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Committee on Trade Facilitation

Original: English

**NOTIFICATION OF CATEGORY COMMITMENTS UNDER  
THE AGREEMENT ON TRADE FACILITATION**

COMMUNICATION FROM TONGA

*Addendum*

The following communication, dated 11 October 2018, is being circulated at the request of the delegation of Tonga for Members' information.

Following up from the notification dated 13 April 2017 (G/TFA/N/TON/1), in which the Kingdom of Tonga indicated its category B and C commitments, the Kingdom of Tonga hereby notifies its definitive implementation dates for its category B in response to Article 16.1(b) of the Trade Facilitation Agreement (TFA).

Provision	Heading/Description	Definitive date for implementation
Article 1.1	Publication	31 December 2020
Article 1.3	Enquiry Points	31 December 2020
Article 1.4	Notification	31 December 2020
Article 2.2	Consultations	31 December 2020
Article 4	Procedures for Appeal or Review	31 December 2020
Article 5.1	Notification for Enhanced Controls or Inspections	31 December 2020
Article 5.3	Detention	31 December 2020
Article 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	31 December 2020
Article 7.1	Pre-arrival Processing	31 December 2020
Article 7.8	Expedited Shipments	31 December 2020
Article 7.9	Perishable Goods	31 December 2020
Article 9	Movement of Goods Intended for Import Under Customs Control	31 December 2020
Article 10.8	Rejected Goods	31 December 2020
Article 10.9	Temporary Admission of Goods and Inward and Outward Processing	31 December 2020
Article 11	Freedom of Transit	31 December 2020
Article 12	Customs Cooperation	31 December 2020

In response to Article 19.1 of the Agreement on Trade Facilitation, the Kingdom of Tonga also notifies that the following provisions have been shifted between categories:

Provision	Heading/Description	Category previously notified as	Category shifted to
Article 7.4	Risk Management	B	C
Article 8	Border Agency Cooperation	B	C

For ease of reference, Tonga's full list of category commitments are summarized in the table as attached herewith.

Provision	Heading/Description	Category	Indicative date for implementation (for categories B and C)	Definitive date for implementation (for categories B and C)	Assistance and Support for Capacity Building Required for Implementation (for category C)
<b>Article 1 Publication and Availability of Information</b>					
Article 1.1	Publication	B	22 February 2018	31 December 2020	-
Article 1.2	Information Available through Internet	C	22 February 2019	To be determined	Support to amalgamate all information into a trade portal for purpose of complying with Article 1 sub articles 2.1 and 2.3.
Article 1.3	Enquiry Points	B	22 February 2019	31 December 2020	-
Article 1.4	Notification	B	22 February 2018	31 December 2020	-
<b>Article 2 Opportunity to Comment, Information before Entry into Force and Consultations</b>					
Article 2.1	Opportunity to Comment and Information Before Entry into Force	C	22 February 2020	To be determined	Support to establish a consultation mechanism and provide with legal basis e.g. legislation.
Article 2.2	Consultations	B	22 February 2018	31 December 2020	-
<b>Article 3 Advance Rulings</b>					
		C	22 February 2019	To be determined	Customs need establishment of the Legal Framework and need Capacity Building for staffs.
<b>Article 4 Procedures for Appeal or Review</b>					
		B	22 February 2018	31 December 2020	-
<b>Article 5 Other Measures to Enhance Impartiality, Non-Discrimination and Transparency</b>					
Article 5.1	Notification for Enhanced Controls or Inspections	B	22 February 2018	31 December 2020	-
Article 5.2	Detention	B	22 February 2018	31 December 2020	-
Article 5.3	Test Procedures	C	22 February 2022	To be determined	Customs Discussed and agreed to C as there is no procedures set in place for that requirement.
<b>Article 6 Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation and Penalties</b>					
Article 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	B	22 August 2017	31 December 2020	-
Article 6.2	Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation	A	-	-	-
Article 6.3	Penalty Disciplines	A	-	-	-
<b>Article 7 Release and Clearance of Goods</b>					
Article 7.1	Pre-arrival Processing	B	22 February 2018	31 December 2020	-
Article 7.2	Electronic Payment	A	-	-	-

