The long and winding road
A review of the TFA’s negotiating history

02 June 2017
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mid-1990s
Singapore Ministerial 1996
First work mandate

→ limited scope
"We further agree to (...) direct the Council for Trade in Goods to undertake exploratory and analytical work, drawing on the work of other relevant international organizations, on the simplification of trade procedures in order to assess the scope for WTO rules in this area."
2 steps forward...

... 1 step back
First attempt to launch negotiations

Seattle Ministerial 1999
NO to the WTO
Second attempt to launch negotiations

Doha Ministerial 2001
Conditional negotiating mandate
"(...) we agree that negotiations will take place after the 5th Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus (...) on modalities of negotiations." WT/MIN(01)/Dec/1, paragraph 27
Cancún Ministerial 2003
Work program for interim period

“In the period until the Fifth Session, the Council for Trade in Goods shall review and as appropriate, clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994 and identify the trade facilitation needs and priorities of members, in particular developing and least-developed countries.”
Finally ...
Agreement to launch negotiations in the framework of 2004 "July package"

(General Council decision, WT/L/579, Annex D)
Overall parameters

- Part of the Doha Round
- Subject to Single Undertaking
Establishment of Negotiating Group

12 October 2004
Amb. Noor elected as first chair
Negotiating Group first meets

15 November 2004

Adoption of Work Program and schedule of meetings
Circulation of first draft Agreement in December 2009
Followed by what seemed like a step back....
Bracket explosion
New obstacles
Introduction of additional modes and fora

Facilitators

Friends of the Chair
Further intensification of work in October 2013

Begin of DG-led process
Different configurations

- "Room W"
- Bilaterals
- Small groups
* 26 November 2013

Issuing of draft Trade Facilitation Agreement

- Still contained around 70 sets of brackets
Bali
Concluded negotiations
Set out implementation steps
Mandated preparatory work
Establishment of Preparatory Committee

31 January 2014

Tasks

Specific

- Conduct legal review
- Receive category A notifications
- Prepare protocol of amendment

Broad

- Ensure expeditious entry into force of the TFA and prepare for its efficient operation
Legal Review ✓

Completed in Apr/Jul 2014
• Minor adjustments to the Bali text
• Final text issued in WT/L/931
Category A notifications

First notification received in May 2014, with many following quickly afterwards
Protocol adopted in November 2014
118 RATIFICATIONS RECEIVED

Timeline of Ratifications received to date (no. of Members having presented an instrument of acceptance)
118 ratifications received - the TFA has entered into force!
22 February 2017

Agreement enters into force
Trade Facilitation Committee holds first meeting on 16 May and elects Ambassador Blockert as its first Chair.
World Trade Organization
Economic Research and Statistics Division

THE LONG AND WINDING ROAD: HOW WTO MEMBERS FINALLY REACHED A TRADE FACILITATION AGREEMENT

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