with their own in-house customs brokers licensed by the competent authority for this purpose.*”¹⁴⁷ Some agreements seek to phase out the mandatory use of brokers by calling for a standstill clause, while encouraging parties to develop customs systems that do not require the obligatory use of brokers in the first place.¹⁴⁸

Transit

Only about a third (35%) of all examined RTAs contain language on transit, and those who do are usually fairly general in what they prescribe. While landlocked developing countries, which have a particular interest in improving their transit arrangements, are among the signatories, they do not represent a

¹⁴³ Article 79:3: h of the RTA between Chile and the EU, for instance, call for “*import provisions that do not include any requirements for pre-shipment inspections as defined by the WTO Agreement on Pre-shipment Inspection;*”

¹⁴⁴ Article 28:2:g.

¹⁴⁵ Article 35 (2) of the RTA between the EU and Cameroon, for instance, holds that “*The system of mandatory pre-shipment inspections of products shall be the subject of negotiations within the negotiations on a full EPA.*”

¹⁴⁶ See, for instance, Article 8 of the Agreement between EFTA and Hong Kong, China, which prescribe that “*The customs systems and procedures of each Party shall enable exporters and importers to submit their customs declaration without being obliged to turn to customs brokers.*”

¹⁴⁷ Article 118 :4.

¹⁴⁸ See, for instance the Agreement between EFTA and Albania. Article 8 holds that “*No Party shall introduce new requirements to use customs brokers only. Each Party shall endeavour to develop customs systems or procedures enabling exporters and importers to submit their customs declaration without being obliged to turn to customs brokers.*”

majority. Many developing - and even more least-developed - countries with no access to the sea have very limited involvement in RTAs. Even when they engage in such activities, the agreements do not always have a transit component. In some cases, this could be due to geographic distance among the contracting parties and the lack of a common border. Transit issues further also continue to be dealt with in specific bilateral arrangements.

Where transit is covered, the disciplines tend to be limited, sometimes only referring to GATT Article V without adding any commitment. The language is often unspecific. Article 19 of the EU-Montenegro treaty is illustrative of most cases. It calls upon parties “*to simplify the flow of goods by rail and road, whether bilateral or in transit*” without prescribing specific execution measures to this end. Concrete action is left for future initiatives. Paragraph 2 of the article holds that “*The Parties agree to begin negotiations with a view to concluding an Agreement on the facilitation of controls and formalities relating to the carriage of goods.*” Parties further agree “*to the extent necessary, to take joint action on, and to encourage, the adoption of further simplification measures.*” The relevant language in the EU-Chile treaty represents another example. Its article 79 (2) calls upon parties to “*collaborate wherever possible towards facilitating transshipment operations and transit movements through their respective territories*” without prescribing any concrete actions. The treaty between the EU and a group of Caribbean states limits its transit reference to the parties agreeing “*that their respective trade and customs legislation, provisions and procedures shall be based on: (...) (h) the need to facilitate transit movements,*”¹⁴⁹

Technical Assistance and Support for Capacity Building

Provisions on technical assistance and support for capacity building (TACB) do not figure prominently in RTAs. Only 21% have related references, which tend to be undeveloped and limited in reach. None of them come close to the assistance language agreed upon in the WTO.

Where TACB components exist, they tend to be general and non-specific. Article 33 a/31.1 of the treaty between EFTA and Tunisia illustrates that type of approach when simply stating that “*The EFTA State declare their readiness to (...) provide technical assistance to Tunisia, in accordance with their national policy objectives, in order to (...) facilitate the implementation of the overall objectives of this Agreement...*” Another example of this approach can be found in the ASEAN-India RTA, which states that “*The Parties agree to implement capacity building programmes and technical assistance, particularly for the New ASEAN Member States, in order to adjust their economic structure and expand their trade and investment with India.*”

In several cases, the agreement does not contain more than a framework for future arrangements yet to be determined. Article 26 of the RTA between EFTA and the Palestinian Authority, for instance, calls upon the parties to “*agree upon appropriate modalities for technical assistance and cooperation of their respective authorities in trade-related matters. To this end, they shall co-ordinate efforts with relevant international organizations.*”

The language is often of a best endeavour nature. Article IX.1 of the treaty between Canada and Costa Rica offers an example of this approach, stating that the “*the Parties encourage cooperation, technical*

¹⁴⁹ EU-CARIFORUM treaty, article 31:h.

assistance and the exchange of information, including information on best practices, for the purpose of promoting the application of and compliance with the trade facilitation measures agreed upon under this Agreement.” Identical language is found in the RTA between Canada and Colombia.¹⁵⁰ Article 63 of the Agreement between the EU and Algeria, to give another example, lists areas of cooperation in customs matters before then adding that “*Technical assistance may be provided where necessary.*”