Provision	Heading/Description	Category	Indicative date for implementation (for categories B and C)	Definitive date for implementation (for categories B and C)	Assistance and Support for Capacity Building Required for Implementation (for category C)
Article 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges	A	-	-	-
Article 7.4	Risk Management	C	22 February 2018	To be determined	<p>Legal/Policy:</p> <ul style="list-style-type: none"> <li>Technical assistance to develop a mechanism to ensure enhanced coordination and collaboration between border agencies on risk identification and application of risk management.</li> </ul> <p>Procedures:</p> <ul style="list-style-type: none"> <li>Technical assistance to develop necessary procedures that ensures effective implementation of risk management system.</li> </ul> <p>Human Resources/Training:</p> <ul style="list-style-type: none"> <li>Technical assistance to develop capacity in relevant border agencies to ensure understanding and application of risk assessment and risk management to allow for better risk identification, analysis, assessment and treatment.</li> </ul> <p>ICT:</p> <ul style="list-style-type: none"> <li>Enhance technological capacity for border agencies necessary to implement the risk management system.</li> </ul> <p>Infrastructure/Equipment:</p> <ul style="list-style-type: none"> <li>Provision of appropriate technology and equipment to support the implementation of a proper risk management system.</li> </ul>
Article 7.5	Post-clearance Audit	C	22 February 2022	To be determined	Support as per Note 1 below.
Article 7.6	Establishment and Publication of Average Release Times	C	22 February 2022	To be determined	Technical assistance to be provided to Customs to develop capacity to undertake periodic Time Release Studies (TRS).
Article 7.7	Trade Facilitation Measures for Authorized Operators	C	22 February 2022	To be determined	Support as per Note 1 below.
Article 7.8	Expedited Shipments	B	22 August 2017	31 December 2020	-
Article 7.9	Perishable Goods	B	22 August 2017	31 December 2020	-

Provision	Heading/Description	Category	Indicative date for implementation (for categories B and C)	Definitive date for implementation (for categories B and C)	Assistance and Support for Capacity Building Required for Implementation (for category C)
<b>Article 8 Border Agency Cooperation</b>					
		C	22 February 2018	To be determined	Procedures: <ul style="list-style-type: none"> <li>Support on developing a framework for border agency cooperation; draw up of a harmonized border procedures manual for border agencies.</li> <li>Preparation of texts establishing and organizing joint controls and one-stop border post control.</li> </ul> Human Resources/Training: <ul style="list-style-type: none"> <li>Support for staff on border agency cooperation.</li> <li>Training in and awareness-raising of new cooperation practices for border agency officials.</li> </ul>
<b>Article 9 Movement of Goods Intended for Import under Customs Control</b>					
		B	22 August 2017	31 December 2020	-
<b>Article 10 Formalities Connected with Importation, Exportation and Transit</b>					
Article 10.1	Formalities and Documentation Requirements	C	22 February 2020	To be determined	Support to develop policy and legislative framework.
Article 10.2	Acceptance of Copies	C	22 February 2018	To be determined	Support to develop policy and legislative framework.
Article 10.3	Use of International Standards	C	22 February 2022	To be determined	Support to develop policy or procedure on the examination of relevant international standards and to enable Tonga to meet the recommendation of WCO to become RKC compliant.
Article 10.4	Single Window	C	22 February 2022	To be determined	Support to for a feasibility study to investigate viability of a Single Window system and based on results further support to implement - if viable.
Article 10.5	Pre-shipment Inspection	A	-	-	-
Article 10.6	Use of Customs Brokers	A	-	-	-
Article 10.7	Common Border Procedures and Uniform Documentation Requirements	A	-	-	-
Article 10.8	Rejected Goods	B	22 February 2018	31 December 2020	-
Article 10.9	Temporary Admission of Goods and Inward and Outward Processing	B	22 February 2018	31 December 2020	-
<b>Article 11 Freedom of Transit</b>					
		B	22 February 2018	31 December 2020	-

Provision	Heading/Description	Category	Indicative date for implementation (for categories B and C)	Definitive date for implementation (for categories B and C)	Assistance and Support for Capacity Building Required for Implementation (for category C)
<b>Article 12</b>	<b>Customs Cooperation</b>				
		B	22 February 2018	31 December 2020	-

Note 1:

- Technical assistance will be needed to develop processes and procedures that incorporate the following in all aspects of risk management:
  - Draft a cargo clearance policy and process incorporating a risk based framework and PCA using the RKC as a guide
  - Draft terms of reference for the risk management committee
  - Draft position description for staff involved in risk management and set up a risk management unit
  - Train Customs and Quarantine staff on analysing available transaction data from CMS and identifying criteria for high risk cargo
  - Develop risk profiles using available transaction data from CMS
  - Train Customs and Quarantine staff on implementation of a risk based approach in the clearance of cargo
  
- Technical assistance will be needed to develop processes and procedures that incorporate the following in all aspects of PCA:
  - Draft position description for staff involved in PCA and strengthen the PCA unit
  - Train Customs and Quarantine staff on analysing available transaction data from CMS and selecting entries/companies for desk audits and field audits
  - Train Customs and Quarantine staff on PCA
  - Draft and implement an awareness program to educate the trading community on the role of PCA and legislative requirements related to PCA

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