



UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE



Module II : Trade and Customs The International Legal Framework

Erik Willems

UNECE-TIR Secretariat

Dushanbe
20 July 2012





Main Conventions

- **WTO :**
 - WTO agreements (GATT 1994)
- **WCO :**
 - Revised Kyoto convention
 - ATA/Istanbul convention
 - SAFE Framework of Standards
- **UNECE :**
 - Convention on the Harmonization
 - TIR convention





WTO



FACT FILE

- World Trade Organization
- Location: Geneva, Switzerland
- Established: 1 January 1995
- Created by: Uruguay Round negotiations 1986-1994
- Membership: 164 countries on 10 May 2012
- Secretariat staff: 600
- Head: Pascal Lamy, Director General





WTO



Functions:

- Administering WTO trade agreements
- Forum for trade negotiations
- Handling trade disputes
- Monitoring national trade policies
- Technical assistance and training for developing countries
- Cooperation with other international organizations





WTO





WTO

- 1944: Meeting in Bretton Woods created IMF and World Bank
- US tried to create ITO (International Trade Organization) → failed
- Interim agreement: 1947 GATT (General Agreement on Tariffs and Trade)
- 1994 Agreement on establishing the WTO (including GATT 1994 (which include GATT 1947))





WTO

What GATT (and WTO) does :

- Rules for trade policy
- Forum for negotiation
- Of both trade policies (tariffs) and rules
- Negotiations take place in Negotiating Rounds
- Decisions made at occasional meetings of trade ministers: Ministerial Meetings





WTO



Rounds of GATT Multilateral Trade Negotiations

No.	Years	Name	Accomplishments
1-5	1947-61		Reduced tariffs
6	1964-67	Kennedy	Tariffs + anti-dumping
7	1973-79	Tokyo	Tariffs + NTBs
8	1986-94	Uruguay	Tariffs, NTBs, Services, Intellectual Property, Textiles, Ag., Dispute Settlement, Created WTO
9	2001-?	Doha	? (Doha Development Agenda)





WTO

Umbrella Agreement	Agreement establishing the WTO		
Annexes	Annex 1 A	Annex 1 B	Annex 1C
Area covered	Goods	Services	Intellectual Property
Basic Principles	GATT 1994	GATS	TRIPS
Additional details Extra agreements and annexes covering specific requirements, sectors or issues	Other agreements on goods and annexes	Services annexes	
Market access commitments This is a detailed list of commitments made by countries to allow foreign products/services access to their market.	Countries' schedules of commitments	Countries' schedules of commitments (and most-favoured-nation exemptions)	
Annex 2	Understanding on Rules and Procedures Governing the Settlement of Disputes		
Annex 3	Trade Policy Review Mechanism		
Annex 4	Plurilateral Trade Agreements (not signed by all members)		





WTO

Provisions of WTO agreements of particular interest for border agencies :

- **GATT** : basic principles & additional details

- **TRIPS** : Article 1 :





WTO

Umbrella Agreement	Agreement establishing the WTO		
Annexes	Annex 1 A	Annex 1 B	Annex 1C
Area covered	Goods	Services	Intellectual Property
Basic Principles	GATT 1994	GATS	TRIPS
Additional details Extra agreements and annexes covering specific requirements, sectors or issues	Other agreements on goods and annexes	Services annexes	
Market access commitments This is a detailed list of commitments made by countries to allow foreign products/services access to their market.	Countries' schedules of commitments	Countries' schedules of commitments (and most-favoured-nation exemptions)	
Annex 2	Understanding on Rules and Procedures Governing the Settlement of Disputes		
Annex 3	Trade Policy Review Mechanism		
Annex 4	Plurilateral Trade Agreements (not signed by all members)		





- Article I : General Most Favoured Nation Treatment

Each member country should treat all members as well as it treats its most favored nation (i.e. the member that it treats the best)

National Treatment

Once a product or seller has entered a country it should be treated the same as products or sellers that originated inside that country

→ There are many exceptions to both of these principles





- Article V : TRANSIT

- Freedom of transit
- Facilitating transit





WTO

- Article XI : Anti dumping duties
- Article XII : Customs Valuation
 - » methods
 - » 1st method price paid
- Article XIII Fees and formalities
 - » Cost of services rendered
 - » Simple cross border requirements
 - » Good faith/low penalty