In a number of cases, assistance is approached as an area of cooperation, sometimes within the framework of an undefined co-operation program. Article 19 of the RTA between the EU and Mexico illustrates such cases and shows the unspecific character of the provisions involved. After calling for “*The Parties (to) undertake to promote customs cooperation with a view to improving and consolidating the legal framework for their trade relations*” it then lists areas of cooperation, mentioning “technical assistance, whenever necessary” as one of the components. The EU’s Agreement with Jordan calls for “*Economic cooperation ... (to) be implemented in particular by: (...) (c) a regular economic dialogue between the Parties, which covers all areas of transfer of advice, expertise and training;*” and “*(d) implementation of joint actions such as seminars and workshops;*”¹⁵¹ Another EU Agreement – this time with Cote d’Ivoire – requires parties to “... *cooperate on the planning and implementation of technical assistance, in particular with a view to facilitating customs reforms and to facilitating trade in accordance with the provisions of the Agreement;*... “. ¹⁵²The ASEAN-Australia-New Zealand FTA (AANZFTA) provides for implementation assistance for developing ASEAN countries as part of its Economic Cooperation Work Programme.¹⁵³ The RTAs between ASEAN and India and between the US and Morocco provide additional examples where assistance language is treated as an area of cooperation - and in general terms.¹⁵⁴

In cases where assistance language is more specific, it is often narrow in its reach. Article 26 of the EU-Chile, for instance, sets out that “*The cooperation shall give rise among other things, to: (a) the provision of technical assistance, including where appropriate, the organization of seminars and the placement of trainees;*” None of the examined Agreements contain language with ambition similar to even the most modest options negotiated in the WTO.

Special and differential treatment (S&D)

An analysis of the S&D components in RTAs reveals similar results. Only a small fraction of the examined RTAs (7%) contain related provisions. Where S&D language does exist, it tends to be fairly weak, limiting itself to the granting of transition periods – and often only with respect to certain components.¹⁵⁵ None of the additional flexibilities agreed upon in Geneva (such as the link between existence of capacity and requirement to implement, staged and tailored implementation of individual

¹⁵⁰ Article 408h.

¹⁵¹ Article 61.

¹⁵² Article 28.

¹⁵³ http://www.dfat.gov.au/fta/aanzfta/implement_work_prog.html.

¹⁵⁴ See article 6 of ASEAN – India and article 6.11 of US- Morocco.

¹⁵⁵ See, for instance, §§ 6.10. 9 and 18.1.3 of the Agreement between the US and Morocco, article 5.10.9 of US – Oman or article 70 of the Agreement between the EU, Colombia and Peru.

components based on self-determination,¹⁵⁶ to name just a few) are found in any RTA, nor are equivalent measures included.

Parallels to WTO work

WTO-like measures

Most of the trade facilitation measures debated in Geneva also form part of the RTA agenda, although coverage varies from agreement to agreement. No RTA addresses the entire WTO negotiating spectrum, but some come reasonably close (see, for instance, the agreements concluded between the EU and the Republic of Korea, EFTA and the Ukraine, EFTA - Albania, or by the EU with Colombia and Peru, to name just a few.).

Among the WTO measures infrequently – or never - included in the TF chapters of regional trade accords are notifications for enhanced controls or inspections, detention, test procedures,¹⁵⁷ perishable goods, domestic transit, acceptance of copies, rejected goods or measures linked to customs unions (not counting treaties establishing such a union which establish obligations *intra partes*).¹⁵⁸ Occasionally, some measures, while not addressed separately, are subsumed in a RTA's rules on another issue (see, for instance, provisions on common border procedures and uniform documentation requirements which are occasionally addressed in rules on harmonization).

Sometimes subjects are not addressed in RTAs even when a *prima facie* analysis of the agreement's nomenclature suggests otherwise. Provisions can carry names identical to terminology used in the WTO Agreement while having a different content (see, for example, provisions on customs cooperation that are different from what Members seek to achieve under this heading in the WTO. This also goes for rules on exchange of information, on penalties and on enquiry points.)

WTO plus?

Some of the examined RTAs contain TF measures that were either not agreed upon in the WTO or addressed in a less detailed way.¹⁵⁹ There are several areas where many RTAs go beyond the TFA's language, both in terms of scope and level of specificity. Some regional treaties, for instance, prescribe concrete release times for goods¹⁶⁰ with fairly ambitious time limits, often setting a maximum deadline of 48 hours.¹⁶¹ Similar requirements cannot be found in the TFA.¹⁶² RTA provisions on appeal/review rights,

¹⁵⁶ WTO Members agree on each developing and least-developed country being allowed to group all negotiated TF disciplines into three categories, based on its own self-assessment. Measures that could be implemented right away would be listed in category A, those requiring additional time in category B and those necessitating both time and support in category C).

