

**Draft Submission from Bangladesh to the WTO on “Assistance and Support for Capacity Building Required for Implementation (for Category C):**

<b>Provision</b>	<b>Heading/Description</b>	<b>Category</b>	<b>Implementation Status</b>	<b>Assistance and Support for Capacity Building Required for Implementation</b>
Article 1.3	Enquiry Points	C	<p><b>Responsibility of the NBR:</b></p> <p>The NBR has already implemented this provision with technical assistance from USAID. The internet-based National Enquiry Point for Customs is now in operation.</p> <p><b>Responsibility of the Ministry of Commerce:</b></p> <p>In order to ensure full implementation of this measures, the Ministry of Commerce needs to establish a National Enquiry Point for Trade that will cater to queries related to all other border agencies (excluding Customs/NBR).</p> <p>The MoC is currently working with the World Bank Group to establish the National Enquiry Point for Trade under the Regional Connectivity Project, which is being currently implemented.</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>The National Enquiry Point for Customs is already established.</p> <p>The National Enquiry Point for Trade is being established with technical assistance from the World Bank Group.</p> <p>Assistance required (related to the National Enquiry Point for Trade):</p> <ul style="list-style-type: none"> <li>01. Support for legislation.</li> <li>02. Consultation</li> <li>03. Training</li> <li>04. Capacity development</li> </ul>
Article 7.1	Pre-Arrival Processing	C	<p>This measure only involves Customs under the NBR.</p> <p><b>Responsibility of the NBR:</b></p> <p>Bangladesh legislation complies with the provisions laid down in this Measure. National legislation includes provisions for:</p> <ul style="list-style-type: none"> <li>(a) submission of manifest prior to the arrival of conveyance/goods;</li> </ul>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>The NBR is currently working to implement this Measure with technical assistance from the USAID.</p> <p>Assistance required:</p> <ul style="list-style-type: none"> <li>01. Support for legislation.</li> <li>02. Consultation</li> </ul>

			<p>(b) lodging and processing of Customs declaration (e.g. bill of entry) including documentation prior to the arrival of the goods; and</p> <p>(c) Lodging of declaration in electronic format.</p> <p>However, though pre-arrival processing procedure exists in law, it is not implemented in practice. In the absence of the system, there is no standard procedure to deal with that.</p>	<p>03. Training</p> <p>04. Capacity development</p>
Article 7.4	Risk Management	C	<p><b>Responsibility of the NBR:</b></p> <p>In the absence of a common procedure, different Customs stations and the intelligence department employ their own methods in terms of choosing the selectivity criteria. For example, the senior Customs officials often use their own judgment in selecting particular consignments for physical examination. Things have improved with the introduction of ASYCUDA, which has the basic functionality and applications to support an electronic RM system.</p> <p>Customs is in the process of developing a systematic national approach to the adoption of risk management (RM) at all border-crossing points. Towards that end, a Central Risk Management Technical Unit has been formed with assistance from the World Bank Group. Again, the NBR has prepared a Draft Standing Order in support of the application of automated selectivity within the risk management environment, with assistance from the USAID. Implementation of the Standing Order will ensure the adoption of risk management across its import and export clearance regimes.</p> <p>Again, Section 186 of the proposed Customs Act provides legal coverage of the RM system in Customs.</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>The NBR is currently working to implement this Measure with technical assistance from the USAID and the World Bank Group (WBG). Assistance required:</p> <ol style="list-style-type: none"> <li>1. Support for legislation.</li> <li>2. Consultation</li> <li>3. Training</li> <li>4. Capacity development</li> </ol> <p>The Plant Quarantine Wing has previously received training from the WBG. It requires assistance from development partners for:</p> <ol style="list-style-type: none"> <li>1. Capacity development of surveillance mechanism.</li> <li>2. Establishment of Pest Risk Analysis (PRA) procedure.</li> <li>3. Technical support on risk assessment and mitigation.</li> <li>4. Documentary and awareness development program in social media for moral and ethical responsibilities.</li> </ol>

