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## **1 ARTICLE 16 OF THE AGREEMENT ON TRADE FACILITATION**

### **1.1 Text of Article 16**

#### ***Article 16: Notification of Definitive Dates for Implementation of Category B and Category C***

1. With respect to the provisions that a developing country Member has not designated in Category A, the Member may delay implementation in accordance with the process set out in this Article.

Developing Country Member Category B

- (a) Upon entry into force of this Agreement, each developing country Member shall notify the Committee of the provisions that it has designated in Category B and their corresponding indicative dates for implementation.<sup>17</sup>

*(footnote original)* <sup>17</sup> Notifications submitted may also include such further information as the notifying Member deems appropriate. Members are encouraged to provide information on the domestic agency or entity responsible for implementation.

- (b) No later than one year after entry into force of this Agreement, each developing country Member shall notify the Committee of its definitive dates for implementation of the provisions it has designated in Category B. If a developing country Member, before this deadline, believes it requires additional time to notify its definitive dates, the Member may request that the Committee extend the period sufficient to notify its dates.

Developing Country Member Category C

- (c) Upon entry into force of this Agreement, each developing country Member shall notify the Committee of the provisions that it has designated in Category C and their corresponding indicative dates for implementation. For transparency purposes, notifications submitted shall include information on the assistance and support for capacity building that the Member requires in order to implement.<sup>18</sup>

*(footnote original)* <sup>18</sup> Members may also include information on national trade facilitation implementation plans or projects, the domestic agency or entity responsible for implementation, and the donors with which the Member may have an arrangement in place to provide assistance.

- (d) Within one year after entry into force of this Agreement, developing country Members and relevant donor Members, taking into account any existing arrangements already in place, notifications pursuant to paragraph 1 of Article 22 and information submitted pursuant to subparagraph (c) above, shall provide information to the Committee on the arrangements maintained or entered into that are necessary to provide assistance and support for capacity building to enable implementation of Category C.<sup>19</sup> The participating developing country Member shall promptly inform the Committee of such arrangements. The Committee shall also invite non-Member donors to provide information on existing or concluded arrangements.

*(footnote omitted)* <sup>19</sup> Such arrangements will be on mutually agreed terms, either bilaterally or through appropriate international organizations, consistent with paragraph 3 of Article 21.

- (e) Within 18 months from the date of the provision of the information stipulated in subparagraph (d), donor Members and respective developing country Members shall inform the Committee of the progress in the provision of assistance and support for capacity building. Each developing country Member shall, at the same time, notify its list of definitive dates for implementation.

2. With respect to those provisions that a least-developed country Member has not designated under Category A, least-developed country Members may delay implementation in accordance with the process set forth in this Article.

#### Least developed country Member Category B

- (a) No later than one year after entry into force of this Agreement, a least-developed country Member shall notify the Committee of its Category B provisions and may notify their corresponding indicative dates for implementation of these provisions, taking into account maximum flexibilities for least-developed country Members.
- (b) No later than two years after the notification date stipulated under subparagraph (a) above, each least-developed country Member shall notify the Committee to confirm designations of provisions and notify its dates for implementation. If a least-developed country Member, before this deadline, believes it requires additional time to notify its definitive dates, the Member may request that the Committee extend the period sufficiently to notify its dates.

#### Least developed country Member Category C

- (c) For transparency purposes and to facilitate arrangements with donors, one year after entry into force of this Agreement, each least-developed country Member shall notify the Committee of the provisions it has designated in Category C, taking into account maximum flexibilities for least-developed country Members.
- (d) One year after the date stipulated in subparagraph (c) above, least developed country Members shall notify information on assistance and support for capacity building that the Member requires in order to implement.<sup>20</sup>

*(footnote omitted)* <sup>20</sup> Members may also include information on national trade facilitation implementation plans or projects, the domestic agency or entity responsible for implementation, and the donors with which the Member may have an arrangement in place to provide assistance.

- (e) No later than two years after the notification under subparagraph (d) above, least-developed country Members and relevant donor Members, taking into account information submitted pursuant to subparagraph (d) above, shall provide information to the Committee on the arrangements maintained or entered into that are necessary to provide assistance and support for capacity building to enable implementation of Category C.<sup>21</sup> The participating least-developed country Member shall promptly inform the Committee of such arrangements. The least-developed country Member shall, at the same time, notify indicative dates for

implementation of corresponding Category C commitments covered by the assistance and support arrangements. The Committee shall also invite non-Member donors to provide information on existing and concluded arrangements.

(footnote omitted) <sup>21</sup> Such arrangements will be on mutually agreed terms, either bilaterally or through appropriate international organizations, consistent with paragraph 3 of Article 21.

- (f) No later than 18 months from the date of the provision of the information stipulated in subparagraph (e), relevant donor Members and respective least developed country Members shall inform the Committee of the progress in the provision of assistance and support for capacity building. Each least-developed country Member shall, at the same time, notify the Committee of its list of definitive dates for implementation.

3. Developing country Members and least-developed country Members experiencing difficulties in submitting definitive dates for implementation within the deadlines set out in paragraphs 1 and 2 because of the lack of donor support or lack of progress in the provision of assistance and support for capacity building should notify the Committee as early as possible prior to the expiration of those deadlines. Members agree to cooperate to assist in addressing such difficulties, taking into account the particular circumstances and special problems facing the Member concerned. The Committee shall, as appropriate, take action to address the difficulties including, where necessary, by extending the deadlines for the Member concerned to notify its definitive dates.

4. Three months before the deadline stipulated in subparagraphs 1(b) or (e), or in the case of a least-developed country Member, subparagraphs 2(b) or (f), the Secretariat shall remind a Member if that Member has not notified a definitive date for implementation of provisions that it has designated in Category B or C. If the Member does not invoke paragraph 3, or in the case of a developing country Member subparagraph 1(b), or in the case of a least developed country Member subparagraph 2(b), to extend the deadline and still does not notify a definitive date for implementation, the Member shall implement the provisions within one year after the deadline stipulated in subparagraphs 1(b) or (e), or in the case of a least-developed country Member, subparagraphs 2(b) or (f), or extended by paragraph 3.

5. No later than 60 days after the dates for notification of definitive dates for implementation of Category B and Category C provisions in accordance with paragraphs 1, 2, or 3, the Committee shall take note of the annexes containing each Member's definitive dates for implementation of Category B and Category C provisions, including any dates set under paragraph 4, thereby making these annexes an integral part of this Agreement.

## **1.2 Article 16.1: Notification of Category B and C designations and of corresponding dates for implementation by developing country Members**

1. To date, seventy-three (73) developing country Members have made notifications under Category B and sixty-three (63) developing country Members have made notifications under Category C.<sup>1</sup> All types of notifications under the TFA can be found in document series: [WT/PCTF/N/\\*](#) and [G/TFA/N/\\*](#). They are also publicly accessible through the Trade Facilitation Agreement Database (<https://www.tfadatabase.org/>).

## **1.3 Article 16.2: Notification of Category B and C designations and of corresponding dates for implementation by least-developed country Members**

2. To date, thirty (30) least-developed country Members have made notifications under Category B and thirty-two (32) least-developed country Members have made notifications under Category C.<sup>2</sup> All types of notifications under the TFA can be found in document series: [WT/PCTF/N/\\*](#) and [G/TFA/N/\\*](#). They are also publicly accessible through the Trade Facilitation Agreement Database (<https://www.tfadatabase.org/>).

<sup>1</sup> These numbers reflect the notification obligations under Articles 16.1(a), (b), (c), and (e).

<sup>2</sup> These numbers reflect the notification obligations under Articles 16.2(a), (b), (c), and (e).

**1.4 Article 16.1: Notification of information on assistance and support for capacity building, arrangements, and progress by developing countries**

3. To date, sixty-one (61) developing country Members have made notifications on assistance and support for capacity building, arrangements, and progress.<sup>3</sup> All types of notifications under the TFA can be found in document series: [WT/PCTF/N/\\*](#) and [G/TFA/N/\\*](#). They are also publicly accessible through the Trade Facilitation Agreement Database (<https://www.tfadatabase.org/>).

**1.5 Article 16.2: Notification of information on assistance and support for capacity building, arrangements, and progress by least-developed country countries**

4. To date, twenty-eight (28) least-developed country Members have made notifications on assistance and support for capacity building, arrangements, and progress.<sup>4</sup> All types of notifications under the TFA can be found in document series: [WT/PCTF/N/\\*](#) and [G/TFA/N/\\*](#). They are also publicly accessible through the Trade Facilitation Agreement Database (<https://www.tfadatabase.org/>).

**1.6 Article 16.2(b): Extension of time to notify Category B definitive dates of implementation for least-developed country Members**

5. To date, nine (9) least-developed country Members have requested to extend the dates for the notification of definitive dates for category B. All types of notifications under the TFA can be found in document series: [WT/PCTF/N/\\*](#) and [G/TFA/N/\\*](#). They are also publicly accessible through the Trade Facilitation Agreement Database (<https://www.tfadatabase.org/>).

**1.7 Article 16.3: Extension of time to notify Category C definitive dates of implementation for least-developed country Members**

6. To date, two (2) least-developed country Members have requested to extend the dates for the notification of definitive dates for category C. All types of notifications under the TFA can be found in document series: [WT/PCTF/N/\\*](#) and [G/TFA/N/\\*](#). They are also publicly accessible through the Trade Facilitation Agreement Database (<https://www.tfadatabase.org/>).

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<sup>3</sup> These numbers reflect the notification obligations under Articles 16.1(c), (d), and (e).

<sup>4</sup> These numbers reflect the notification obligations under Articles 16.2(d), (e), and (f).