¹⁵⁷ Provisions on detention and test procedures can sometimes be found in other parts of RTAs such as rules on SPS matters or TBT matters.

¹⁵⁸ In some cases, aspects of those measures are addressed in other parts of a RTA – such as in chapters on sanitary or phytosanitary measures or technical barriers to trade.

¹⁵⁹ See, for instance, some of the provisions on release times, expedited shipments or due process rights.

¹⁶⁰ The provisions in question apply to goods in general – not just expedited shipments.

¹⁶¹ See, for instance, chapter 4, article 4.2, of the Agreement between Costa Rica and Peru.

¹⁶² Elements of such rules can only be found in provisions for certain categories of goods/shipments such as expedited shipments and perishable goods.

to give another example, tend to go further in their specificity and reach than the language adopted in Geneva.

In addition, most RTAs encompass a broader conceptual definition of trade facilitation – and therefore a wider coverage – than the agreement negotiated in Geneva, which is largely based on three provisions of the GATT.¹⁶³ It is not uncommon for TF sections in regional trade agreements to include issues linked to SPS, TBT, rules of origin and sometimes additional domains.

Even when regional provisions appear less comprehensive, they can actually have a broader – or at least more direct – reach because of the way they are implemented. Provisions on special and differential treatment (S&DT) for developing and least-developed countries tend to be very weak or completely non-existent, compared to the S&D language agreed upon in Geneva (which allow for staged implementation on a measure-per-measure and country-per-country level, based on self-determination of related capacities and the understanding of there being a link between such capacities and obligation to implement). This means that even RTA provisions with a comparatively narrow scope can be more immediately binding than their WTO counterparts.

WTO minus?

At the same time, there are many areas where RTAs fall short of the newly concluded WTO Agreement. There are several ways in which the Geneva instrument will add significant – and in several ways unmatched – value to the existing trade facilitation agenda. Apart from its considerably larger ambit, the WTO Agreement also surpasses RTAs as far as its TF content is concerned. Several TFA provisions are broader in reach. They typically target all areas covered by the agreement rather than only selected aspects, as is often the case with RTAs.¹⁶⁴ In several cases, the language in the Geneva text is more comprehensive than in its RTA counterparts, and more specific (see, for instance, the provisions on authorized operators, expedited shipments or transit.¹⁶⁵)

In addition, RTAs do not have the WTO's enforcement mechanism. Even those that do contain dispute settlement or arbitration provisions lack equivalent teeth. And there are a quite a few RTAs that have little or no enforcement capacity at all, limiting conflict resolution to consultation procedures. In this sense, even the broadest TF provisions in RTAs have a more limited reach – at least potentially – than the comparatively more narrow measures negotiated in the WTO.

For developing and least-developed countries, RTAs further offer significantly less in terms of implementation flexibilities as there are no S&D provisions equivalent to those agreed upon in the WTO.

¹⁶³ See section on the overall picture, page 2.

¹⁶⁴ Provisions on penalty disciplines in many RTAs, for instance, are sometimes linked to specific areas (such as temporary admission) whereas the agreed WTO disciplines have a broader scope (covering penalties for a breach of a customs law, regulation or procedural requirement.).

¹⁶⁵ The discrepancy is particularly striking in the transit area. Most of the related RTA provisions limit themselves to calling for passage rights, or to simply invoking a general transit principle without setting out concrete requirements.

Summary Observations and Concluding Remarks

Trade facilitation approaches in regional trade agreements have gone through different stages of development. Largely absent from the early treaties, Facilitation became an increasingly important feature of subsequent agreements. By the late 1990s, RTAs regularly incorporated a TF component, reflecting governments' growing awareness of the need to expand their trade policies to the cutting of red tape. The launch of the WTO negotiations on Trade Facilitation gave another impetus to these endeavors, leading to an acceleration of TF reforms both at the multilateral and regional level. The impact of the Geneva talks was soon felt in both the coverage and depth of RTAs. While TF components of earlier agreements were largely limited to a narrowly defined range of customs issues, a new generation of RTAs has increasingly started to absorb issues from the WTO's broader negotiating agenda.

Other factors shaping the evolution of TF measures in RTAs include the specific type of agreement, the date of its conclusion and the parties involved (where not only special interests and geography matter but also the number of agreements concluded).

