COMMUNICATION FROM THE UNITED STATES

The following communication, dated 22 July 2019, is being circulated at the request of the delegation of the United States for Members' information.

1. Section II, Article 16.1, of the Trade Facilitation Agreement established specific deadlines for each developing country Member to notify the Committee on Trade Facilitation of indicative and definitive dates for the implementation of Category B and Category C.

2. According to Article 24.3 of the Trade Facilitation Agreement, "[d]eveloping country Members ... that choose to use the provisions of Section II shall implement this Agreement in accordance with Section II".

3. Further, according to Article 24.2 of the Trade Facilitation Agreement, "[a]ll provisions of this Agreement are binding on all Members".

4. A developing country Member that notifies the Committee on Trade Facilitation of indicative and definitive dates after the specific deadlines for the implementation of Category B and Category C acts in a manner that is not consistent with its obligations under Article 16.1 of the Agreement.

5. For this reason, it is the position of the United States that a Member may consider null and void a notification of indicative and definitive dates for the implementation of Category B and Category C that is received from a developing country Member after the specific deadlines established in Section II, Article 16.1, of the Trade Facilitation Agreement.

6. As provided for by Article 16.4 of the Trade Facilitation Agreement, if a developing country Member fails to invoke Article 16.1(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 [Article 16.1] subparagraphs 1(b) or (e) ...".