			<p><b>Responsibility of Other Border Agencies:</b></p> <p><b>1. Plant Quarantine Wing (PQW):</b></p> <p>PQW has formed a 6-member Risk Management Committee, where the Additional Deputy Director (Export) works as the focal point. World Bank has been providing training on RM. For risk management, the PQW has its own inspection procedure for consignments. It is also mandatory to maintain traceability. To carry out proper inspection and product traceability, the PQW is going to procure specific Standard Operating Procedure (SOP).</p> <p><b>2. Bangladesh Standards and Testing Institute (BSTI):</b></p> <p>BSTI formed a Risk Management Committee with the assistance from the World Bank Group. The WBG has organized a training session where BSTI and Plant Quarantine Wing participated. A non-conformance database was established, which requires continuous system update. BSTI is yet to establish any procedure for Risk Management System.</p> <p><b>3. Bangladesh Atomic Energy Commission (BAEC):</b></p> <p>BAEC does not have any risk management system at the moment. No development partner is currently working with BAEC in this regard.</p> <p>BAEC requires assistance from development partners in the area of risk management.</p>	<p>5. Preparation of some SOPs and manuals for risk management issues.</p> <p>The Bangladesh Standards and Testing Institute (BSTI) is working to implement this measure with technical assistance from the WBG. It requires assistance for:</p> <ol style="list-style-type: none"> <li>1. Stabilization of the Risk management system following international best practices.</li> <li>2. Training for the Risk Management Committee members.</li> <li>3. On-site visit for RM Committee members to countries that have successfully established the RM system.</li> </ol> <p>No development partner is currently working with Bangladesh Atomic Energy Commission in this regard. It requires assistance from development partners in the area of risk management.</p>
Article 7.5	Post Clearance Audit	C	<p>This measure only involves Customs under the NBR.</p> <p><b>Responsibility of the NBR:</b></p> <p>Post clearance system exists in Bangladesh and a designated Post Clearance Audit Department is also in place. Again, both</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>The NBR is currently working in collaboration with the USAID (for transaction-based audit) and the Asian Development Bank (for system-</p>

			<p>the existing Customs Act 1969, and the proposed Customs Act have adequate legal provisions to cover this Measure.</p> <p>However, in practice, audits are mostly conducted for revenue recovery purposes, and not for expediting the release of goods. Risk assessment practices are not used for selection of audit targets. Again, audit results are not routinely used in applying RM practices to subsequent consignments.</p> <p>With technical assistance from USAID and ADB, the NBR has developed Draft Standard operating procedures and Audit manuals. These need to be enforced.</p>	<p>based audit) to become compliant with this Measure.</p> <p>Assistance required:</p> <ol style="list-style-type: none"> <li>1. Consultation</li> <li>2. Training</li> <li>3. Capacity development.</li> </ol>
Article 7.7	Trade Facilitation Measures for Authorized Operators	C	<p>This measure only involves Customs under the NBR.</p> <p><b>Responsibility of the NBR:</b></p> <p>Bangladesh Customs has not yet introduced the Authorized Economic Operator (AEO) system.</p> <p>But the NBR has decided to implement the AEO program in Bangladesh. Technical assistance is needed to design the program, including implementing rules and instructions under the proposed act or administrative procedures and assisting stakeholders to develop their systems and processes to meet qualifying criteria.</p> <p>Currently, the NBR is going to implement the AEO program with technical assistance from the USAID and Asian Development Bank. An AEO Implementation Committee has been formed in the NBR. Criteria for the AEOs and the proposed incentives for them are now being worked out. Again, Section 107 of the proposed Customs Act has incorporated legal provisions relating to AEO.</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>The NBR is currently working in collaboration with the USAID and the Asian Development Bank to implement the AEO system in Bangladesh.</p> <p>Assistance required:</p> <ol style="list-style-type: none"> <li>01. Support for legislation</li> <li>02. Consultation</li> <li>03. Training</li> <li>04. Capacity development.</li> </ol>

Article 7.8	Expedited Shipments	C	<p>This measure only involves Customs under the NBR.</p> <p><b>Responsibility of the NBR:</b></p> <p>Bangladesh has partially implemented this Measure. Previously, provision existed at Dhaka airport for clearance of consignment value not exceeding USD100 and weight below 5 Kg. to ensure expedited clearance.</p> <p>But there was no legal provision until last year that relates to expedited cargo. However, the NBR has taken a significant step forward in 2016 by enacting an SRO that laid down detailed procedures related to courier shipments.</p> <p>But Bangladesh is yet to implement the <i>de Minimis</i> provision. Although the existing Customs Act 1969 (Section 18) specifies a <i>de Minimis</i> shipment value for which Customs duties and taxes will not be collected, this has not yet been applied to courier consignments.</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>The USAID is providing technical assistance to the NBR in establishing an expedited courier system that complies with international best practice.</p> <p>Assistance required:</p> <ul style="list-style-type: none"> <li>01. Consultation</li> <li>02. Training</li> <li>03. Capacity development.</li> </ul>
Article 7.9	Perishable Goods	C	<p>There are no specific legal provisions requiring or allowing expedited examination or release of perishable goods or release outside normal business hours.</p> <p>Other than a simplified procedure implemented by the Land Port Authority allowing truck-to-truck transfer, no formal procedures are applied at local offices by various border authorities for purposes of specifically expediting release of perishable goods.</p> <p>Under IPO and other legislation, customs decisions to release certain perishable goods are contingent on certification or authorization by other border authorities. But no formal coordination or cooperative mechanisms among border</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>No development partner has so far offered any assistance in the area of perishable goods.</p> <p>Assistance required:</p> <ul style="list-style-type: none"> <li>01. Support for legislation</li> <li>02. Consultation</li> <li>03. Training</li> <li>04. Capacity development.</li> </ul> <p>Again, Port authorities require both technical (feasibility study, drawing, design etc.) and financial ( infrastructure, equipment, maintenance etc.) assistance.</p>