The diversity of the examined RTAs makes it difficult to generalize about their design, structure and substantive TF content. While some are limited to a rather narrowly defined set of facilitation measures, (especially in the case of treaties concluded before the launch of the WTO negotiations) others are broader in their scope and more detailed in their commitments, often surpassing the Geneva TF Agreement with its relatively limited thematic mandate. The widespread absence of built-in flexibilities for less developed partners also means that many RTAs are more directly and immediately applicable than the TFA. Furthermore, many RTAs have no - or only very limited - arrangements for technical assistance and capacity building. At the same time, RTAs do not have a forceful ability to enforce their TF commitments as a result of not being endowed with a binding system of dispute resolution.

But while the TF content of RTAs varies widely, certain broad trends are discernible. One is the growing emphasis not just on border-related customs issues – which remain a main focus of TF efforts – but on deeper, behind-the-border obstacles as well. Another trend is the increasingly detailed and comprehensive legal commitments involved. Although the TF provisions in many RTAs continue to be phrased in unspecific terms, there is a clear movement towards greater sophistication, depth and precision, with some of the TF disciplines in recent RTAs already being more detailed than their WTO equivalents.

Another visible trend is the growing similarity of facilitation approaches and objectives both among regional initiatives and between the regional and multilateral levels. Similarities between RTAs are often the result of countries persistently pursuing interests in a series of accords, leading to similar – and sometimes even identical – language. Not surprisingly, countries also often pursued similar positions in the Geneva talks as they have pursued in regional negotiations. This is particularly true of countries with a strong and consistent record of engagement in RTAs. A number of countries have brought topics – and sometimes even language – to the Geneva negotiating table that had previously been tested in RTAs. At the same time, the Geneva exercise – with its scaled up learning, member-driven discussions, accumulating negotiating experience – is impacting the evolution of TF provisions in regional agreements. Many of the RTAs concluded after 2004 contain facilitation measures that were effectively developed in the WTO.

Thus one finds a certain convergence between regional and multilateral facilitation efforts. While the multiplication of TF components in RTAs might potentially led to gaps and even incompatibilities – both with other RTAs and with the WTO – examples of concrete conflicts were not found in this study. Discrimination is also less of an issue for TF measures than it might be for other aspects of RTAs since several TF measures are of an *erga omnes* nature - with benefits accruing to signatories and non-signatories alike. By promoting simplification and harmonization, many facilitation disciplines are inherently non-discriminatory.

Perhaps the most important trend is the rapid expansion in the number and variety of countries involved in TF agreements. From just a handful of mostly European governments, the facilitation agenda has now been embraced by a wide array of countries of all levels of development. Increasingly, agreements are being struck not just within continents, but between them.

In conclusion, an overall comparison of trade facilitation provisions in RTAs and those contained in the WTO's TF agreement reveals a complex picture. One finds both commonalities and differences. Most of the issues negotiated in Geneva are equally reflected in RTAs, which often have a broader definition of TF. In many instances, the RTA's language is less broad and/or less specific. In others, the opposite is the case. The smaller (often just bilateral) RTA setting seems to facilitate the accommodation of different interests and positions. This can lead to TF measures in regional trade agreements going beyond the disciplines agreed upon in the WTO - at least at first sight. At the same time, the widespread absence of S&D and TACB provisions in RTAs and their lack of a strong enforcement system also have to be factored into the equation. On balance, the upsides of the new Geneva Agreement are hard to dismiss – the story is one of complementarity more than conflict.

Annex: RTAs used

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB				
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Overall number	109	58	59	79	21	61	78	89	71	33	34	77	33	80	11	34	30	37	41	129	114	84	72	8	7	12	47	70	151	15	45	
Percentage	50.2	26.7	27.2	36.4	9.7	28.1	36	41.0	32.7	15.2	15.7	35.5	15.2	37	5.1	15.7	13.8	17.1	19	59.5	52.5	38.7	33.2	3.7	3.2	5.5	21.7	32.3	70	7	20.7	
Armenia - Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Armenia - Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Armenia - Russian Federation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Armenia - Turkmenistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Armenia - Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
ASEAN - Australia - New Zealand	1	1	1	1	0	0	1	1	1	0	0	1	0	1	0	0	0	1	1	1	1	0	1	1	0	0	0	0	1	1	1	1
ASEAN - China	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
ASEAN - India	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	1	0	1	

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB					
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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
ASEAN - Japan	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	1	1	1
ASEAN – Korea	1	0	0	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1	1	0
ASEAN Free Trade Area	1	1	1	0	1	0	1	1	1	0	1	1	0	1	1	0	1	1	0	1	1	1	1	1	0	0	1	0	0	1	0	1	
Asia Pacific Trade Agreement	1	0	0	0	0	1	1	1	1	0	1	1	0	1	0	0	0	0	0	1	1	1	1	1	1	0	0	0	0	0	1	1	1
Australia – Chile	1	1	1	1	0	1	1	1	1	0	1	1	1	1	0	1	0	1	1	1	1	1	1	1	0	0	0	1	0	1	0	0	
Australia - New Zealand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Australia - Papua New Guinea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Brunei Darussalam – Japan	1	0	0	1	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	1	0	0	
Canada – Chile	1	0	0	1	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	1	0	0	
Canada – Colombia	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	0	1	1	1	1	1	1	0	0	0	0	0	0	1	0	1	
Canada - Costa	1	0	0	1	0	1	1	1	1	1	1	1	0	1	0	0	0	1	0	1	1	1	1	0	0	0	1	0	0	1	0	1	