- Article IX : Marks of Origin
- Article X : Publication and administration of Trade regulations
 - Publish regulation
 - Tribunals
- Article XXIV : Customs Unions/FTA





- Article IX : Marks of Origin
- Article X : Publication and administration of Trade regulations
 - Publish regulation
 - Tribunals
- Article XXIV : Customs Unions/FTA





WTO

Umbrella Agreement	Agreement establishing the WTO		
Annexes	Annex 1 A	Annex 1 B	Annex 1C
Area covered	Goods	Services	Intellectual Property
Basic Principles	GATT 1994	ATS	TRIPS
Additional details Extra agreements and annexes covering specific requirements, sectors or issues	Other agreements on goods and annexes	Services annexes	
Market access commitments This is a detailed list of commitments made by countries to allow foreign products/services access to their market.	Countries' schedules of commitments	Countries' schedules of commitments (and most-favoured-nation exemptions)	
Annex 2	Understanding on Rules and Procedures Governing the Settlement of Disputes		
Annex 3	Trade Policy Review Mechanism		
Annex 4	Plurilateral Trade Agreements (not signed by all members)		





• Additional agreements :

- Technical barriers to trade
- Anti dumping
- Customs valuation
- Re-shipment inspection
- Ruling of Origin
- Import licensing procedures





WTO

Umbrella Agreement	Agreement establishing the WTO		
Annexes	Annex 1 A	Annex 1 B	Annex 1C
Area covered	Goods	Services	Intellectual Property
Basic Principles	GATT 1994	GATS	TRIPS
Additional details Extra agreements and annexes covering specific requirements, sectors or issues	Other agreements on goods and annexes	Services annexes	
Market access commitments This is a detailed list of commitments made by countries to allow foreign products/services access to their market.	Countries' schedules of commitments	Countries' schedules of commitments (and most-favoured-nation exemptions)	
Annex 2	Understanding on Rules and Procedures Governing the Settlement of Disputes		
Annex 3	Trade Policy Review Mechanism		
Annex 4	Plurilateral Trade Agreements (not signed by all members)		





Schedules of commitments made by individual countries allowing foreign products to access their markets

- In general : Binding commitments on tariffs
- For some agricultural products : Tariff/Quotas

Total of pages

Mainly commitments to cut customs duty rates on goods

→ based on the HS code





WTO

Umbrella Agreement	Agreement establishing the WTO		
Annexes	Annex 1 A	Annex 1 B	Annex 1C
Area covered	Goods	Services	Intellectual Property
Basic Principles	GATT 1994	GATS	TRIPS
Additional details Extra agreements and annexes covering specific requirements, sectors or issues	Other agreements on goods and annexes	Services annexes	
Market access commitments This is a detailed list of commitments made by countries to allow foreign products/services access to their market.	Countries' schedules of commitments	Countries' schedules of commitments (and most-favoured-nation exemptions)	
Annex 2	Understanding on Rules and Procedures Governing the Settlement of Disputes		
Annex 3	Trade Policy Review Mechanism		
Annex 4	Plurilateral Trade Agreements (not signed by all members)		





T O I O O

- Article 1 :
- Members shall in conformity with the provisions set out below adopt procedures (10) to enable a right holder who has valid grounds for suspecting that the **importation of counterfeit trademark or pirated copyright goods** (14) may take place to lodge an application in writing with competent authorities administrative or judicial for the **suspension by the customs authorities of the release into free circulation of such goods**. Members may enable such an application to be made in respect of goods which involve other infringements of intellectual property rights provided that the requirements of this Section are met. Members may also provide for corresponding procedures concerning the suspension by the customs authorities of the release of infringing goods destined for exportation from their territories.





WTO

Umbrella Agreement	Agreement establishing the WTO		
Annexes	Annex 1 A	Annex 1 B	Annex 1C
Area covered	Goods	Services	Intellectual Property
Basic Principles	GATT 1994	GATS	TRIPS
Additional details Extra agreements and annexes covering specific requirements, sectors or issues	Other agreements on goods and annexes	Services annexes	
Market access commitments This is a detailed list of commitments made by countries to allow foreign products/services access to their market.	Countries' schedules of commitments	Countries' schedules of commitments (and most-favoured-nation exemptions)	
Annex 2	Understanding on Rules and Procedures Governing the Settlement of Disputes		
Annex 3	Trade Policy Review Mechanism		
Annex 4	Plurilateral Trade Agreements (not signed by all members)		