			<p>authorities have yet been established to ensure expedited treatment of perishable goods.</p> <p>The Customs Act, 1969 and IPO provide a mechanism whereby an importer can receive a written explanation in the event of release of his or her goods is delayed.</p> <p>Mongla Port does not have any cold/cooling storage to keep perishable goods.</p> <p><b>Actions are required from Ministry of Commerce, National Board of Revenue, and Ministry of Shipping.</b></p>	
Article 8	Border Agency Cooperation	C	<p><b>(A) In-country border-agency cooperation:</b></p> <p>In Bangladesh, interagency coordination occurs through a range of informal arrangements. For example, common interface is developed at Chittagong port to harmonize the processes between Customs and port authorities. This is a good development, since Chittagong handles about 75-80% of the country's international trade. Similar efforts need to be replicated in other ports.</p> <p>Main controls, such as declaration processing, inspection, assessment, inward or outward clearance, preventive functions etc., at the Customs houses/stations are delegated to Customs authorities. Customs offices regularly hold stakeholders (including the private sectors) meeting to ensure better coordination among the border agencies and the relevant private sectors.</p> <p>But it is also true that no formal arrangements exist between in-country border authorities for the coordination of activities to facilitate trade.</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p><b>(A) In-country border-agency cooperation:</b></p> <p>The World Bank Group has agreed to provide loan assistance in the area of coordinated border management. <b>(Latest development from Ministry of Shipping???)</b></p> <p>Plant Quarantine Wing requires assistance from development partners for establishing strong cooperation with all border agencies.</p>

			<p>To ensure coordination, an MOU was signed on 06 August, 2018 between the NBR and the Plant Quarantine Wing.</p> <p>Effective establishment of in-country border agency cooperation will also facilitate implementation of Single Window.</p> <p><b>(B) Cross-border agency cooperation:</b></p> <p>There is little progress in this area. For example, working days and hours are not aligned with other neighbouring countries. Secondly, procedures and formalities are not aligned with them. Third, common facilities are not developed and shared with them. Fourth, there are no joint controls performed in cooperation with them.</p> <p>But there are also positive developments. Such as, the creation by Bangladesh and India of a Joint Working Group on Customs and a Joint Working Group on Trade. Regular meetings and consultations of Customs and trade officials from India &amp; Bangladesh at both central and local levels are held to address issues that require policy directions. Bangladesh and India have signed SOP for movement of vehicles from and to India, Nepal and Bhutan up to Customs points at border sides.</p>	<p><b>(B) Cross-border agency cooperation:</b></p> <p>No development partner has so far offered any assistance in the area of cross-border agency cooperation.</p> <p>Assistance required:</p> <ol style="list-style-type: none"> <li>1. Negotiation and Consultation</li> <li>2. Capacity development</li> </ol>
Article 10.1.1(a)	Formalities and Documentation Requirements	C	<p>This provision is related to Perishable Goods in Article 7.8.</p> <p><b>Actions are required from Ministry of Commerce, National Board of Revenue, and Ministry of Shipping.</b></p> <p>It is not clear whether NBR or Ministry of Commerce or Ministry of Shipping have undertaken any such review, and accordingly adopted and/or applied results of such review</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>No development partner has so far offered any assistance in the area of perishable goods.</p> <p>Assistance required:</p> <ol style="list-style-type: none"> <li>1. Training</li> <li>2. Capacity development.</li> </ol>

			<p>with a view to a rapid release and clearance of goods, particularly perishable goods.</p> <p>Land Port Authority has said that it has introduced automated activities to ease documentation formalities in Benapole land port. It is under process at Bhomra and Burimari land ports.</p> <p>Plant Quarantine Wing has said the new Plant Quarantine Rules, 2018 has been approved on May 10, 2018 whose implemented will ease the process.</p>	<p>Again, Plant Quarantine Wing requires assistance for- (a) the preparation of a valid organogram of Plant Quarantine Authority in Bangladesh, and (b) the establishment of E-Phyto System.</p>
Article 10.4	Single Window	C	<p>Although all border agencies will have to be involved in the implementation of this measure, the main onus is on the NBR, as Customs will act as the Lead Agency for implementation of national single window.</p> <p><b>Development at NBR:</b></p> <p>The Government has decided to implement the NSW in Bangladesh. The GoB commenced implementation of Single Window (SW) with technical assistance from USAID in 2014, but it later decided to embark on a bigger SW project financed by a loan from the World Bank Group.</p> <p>The DPP has got the approval from the Executive Committee of the National Economic Council (ECNEC) on 31 October 2017. The NSW project will be implemented with financial support from WBG and GoB. NBR will act as the lead agency for the implementation of NSW. NBR has formed a NSW Working Group. A Project Implementation Committee has also been formed which will start the procurement activities soon.</p> <p>To ensure coordination, the NBR has signed MOUs in August, 2018 with other border agencies, such as the Plant</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>The NBR is currently implementing the project with loan assistance from the World Bank.</p> <p>Assistance required:</p> <ol style="list-style-type: none"> <li>01. Support for legislation.</li> <li>02. Consultation</li> <li>03. Training</li> <li>04. Capacity development</li> </ol> <p>Again, ICT related assistance (both hardware and software) will be required at the ports.</p> <p>Further, technical assistance for data standard management will be required at BCSIR.</p>



			<p>Quarantine Wing (06 August), the Mongla Port Authority (07 August), .</p> <p>Establishment of Single Window will also facilitate implementation of in-country border agency cooperation.</p>	
Article 11.5	Freedom of Transit (separate physical infrastructure for traffic-in-transit)	C	<p><b>Responsibility of Ministry of Shipping:</b></p> <p>Bangladesh has not created physically separate infrastructure, such as transit lane or berths. The question is whether we need such separate infrastructure at the moment.</p> <p>Nepali cargo enjoys transit through railway through Bangladeshi territory. But its application is still very limited. Again, Bangladesh has a limited river transit agreement with India that allows both transit and transshipment of goods between North East and mainland India through river. Further, due to the non-enforcement of the BBIN Motor Vehicle Agreement widespread application of transit is still not available.</p> <p>This implies that creation of separate infrastructure is not so much required now. It may be required later with full-fledged operation of traffic-in-transit.</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>No development partner has so far offered any assistance in the area of traffic-in-transit (establishing separate physical infrastructure for traffic-in-transit).</p> <p>Assistance required:</p> <ol style="list-style-type: none"> <li>1. Consultation</li> <li>2. Training</li> <li>3. Capacity development.</li> </ol>
Article 11.9	Freedom of Transit (advance filing and processing of transit documentation and data)	C	<p><b>Responsibility of the NBR:</b></p> <p>The existing Customs Act 1969 (sections 120-129) provides a legal basis to enable implementation of international road transit operations. The proposed Customs Act (Sections 152-155 for international transit and Sections 50-55 for surety/guarantee) further rationalizes the provisions of transit. Once the proposed Customs Act is enacted, as per provisions of Section 153, Customs will have to issue a rules detailing the transit administrative and customs procedures.</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>No development partner has so far offered any assistance in the area of traffic-in-transit (allowing advance filing and processing of transit documentation and data prior to arrival of goods under traffic-in-transit).</p> <p>Assistance required:</p> <ol style="list-style-type: none"> <li>1. Support for legislation</li> <li>2. Consultation</li> </ol>

			<p>However, Customs has not yet introduced any procedure that would allow and provide for advance filing and processing of transit documentation and data prior to the arrival of goods. The NBR needs to take measures to comply with this particular TFA provision.</p>	<p>3. Training 4. Capacity development.</p>
Article 11.16	Freedom of Transit (country-level cooperation with in relation to charges, formalities & legal requirements, and practical operation of transit regime)	C	<p>The Ministry of Commerce and the NBR need to work on this particular provision.</p> <p>It seems that a mechanism exists in Bangladesh. For example, within the framework of the River Protocol under the India-Bangladesh Trade Agreement, the two countries regularly negotiate the issues of charges, formalities etc.</p> <p>Again, while conducting regional trade agreements, transit agreements, the Ministry of Commerce, in collaboration with other border agencies such as the NBR, fixes the issues of charges, fees, formalities &amp; legal requirements, and practical operation of transit regime.</p>	<p><b><u>Comment to be sent to WTO:</u></b></p> <p>Technical assistance from development partners is not required for this measure. But, it shall be considered as category C, for its implementation is dependent upon mutual consensus of more than one country. That is, Bangladesh cannot do this cross-border cooperation alone.</p>