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB					
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment	Technical assistance and capacity building
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	
Rica																																	
Canada – Israel	1	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0
Canada – Jordan	1	0	0	1	1	1	1	1	0	0	0	1	1	1	0	1	0	1	0	1	1	1	1	0	0	0	0	0	0	0	1	0	1
Canada – Panama	1	0	0	0	1	1	1	1	0	1	1	1	1	1	1	1	0	1	0	1	1	1	1	0	0	0	1	0	0	1	0	1	
Canada – Peru	1	1	1	1	0	1	1	1	1	1	0	1	1	1	0	1	0	1	1	1	1	1	1	1	0	0	1	0	0	1	0	0	
Central European Free Trade Agreement	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1	0	0
Chile – China	1	1	1	1	0	1	1	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chile – Colombia	1	1	1	1	0	1	1	1	0	0	1	1	1	1	0	0	0	1	0	1	1	0	1	0	0	0	0	0	0	0	1	0	1
Chile - Central America	1	0	0	1	0	1	1	1	0	1	0	0	0	1	0	0	0	0	1	1	0	1	0	0	0	0	0	1	0	1	0	0	
Chile – India	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	
Chile – Japan	1	0	1	1	0	1	0	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	
Chile – Malaysia	1	1	1	1	1	1	1	1	1	0	0	1	0	1	0	1	0	0	1	1	1	1	1	0	0	0	0	0	0	0	1	0	1

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB				
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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Chile – Mexico	1	0	0	1	0	1	1	1	0	1	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	1	0	0
China - Costa Rica	1	1	1	1	0	1	1	1	1	0	1	1	0	1	0	1	0	1	1	1	1	0	0	0	0	0	0	1	0	1	0	0
China - Hong Kong, China	1	1	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0
China - Macao, China	1	1	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0
China - New Zealand	1	1	1	1	0	1	1	1	1	0	0	1	0	1	0	1	0	1	0	1	1	1	1	0	0	0	0	0	0	0	0	0
China – Singapore	1	1	1	0	0	0	1	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Colombia – Mexico	1	0	0	1	0	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Colombia - Northern Triangle	1	1	1	1	0	1	1	1	0	0	1	1	1	1	0	0	0	1	0	1	1	0	1	0	0	0	0	0	0	1	0	1
Common Economic Zone (CEZ)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Commonw. of Independent States (CIS)	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	1	0	0	0	0

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TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Costa Rica - Mexico	1	1	1	1	0	1	0	1	0	0	0	1	0	1	0	1	1	1	0	1	1	0	1	1	0	0	0	0	0	1	0	0
Costa Rica - Peru	1	1	1	1	0	1	1	1	0	0	1	1	1	1	0	0	1	1	0	0	1	0	1	1	0	0	0	1	0	0	0	0
Dominican Republic - Central America	1	0	0	1	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	1	1	1	0	0	0	0	0	1	1	0	0	0
Dominican Rep - Central America - US Free Trade Agreement	1	1	1	1	0	1	1	1	0	1	1	1	1	1	0	1	0	1	0	1	1	0	1	0	0	0	0	0	0	1	0	1
EC – Albania	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	1	1	0	0	0
EC – Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	0	1	1
EC - Bosnia and Herzegovina	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	1	1	0	0	0
EC – Cameroon	1	0	0	1	1	0	0	1	1	1	0	1	0	1	1	0	1	0	1	1	1	1	1	1	0	1	1	0	1	1	0	0
EC - CARIFORUM States EPA	1	0	1	0	0	0	0	1	1	1	0	1	0	1	1	0	1	0	1	1	1	1	1	0	1	1	0	1	1	0	0	0
EC - Central America	1	0	0	1	1	1	0	1	1	1	0	0	0	1	1	0	0	0	1	1	1	1	1	0	1	1	0	1	0	0	0	1

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB					
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment	Technical assistance and capacity building
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	
EC – Chile	1	0	1	0	1	0	1	1	0	1	1	1	0	1	1	0	0	0	0	1	1	0	1	0	1	0	1	0	0	1	1	0	1
EC - Colombia – Peru	1	1	0	1	1	1	1	1	1	1	0	1	1	1	1	0	1	0	1	1	1	1	1	1	1	1	0	0	1	1	1	1	
EC - Côte d'Ivoire	1	0	0	1	1	0	0	1	1	0	0	1	0	0	0	0	0	0	0	1	1	1	1	1	0	0	0	0	1	1	0	1	
EC – Croatia	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	1	0	0	
EC – Egypt	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	1	0	0	
EC - Faroe Islands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	
EC - Former Yugoslav Republic of Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	1	0	0	
EC – Iceland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
EC – Israel	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	1	0	0	
EC – Jordan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	1	0	1	
EC – Lebanon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1	0	0	
EC – Mexico	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1	0	0	
EC –	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	1	0	0	

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB					
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment	Technical assistance and capacity building
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	
Montenegro																																	
EC – Morocco	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	1	0	0
EC – Norway	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EC - Palestinian Authority	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1	0	1
EC - South Africa	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	1
EC - Switzerland – Liechtenstein	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EC – Syria	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EC – Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	1	0	0
Economic Cooperation Organization (ECO)	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	1	1	0	0	
EFTA – Albania	1	1	1	1	1	1	1	1	1	0	1	1	1	1	0	0	1	0	1	1	1	1	1	0	0	1	0	0	1	0	0	0	0
EFTA – Canada	1	0	1	0	1	0	1	1	0	0	1	1	1	1	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	0	0	
EFTA – Chile	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
EFTA –	1	1	1	1	0	0	1	1	1	0	0	1	1	1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	0	1

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB				
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Colombia																																
EFTA – Egypt	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0
EFTA - Former Yugoslav Republic of Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
EFTA - Hong Kong China	1	1	1	1	1	1	1	1	1	0	1	1	1	1	0	0	1	0	0	1	1	1	1	0	0	1	1	0	1	0	0	0
EFTA – Israel	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	1
EFTA – Jordan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1
EFTA - Korea, Republic of	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	1	0	0
EFTA – Lebanon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
EFTA – Mexico	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
EFTA – Montenegro	1	1	1	1	1	1	1	1	1	0	1	1	1	1	0	0	0	0	0	1	1	1	1	0	0	1	1	0	1	0	0	0
EFTA – Morocco	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
EFTA - Palestinian Authority	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																				GATT Art. V Transit	S&DT, TACB			
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods	Freedom of transit for goods	Exchange of customs-related information			Special & differential treatment	Technical assistance and capacity building
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	
EFTA – Peru	1	1	1	1	0	0	1	1	1	0	0	1	1	1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	0	1
EFTA – SACU	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	1	
EFTA – Serbia	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	0	1	0	1	1	1	1	1	0	0	1	0	0	0	1	0	0	
EFTA – Singapore	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
EFTA – Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
EFTA – Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	1	
EFTA – Ukraine	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	0	1	0	1	1	1	1	1	0	0	1	0	0	0	1	0	0	
Egypt – Turkey	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	1	0	0	1	0	1	1	0	0	0	0	0	0	1	0	0	
EU - Eastern and Southern Africa States EPA	0	0	0	0	0	0	0	0	1	1	0	1	0	1	0	0	1	0	1	1	1	1	1	0	0	0	0	0	1	1	1	0	
EU - Korea, Republic of	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	1	0	1	1	0	0	0	
EU – Serbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1	0	0	0	0	0	0	1	1	0	0	
European Economic Area (EEA)	0	0	1	1	1	0	1	0	0	0	1	1	0	1	0	0	1	0	0	1	1	1	1	0	0	1	0	1	1	0	0	0	

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB				
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
European Free Trade Association	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	1	1	0	0
European Union - Papua New Guinea / Fiji	1	0	0	1	1	0	0	1	1	1	0	1	0	1	1	0	1	0	0	1	1	1	1	0	1	1	0	1	1	1	0	
Faroe Islands – Norway	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	
Faroe Islands – Switzerland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	
Georgia – Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	1	0	0	
Georgia – Azerbaijan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	1	0	0	
Georgia – Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	1	0	0	
Georgia - Russian Federation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	1	0	0	
Georgia – Turkmenistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	1	0	0	
Georgia – Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	1	0	0	