WTO

Dispute Settlement	Consultation	
	Panel Recommendation	
	Appellate Body	
	Remedy	Implementation
		Compensation
Retaliation		

3-person Panel
Decides Case

The Ultimate
Remedy: Permit
Tariffs





WTO

- QUESTIONS
- DISCUSSION





UNECE

FACT FILE

- United Nations Economic Commission for Europe
- Location: Geneva, Switzerland
- Established: 1948
- Created by: UN
- Membership: 53 countries
- Secretariat staff: 200
- Head: Sven Mikala
Executive Secretary





UNECE

Functions:

- Original mandate : To assist reconstruction and the economic development of Europe in many borders
- UNECE's major aim is to promote pan-European economic integration
- Intergovernmental cooperation in areas of economy including Trade and Transport

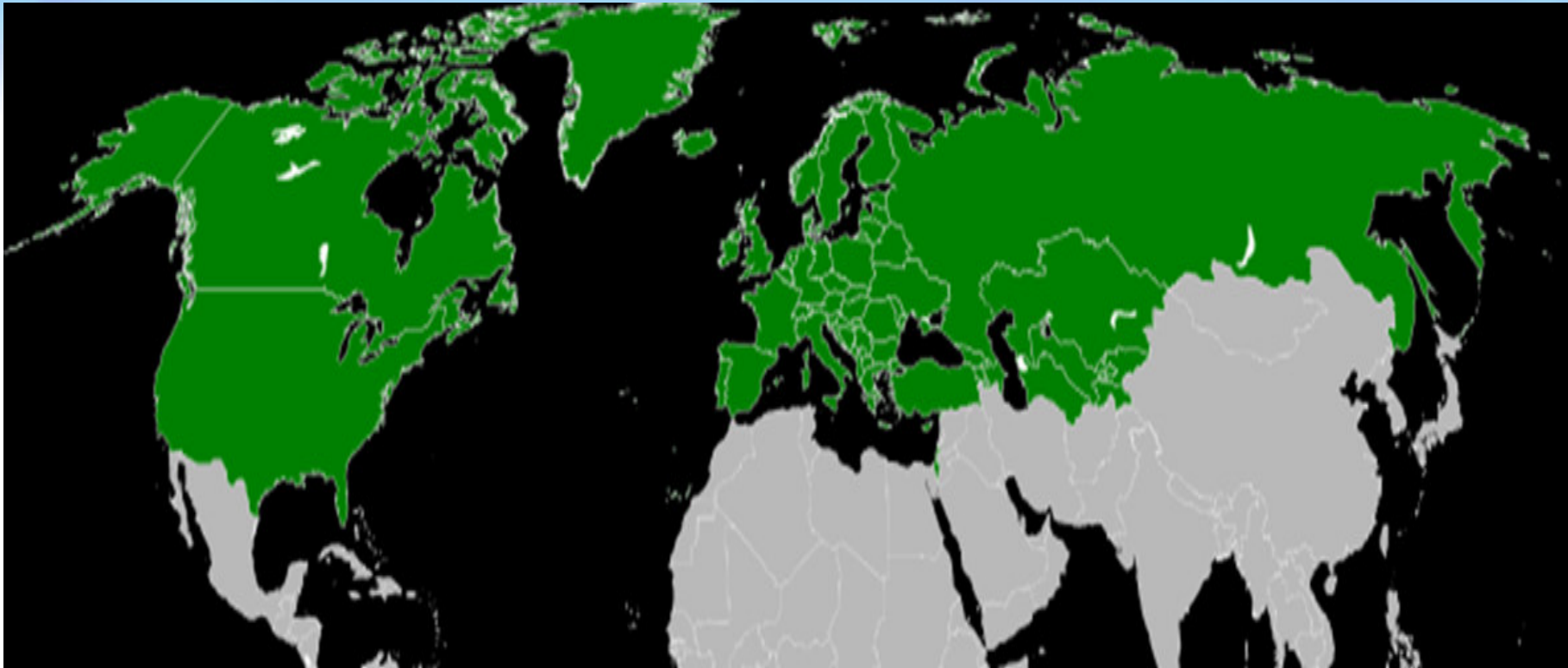




UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE



□□ECE



ERROR: stackunderflow
OFFENDING COMMAND: ~

STACK: