

THE WORLD TRADE ORGANIZATION'S TRADE FACILITATION AGREEMENT THROUGH A GENDER LENS



NOTE: This tool has been drafted to reflect how the Trade Facilitation Agreement (TFA), regardless of its supposed gender-blind drafting, provides an opportunity to tackle gendered barriers to trade. It provides guidance on specific actions that organisations like the Alliance can take to impact gender equality when working with countries to implement TFA articles. In addition to the actions listed here, organisations should continue to follow basic gender mainstreaming practices involving inclusive stakeholder mapping, gender analysis, developing gender indicators, etc. to gender sensitise projects.

GLOSSARY

- Committee** = WTO Committee on Trade Facilitation
- NTFC** = National Trade Facilitation Committee
- SME** = small and medium-sized enterprises
- WCBT** = women cross-border traders
- WCO** = World Customs Organization
- WOB** = women-owned businesses (but here used more broadly to include women-run businesses or women entrepreneurs)

TFA article	Sub-article	Article / sub-article explained	Relevant gendered barriers to trade	Gender sensitive actions
ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION	1.1. Publication	Members shall publish the general trade-related information listed “promptly” and in a “non-discriminatory and easily accessible manner” that will allow other governments, traders and interested persons to become acquainted with them.		<ul style="list-style-type: none"> • Publish information in multiple languages, including indigenous languages and local dialects
	1.2. Information Available Through Internet	Members shall prepare practical guides to their import, export, and transit procedures including appeal procedures. Members shall publish on the internet: (i) the practical guides, (ii) the forms and documents required for import, export or transit, (iii) relevant trade laws (where possible), and (iv) the enquiry point contact information.	<ul style="list-style-type: none"> • Access to information • Skill gap/digital divide 	<ul style="list-style-type: none"> • Consult with women to understand the most beneficial format and accessible platform for information to be available to them (i.e. internet, app, SMS) • Provide support for the build and roll out of such information platforms • Provide capacity building training for the organisations responsible for communicating this information • Provide capacity building training for WOBs to explain trading basics and how to navigate information platforms • Design mechanisms that provide regular consultation and trainings for WOBs (such as training of trainers) • Assess the information gaps and the quality of information being displayed on existing platforms, then address inconsistencies

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ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION	1.3. Enquiry Points	Members shall establish one or more enquiry points; these can be at the regional level and shouldn't require a fee and should provide information in a reasonable time period.	<ul style="list-style-type: none"> • Access to information 	<ul style="list-style-type: none"> • Understand what are the most successful ways to communicate information on enquiry points to WOBs • Support the marketing of information on enquiry points to WOBs and SMEs so that they will be aware and able to utilise them
	1.4. Notification	Members must notify to the Committee the place of elements in 1.1, the websites in 1.2, contact points in 1.3.		
ARTICLE 2: OPPORTUNITY TO COMMENT, INFORMATION BEFORE ENTRY INTO FORCE, AND CONSULTATIONS	2.1. Opportunity to Comment and Information before Entry into Force	Members shall provide the opportunity and appropriate time period for traders and interested parties to comment on proposed laws/regulations, thus that they are published with enough advance time (excl. tariffs).	<ul style="list-style-type: none"> • Often the perspective of WOBs is left out from laws/regulations 	<ul style="list-style-type: none"> • Build embedded processes that communicate the period for comment on proposed laws/regulations to WOBs • Facilitate WOB associations to be part of consultations • Build trust and feedback loop between WOB associations and agencies/lawmakers • Build capacity of WOB associations to effectively lobby on TF-related issues • Support WOBs in joining and engaging with WOB associations and other stakeholders that represent their interests • Support WOB associations to be included in NTFCs • Provide capacity building training for WOBs to explain trading basics
	2.2. Consultations	Border agencies must hold regular consultations with traders and stakeholders.		
ARTICLE 3: ADVANCE RULINGS		Advanced rulings should be issued in a reasonable, time-bound manner and shall be valid for a reasonable period of time. Members shall provide written notice if revoked. Publishing the requirements for advanced ruling and any non-sensitive information on advanced rulings.		
ARTICLE 4: PROCEDURES FOR APPEAL OR REVIEW		Members shall provide traders with the right to appeal decisions made by Customs in an administrative and/or judicial proceeding.	<ul style="list-style-type: none"> • Access to information (on appeal procedures) • Discriminatory appeals procedures (could treat women unfairly and increase the costs for women to trade) 	<ul style="list-style-type: none"> • Inform WOBs and WOB associations of their right to appeal through capacity building training • Support mechanisms that provide legal advice to WOBs

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ARTICLE 5: OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY	5.1. Notifications for enhanced controls or inspections	Members can enhance the level of control for food, beverages or feedstuffs to protect human, animal or plant life or health. Sets out parameters for issuance, termination or suspension of these disciplines	<ul style="list-style-type: none"> • Complex/costly export/import processes (aggravated by time poverty) • Imposing of discriminatory fees on women traders (enhancing impartiality, non-discrimination and transparency will reduce the potential for women to be taken advantage of i.e. need to pay bribes) 	<ul style="list-style-type: none"> • Provide capacity building training to explain control/inspection/testing procedures and processes to WOBs • Support marketing and awareness raising activities of new measures among WOBs so they are confident in their rights • Ensure that the information on what is lawful is available, transparent and easy to comprehend
	5.2. Detention	If Customs or another border authority detains imported goods for inspection, it shall promptly inform the carrier, the importer or its agent.		
	5.3. Test Procedures	Members can request a second test if the first test shows an adverse finding. Labs where tests can take place shall be published. Second result tests may be accepted.		
ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES	6.1. General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	Applies to fees and charges other than duties/tariffs. These must be published with the reason for them and how/when to make payment. There must be adequate time between announcing new fees and their entry into force. Members should periodically review fees to try and reduce the number and diversity.	<ul style="list-style-type: none"> • Access to information • Complex/costly export/import processes (in 6.1.4 - reducing the number and diversity of fees would directly benefit WOBs and SMEs who experience time poverty and/or high fixed costs to trade) • Imposing of discriminatory fees on women traders 	<ul style="list-style-type: none"> • Consult with women to understand the most beneficial and accessible format and platform for information to be available to them (i.e. internet, app, SMS) • Provide support for the build and roll out of such information platforms • Provide capacity building training for the organisations responsible for communicating this information • Provide capacity building training for WOBs to explain trading basics and how to navigate available information • Design mechanisms that provide regular trainings for WOBs (such as training of trainers)
	6.2. Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation	Fees shall be limited to the services rendered in connection with import/export.		
	6.3. Penalty Disciplines	Penalties can be imposed for breach of Members customs laws, regulations, and the parameters around that.		

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ARTICLE 7: RELEASE AND CLEARANCE OF GOODS	7.1. Pre-arrival Processing	Traders shall be permitted to submit the import documentation and other information required for release of imported goods, in electronic format where appropriate, prior to arrival of the goods in order to expedite release.	<ul style="list-style-type: none"> • Complex/costly import/export processes 	<ul style="list-style-type: none"> • Focus on sectors that are most likely to impact WOBs and SMEs. Determine such sectors through desk research, data requests from local partners, consultations
	7.2. Electronic Payment	To the extent practicable, Members should allow electronic payment of duties, taxes, fees and charges.		
	7.3. Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges	Members shall allow importers to obtain release of their goods, under a guarantee, if required, prior to the final determination and payment of customs duties, taxes, fees and charges where the final determination is not done prior to, upon arrival or as rapidly as possible after arrival.		
	7.4. Risk Management	Members shall apply risk management to customs control in connection with import, export and transit of goods.	<ul style="list-style-type: none"> • Access to information 	<ul style="list-style-type: none"> • Make this information available in a user-friendly and easily accessible way. Consult with WOBs to understand what platform is easiest for them to gain this information
	7.5. Post-clearance Audit	Members must use post-clearance audit "with a view to expediting the release of goods" and, wherever practicable, to inform risk management.		
	7.6. Establishment and Publication of Average Release Times	Members are encouraged to publish average release time information and share experiences with the Committee.	<ul style="list-style-type: none"> • Access to information and access to finance may prevent WOBs from becoming AEOs • Access to trustworthy and regulated service providers (so as to reduce harassment/discrimination constraints) 	<ul style="list-style-type: none"> • Consult with WOBs to understand what are the barriers to becoming AEOs and assess whether project activities can address these constraints
	7.7. Trade Facilitation Measures for Authorised Operators	Members shall provide certain additional trade facilitation benefits to "authorised operators".		

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ARTICLE 7: RELEASE AND CLEARANCE OF GOODS	7.8. Expedited Shipments	Sets forth the conditions that Members must publish so that persons can apply for expedited release of goods through air cargo		
	7.9. Perishable Goods	Members shall adopt procedures to release perishable goods in the shortest time possible, and arrange proper storage of perishable goods pending their release.		
ARTICLE 8: BORDER AGENCY COOPERATION		Cooperation across national border agencies, and with other Member agencies that share a common border	<ul style="list-style-type: none"> • Access to information • Complex/costly import/export processes • Harmonisation and communication between agencies involved in TF • Harassment and unsafe conditions for women cross-border traders 	<ul style="list-style-type: none"> • Consultation with WOBs to understand the inefficiencies and coordination challenges they face with government agencies when trading • Consultation with WCBTs on the challenges they face at border posts • Include monitoring and complaints mechanisms to ensure implementation and hold implementing agents accountable • Facilitate gender-responsive border infrastructure that provides safety and meets the needs of WCBTs
ARTICLE 9: MOVEMENT OF GOODS INTENDED FOR IMPORT UNDER CUSTOMS CONTROL		Allows for the movement of imports between different customs offices within the territory		
ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT	10.1. Formalities and Documentation Requirements	Members must periodically review formalities and documentation requirements in line with specified criteria.	<ul style="list-style-type: none"> • Complex/costly import/export processes 	<ul style="list-style-type: none"> • Include WOBs in review of simplified and harmonised trade processes by the business community • Focus on sectors that are most likely to impact WOBs and SMEs. Determine such sectors through desk research, data requests from local partners, consultations • Support marketing and awareness raising activities of the simplified trade processes among WOBs • Explore training opportunities for WOBs on new processes, and design mechanisms that can provide regular trainings for WOBs (such as training of trainers)
	10.2. Acceptance of Copies	Border agencies shall endeavour to accept copies of supporting documents that may be required for import, export or transit formalities.		

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ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT	10.3. Use of International Standards	Members are encouraged to use relevant international standards, take part in reviewing international standards and share best practices.	<ul style="list-style-type: none"> • Access to information 	<ul style="list-style-type: none"> • Focus on sectors that are most likely to impact WOBS and SMEs. Determine such sectors through desk research, data requests from local partners, consultations • Support awareness raising activities of harmonised standards to WOBS and consider capacity building training to explain international standard requirements • Make the information available in a user-friendly and easily accessible way. Consult with WOBS to understand what platform is easiest for them to gain this • Design mechanisms that provide regular consultation and trainings for WOBS (such as training of trainers)
	10.4. Single Window	Suggestion for use of single window and use parameters	<ul style="list-style-type: none"> • Skill gap/digital divide 	<ul style="list-style-type: none"> • Provide capacity building training for women to navigate electronic platforms such as single window
	10.5. Preshipment Inspection	Members shall end the requirement for preshipment inspection for tariff classification and customs valuation.		
	10.6. Use of Customs Brokers	Members shall not introduce the requirement for the mandatory use of customs brokers, and shall have transparent licensing framework.	<ul style="list-style-type: none"> • Access to trustworthy and regulated service providers (so as to reduce harassment/discrimination constraints) 	<ul style="list-style-type: none"> • Encourage women to join the customs broker industry, for example, by providing scholarships for them to join and hosting training that accommodates their schedule • Integrate gender sensitivity into training for customs brokers and other relevant service providers (as per WCO's Gender Equality Organisational Assessment Tool) • Consult with women to understand the most beneficial format and accessible platform for information on customs broker licensing to be available to them (i.e. internet, app, SMS)
	10.7. Common Border Procedures and Uniform Documentation Requirements	Customs shall apply uniform documentation requirements and uniform release and clearance procedures.	<ul style="list-style-type: none"> • Access to information • Access to trustworthy and regulated service providers (so as to reduce harassment/discrimination constraints) 	<ul style="list-style-type: none"> • Make this information available in a user-friendly and easily accessible way. Consult with WOBS to understand what platform is easiest for them to gain this • Include monitoring and complaints mechanisms to ensure implementation and hold implementing agents accountable

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ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT	10.8. Rejected Goods	The importer shall have the right to return to the exporter, or any other person, imported goods that have been rejected by competent authorities due to failure to comply with prescribed sanitary and phytosanitary regulations or technical regulations.		
	10.9. Temporary Admission of Goods and Inward and Outward Processing	Members shall adopt customs procedures for the temporary admission, inward processing and outward processing of goods.		
ARTICLE 11: FREEDOM OF TRANSIT		Goods in transit through a territory should not be charged extra fees beyond those entailed, should get treatment no less favourable than other goods, should not have burdensome documentation requirements and should have advanced filing and processing. Members should also cooperate with each other on certain elements (charges, etc.) and appoint a national transit coordinator.		
ARTICLE 12: CUSTOMS COOPERATION	12.1. Measures Promoting Compliance and Cooperation	Share compliance obligations with traders, and share information on best practices with the Committee.		
	12.2. Exchange of Information	Exchange information in 6.1 (b) and (c) to verify import or export declaration. Members should notify a contact point to the Committee.		
	12.3. Verification	Verify info before making a request for information		
	12.4. Request	Requests to other members must be written		
	12.5. Protection and Confidentiality	Documents and requests will be held in confidence.		
	12.6. Provision of Information	Information will be provided promptly.		

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ARTICLE 12: CUSTOMS COOPERATION	12.7. Postponement or Refusal of a Request	Criteria for postponing or refusing a request for information		
	12.8. Reciprocity	Requesting Member must state if they would not be able to comply with this request themselves		
	12.9. Administrative Burden	Requesting Member must consider the costs and resources for their request; proportionality		
	12.10. Limitations	Lists limitations that the requested Member will not be required to do		
	12.11. Unauthorised Use or Disclosure	Any breaches or unauthorised disclosure must be communicated to the requesting Member.		
	12.12. Bilateral and Regional Agreements	The agreement does not prevent Members from entering into bilateral, plurilateral or regional agreements for exchange or sharing of customs info and data.		

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