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB				
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Guatemala – Chinese Taipei	1	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	1	0	0	0	0
Honduras - El Salvador and Chinese Taipei	1	1	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	0	1	0	0
Hong Kong, China - New Zealand	1	1	1	1	0	1	1	1	1	0	0	1	0	1	0	1	0	1	0	1	1	1	1	1	0	0	0	0	0	1	0	0
Iceland - Faroe Islands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0
India - Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
India – Bhutan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
India - Japan	1	0	0	1	0	0	1	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	0	0	0	0	0	1	1	1	0	0
India - Malaysia	1	1	1	1	0	1	1	1	1	0	1	1	0	1	0	1	0	0	0	1	1	1	1	0	0	0	1	1	1	1	0	0
India - Nepal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	0	0	0
India - Singapore	1	0	0	0	0	0	1	0	0	0	0	1	0	1	0	0	0	0	0	1	1	0	0	0	0	0	0	1	0	1	0	0
India - Sri Lanka	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Israel – Mexico	1	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit			S&DT, TACB		
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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Japan - Indonesia	1	0	0	1	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	1	0	0
Japan - Malaysia	1	0	1	1	0	1	1	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	0	0	0	0	1	1	1	0	0	0
Japan – Mexico	1	0	0	1	0	1	0	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	1	0	0
Japan - Peru	1	1	0	1	0	1	1	1	1	0	1	1	0	1	0	0	1	1	1	1	1	1	1	0	0	0	0	0	0	1	0	0
Japan - Philippines	1	0	0	1	0	1	0	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	0	0	0	0	0	1	1	0	0	0
Japan - Singapore	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	1	0	1	0	0	0	1	1	0	0	0	0
Japan - Switzerland	1	0	0	1	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	0	0	0	0	1	1	1	0	0	0
Japan - Thailand	1	0	0	1	0	1	0	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	0	0	0	0	1	1	1	0	0	0
Japan - Viet Nam	1	0	0	1	0	1	0	1	0	0	0	1	0	1	0	0	0	0	0	1	1	1	1	0	0	0	0	1	1	0	0	0
Jordan - Singapore	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Korea – Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Korea – Chile	1	0	0	1	0	1	1	1	1	1	0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	1	0	1	0	0	0

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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Korea – India	1	1	1	1	1	1	1	1	0	1	1	1	1	1	0	1	0	1	0	1	1	1	1	0	0	0	1	0	1	0	0	
Korea-Singapore	1	1	1	1	0	1	1	1	1	0	0	1	0	1	0	0	0	0	0	1	1	0	0	0	0	0	0	1	1	1	0	0
Korea - US	1	1	1	1	0	1	1	1	1	1	1	1	1	1	0	1	0	1	1	1	1	0	1	0	0	0	1	0	1	0	0	
Kyrgyz Republic - Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Kyrgyz Republic - Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Kyrgyz Republic - Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Kyrgyz Republic - Russian Federation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Kyrgyz Republic - Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Kyrgyz Republic - Uzbekistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Lao People's Democratic Republic - Thailand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	
Latin American Integration Association	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	
Malaysia – Australia	1	0	1	0	0	0	1	1	1	0	0	0	0	1	0	1	0	0	1	1	1	0	1	0	0	0	0	0	0	0	1	1	0
Melanesian Spearhead Group (MSG)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
MERCOSUR – India	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Mexico - Northern Triangle	1	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Mexico – Nicaragua	1	0	0	1	0	1	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
New Zealand – Malaysia	1	1	1	0	0	0	1	1	0	0	0	1	0	1	0	1	0	1	0	1	1	0	1	0	0	0	0	0	0	0	0	1	
New Zealand – Singapore	1	0	0	0	0	1	0	0	1	0	0	1	0	1	0	0	0	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	
Nicaragua – Chinese Taipei	1	1	1	1	1	1	1	1	1	0	0	1	0	1	0	0	0	1	1	1	1	1	1	0	0	0	0	1	0	1	0	0	
North American Free Trade	1	0	0	1	0	1	1	1	1	1	0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	1	0	1	0	0	

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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	
Agreement																																		
Pacific Island Countries Trade Agreement (PICTA)	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	
Pakistan – China	1	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pakistan – Malaysia	1	1	1	0	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0	1	1	1	1	0	0	0	1	0	1	0	0	0	
Pakistan - Sri Lanka	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Panama - Chile	1	1	1	1	0	1	1	1	1	0	1	1	1	1	0	1	0	1	1	1	1	1	1	1	0	0	0	1	0	1	0	1	0	0
Panama - Central America	1	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	1	0	1	0	0	0	0	1	0	1	0	1	0	1	1
Panama - Peru	1	1	1	1	0	1	1	1	1	0	0	1	0	1	0	1	1	1	1	1	1	1	0	1	1	1	0	0	1	1	1	0	0	0
Panama - Singapore	1	1	1	0	0	0	1	1	1	0	0	1	0	1	0	0	0	0	0	0	1	1	0	1	0	0	0	1	0	1	0	1	0	0
Panama – Chinese Taipei	1	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	1	1	0	1	0	0	0	0	1	0	1	0	1	0	0	0
Peru - Chile	1	1	1	1	0	0	1	1	0	0	1	1	0	1	0	1	0	0	1	0	1	1	1	1	0	0	0	0	0	0	1	0	0	1

