

Negotiating Group on Trade Facilitation

11 February 2010

Mr. Chairman,

On behalf of the LDC group, I wish to speak to some of proposed provisions submitted by the group contained in document TN/TF/W/167, which is a build up to earlier proposals submitted Job document (08)123/Rev 1 of December 2008 and Job (09)/165 of November 2009.

The LDC have taken due consideration of the importance and catalytic role of trade facilitation in enhancing trade, economic growth and development.

For LDCs, new disciplines arising from this clarification exercise would be operationally effective if appropriate special and differential treatment provisions as well as mechanisms to facilitate access to technical assistance and capacity building support are embedded in the final outcome of these negotiations.

In particular, the submission of LDCs attempts to provide the following drafting guidelines:

Overall, LDCs being a group composed of countries with the greatest needs, should be accorded maximum flexibility in undertaking obligations and implementing their commitments.

The LDCs are therefore fully supportive of embedding the following principles or substantive provisions in the final outcome of negotiations on Trade Facilitation:

- Categorization of measures into A, B and C, as part of special and differential treatment for developing countries, and least developed among them.
- use of 'early warning' to signal difficulties encountered in implementing commitments for categories B and C and also to offer flexibility for developing countries and least developed among them, as policy space to allow shifting of commitments from B to C or C to B.
- Distinct and LDC specific provisions regarding the length of transition period (which should be longer than what would be given for developing country Members, in recognition of the special difficulties encountered by LDCs.
- The use of implementation plans for categories B and C commitments, developed according to individual LDC's capacity to access assistance and acquire implementation capacities.
- Exercising due restraint in raising matters under the Understanding on Rules and Procedures Governing the settlement, involving LDCs.
- Precise and operationally effective provisions on technical assistance and capacity building support.

For this reason, **Mr Chairman**, the LDCs fully support the definitions of categories AB and C contained in TN/TF/W 161 and wish to stress the following:

Category A: Notification (of commitments) to be undertaken upon entry into force of the Agreement. However, due regard must be given to the limitations that LDCs may experience by having flexibility for some time after entry into force. **(para 3.2)**

Category B: Notification of provisions or sub-parts at entry into force of the Agreement or at least (x) time after the entry into force of the Agreement, taking into account maximum flexibility for LDCs .

Possibility to shift commitments from B to C (**para 4.1 option 2**)

Possibility to notify an implementation plan

Possibility to use the early warning

Category C: Implementation is conditional on access to adequate and effective technical assistance and capacity building support and acquisition of implementation capacities

Notification of implementation plan only for those measures where TA/BC and implementation capacities have been acquired.

Possibility to use early warning

Possibility to shift measures from C to B, where TA/CB is deemed unnecessary