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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Peru - China	1	1	1	1	0	0	1	1	1	0	1	1	1	1	0	1	0	1	1	1	1	1	1	1	0	0	0	1	0	1	0	0
Peru – Korea	1	1	1	1	0	0	1	1	1	0	1	1	1	1	0	1	0	1	1	1	1	1	1	1	0	0	0	1	0	1	0	0
Peru – Mexico	1	1	0	1	0	1	1	1	1	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	1	0	1	0	0
Peru – Singapore	1	1	1	1	0	0	1	1	1	0	1	1	0	1	0	1	0	1	1	1	1	0	0	0	0	0	0	1	1	1	0	0
Russian Federation – Belarus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Russian Federation – Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Russian Federation - Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Russian Federation – Serbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Russian Federation – Tajikistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Russian Federation – Turkmenistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0

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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Russian Federation – Uzbekistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Russian Federation - Azerbaijan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	
Singapore - Australia	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	1	0	0
South Asian Free Trade Agreement (SAFTA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	1	1	1	
South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Southern African Development Community (SADC)	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	1	1	1	0	0	
Thailand - Australia	1	1	1	1	0	1	1	1	1	0	0	1	0	1	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	1	0	0	

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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Thailand - New Zealand	1	1	1	1	0	1	1	1	1	0	0	1	0	1	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	1	0	0
Treaty between a FTA between Members of the CIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	
Trans-Pacific Strategic Economic Partnership	1	1	1	1	0	1	1	1	1	1	1	1	0	1	0	1	0	1	1	1	1	1	1	1	0	0	0	1	0	1	0	0
Turkey - Albania	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey - Bosnia and Herzegovina	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Turkey - Chile	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Turkey – FYR Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey - Georgia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey - Israel	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Turkey - Jordan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Turkey - Montenegro	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey - Morocco	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey - Palestinian Authority	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Turkey - Serbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey - Syria	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey - Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey-Mauritius	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ukraine - Azerbaijan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Ukraine - Belarus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Ukraine – FYR Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Ukraine - Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0

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	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Ukraine - Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0
Ukraine - Montenegro	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Ukraine - Russian Federation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Ukraine - Tajikistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Ukraine - Turkmenistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Ukraine - Uzbekistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
US - Australia	1	1	1	1	0	1	1	1	1	1	0	0	1	1	0	1	0	1	1	1	1	1	0	0	0	0	0	1	0	1	0	0
US - Bahrain	1	1	1	1	0	1	1	1	1	1	0	1	1	1	0	1	0	1	1	1	1	1	0	0	0	0	0	1	0	1	0	1
US - Chile	1	1	1	1	0	1	1	1	1	1	0	1	1	1	0	1	0	1	1	1	1	1	0	1	0	0	0	1	0	1	1	1
US - Colombia	1	1	1	1	0	1	1	1	1	1	1	1	1	1	0	1	0	1	1	1	1	1	0	1	0	0	0	1	0	1	1	1
US - Israel	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
US - Jordan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0

RTA Name	GATT Art. X: Transparency								GATT Art. VIII: Fees and Formalities																		GATT Art. V Transit	S&DT, TACB				
TF measure	Publication & Availability of Info	Internet Publication	Enquiry points	Publication prior to Implementation	Obligation to consult traders/business	Commenting on proposed regulations	Advance Rulings	Appeals	Fees & charges connected w import/export	Penalty disciplines	Pre-arrival processing	Automation/electronic submission	Separation of release from clearance	Risk management	Post Clearance Audits	Release times	Authorized operators	Expedited Shipments	Consularization	Co-operation on custom & other TF matters	Simplification of formalities/procedures	Harmonization of regulations/formalities	Use of international standards	Single Window	Pre-shipment inspections	Customs brokers	Temporary admission of goods			Freedom of transit for goods	Exchange of customs-related information	Special & differential treatment
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
US - Morocco	1	1	1	1	0	1	1	1	1	1	0	1	1	1	0	1	0	1	1	1	1	0	1	0	0	0	1	0	1	1	1	1
US - Oman	1	1	1	1	0	1	1	1	1	1	0	1	1	1	0	1	0	1	1	1	1	0	1	0	0	0	1	0	1	1	1	1
US - Panama	1	1	1	1	0	1	1	1	0	0	1	1	1	1	0	1	0	1	0	1	1	0	1	0	0	0	0	0	0	1	1	1
US - Peru	1	1	1	1	0	1	1	1	1	1	1	1	1	1	0	1	0	1	1	1	1	0	1	0	0	0	1	0	1	1	1	1
US - Singapore	1	1	1	1	0	1	1	1	1	1	1	1	1	1	0	1	0	1	0	1	1	0	0	0	0	0	1	0	1	0	0	0

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