

**MINISTRY OF COMMERCE & INDUSTRY**



**ADMINISTRATIVE REGULATION**

***ESTABLISHMENT OF THE LIBERIA NATIONAL TRADE FACILITATION  
COMMITTEE***

**ADMINISTRATIVE NOTICE MCI/NO.002/2018**

**JANUARY 19, 2017**

## ADMINISTRATIVE NOTICE MCI/NO.002/01/2018

### ESTABLISHMENT OF THE NATIONAL TRADE FACILITATION COMMITTEE

WHEREAS, inefficiencies of government border procedures and controls related to clearance and release of import, export or transit of goods can significantly increase time and cost of trade, resulting in increased costs to consumers and impairing the ability of national producers to compete in export markets;

WHEREAS, the improvement of import and export administration, customs and border control is an objective of the Liberia National Trade Policy (LNTP) 2014-2019, the primary reference document that guides Liberia's trade policy;

WHEREAS, Liberia became the 163<sup>rd</sup> member of the World Trade Organization (WTO) on 14 July 2016 and, in connection with its accession to the WTO, has made certain commitments to improve border administrative procedures and controls;

WHEREAS, Executive Order No.74 of 10 December 2015 sets out Liberia's WTO Post Accession Plan (LPAP) for implementation of its WTO Commitments, including trade facilitation measures such as establishment of the single window, reform of trade-related fees and charges, and measures to increase transparency of customs and other border agency requirements;

WHEREAS, Liberia has under consideration ratification of the WTO Agreement on Trade Facilitation;

WHEREAS, various ministries, departments and agencies of the government of Liberia have responsibilities under the law related to clearance and release of import, export and transit goods;

WHEREAS, a coordinated approach by such ministries, departments and agencies of the government of Liberia, supported private-sector advice, to identify border inefficiencies and to develop, implement and monitor appropriate trade facilitation measures consistent with Liberia's WTO obligations, is essential to efficient and effective border administration;

NOW THEREFORE, issues the following Administrative Regulation.

#### Article 1: Purpose and Scope

1 This regulation establishes the National Trade Facilitation Committee (NTFC) as defined in the provisions below. The Ministries, Agencies and Commissions MACs of Liberia that are members of the NTFC shall give timely and full effect to the decisions and recommendations of the NTFC within their respective organizations.



## **Article 2: Introduction**

A number of Ministries, Agencies and Commissions (MACs) of the Government of Liberia have important responsibilities under the laws related to clearance and release of import, export and transit goods. If not well-coordinated, the activities of these authorities can significantly increase time and cost of trade, which increases cost of goods to Liberia's consumers and impairs the ability of Liberia's businesses to compete in export markets. A mechanism is therefore needed by MACs in order to consult with each other and coordinate their activities, with the goal of improving the overall efficiency and efficacy of border procedures and controls.

2. This coordination and consultation mechanism should include participation and views of the private sector, which can greatly assist in identifying priority of trade facilitations issues, developing appropriate solutions, and improving feedback on results of reforms.

3. The establishment of a coordination and consultation mechanism of this kind is envisaged by the World Trade Organization (WTO) Trade Facilitation Agreement (TFA). The TFA requires implementation of specific measures intended to expedite movement, release and clearance of goods, including goods in transit. Although certain of these TFA measures may fall under the responsibility of a single government ministry or agency, the implementation of others will involve multiple authorities. To avoid unnecessary duplication, and to ensure that the TFA provisions are implemented effectively by all such authorities in a manner that is consistent with a country's needs and priorities, a coordinated approach is essential.

4. In that regard, Articles 23.2 of the Agreement requires each WTO member to establish and/or maintain a national committee on trade facilitation to facilitate both domestic coordination and implementation of the provisions of the agreement.

5. For the foregoing reasons, and consistent with TFA Article 23.2, a National Trade Facilitation Committee (NTFC) is now established.

## **Articles 3: Purpose**

1 The Liberia National Trade Facilitation Committee (NTFC) has the following purposes:

- To provide a permanent forum for regular consultation on trade matters;
- To identify issues affecting the cost and efficiency of movement of goods across Liberia and develop, coordinate and monitor the implementation of specific measures to eliminate or reduce such barriers;
- To coordinate and monitor implementation of Liberia's trade facilitation obligations under the WTO agreements and other international, regional or bilateral agreements; and
- To provide advice and assistance to the Government of Liberia on trade facilitation matters as requested.

## **Article 4: NTFC Members**

1 The NTFC is comprised of one (1) representative from each of the following organizations:

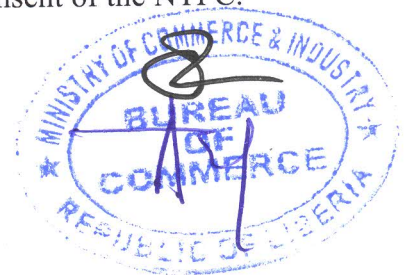


- Ministry of Commerce and Industry;
- Ministry of Transport;
- Liberia Revenue Authority;
- Ministry of Agriculture;
- Liberia Law Reform Commission;
- Liberia Governance Commission;
- Liberia Immigration Services;
- Ministry of Finance and Development Planning;
- National Port Authority;
- Central Bank of Liberia;
- Environmental Protection Agency;
- National Standards Laboratory;
- Ministry of Justice;
- Liberia Telecommunication Authority;
- Liberian Chamber of Commerce;
- Liberian Business Association;
- Importers Association;
- Shippers Association;
- National Investment Commission;
- Customs Brokers Association;
- Truckers Association;
- PATEL;
- BIVAC;
- SGS
- APM Terminals Liberia Ltd.
- Association of Women in Cross-border Trade
- Liberia Marketing Association
- And such other members as the Steering Committee may appoint.

2. Members of the NTFC shall be designated by their respective organizations to represent the organization on the committee and shall not be below the rank of Director or Senior Manager.

3. Each member shall act and participate in the meeting in the best interest of the NTFC while keeping in view the role of the organization they represent in trade facilitation.

4. The membership may be expanded when necessary based on the consent of the NTFC.



## **Article 5: Chairperson**

1 The Minister of Commerce and Industry or the Deputy Minister for Trade Services shall be the chairperson of the NTFC. The chairperson shall be responsible for overall work and progress of the NTFC and for presentation of views of the NTFC to Government.

2 The Commission-General of the Liberia Revenue Authority or the Commissioner of Customs and the President of the Liberia Chamber of Commerce shall be the co-chairpersons of the NTFC, and shall assist the chairperson in discharging his/her responsibilities and one shall serve as chairperson in the absence of the chair.

## **Article 6: Secretariat**

1 There shall be a Secretariat to assist and support the NTFC.

2 The Secretariat shall be located in the Ministry of Commerce and Industry and shall work under the direction of the Chairperson and co-chairpersons. The Steering Committee will appoint members of the Secretariat.

3 The Secretariat has the following responsibilities:

- Preparing and organizing meetings of the NTFC, including establishing the meeting agenda and preparing and disseminating meeting documentation;
- Preparing and facilitating NTFC decisions, recommendations and proposals;
- Reporting on NTFC meetings disseminating results;
- Follow-up and reporting on the implementation of decisions taken by the NTFC
- Promoting the NTFC and its work to the public; and
- Such other responsibilities as the NTFC may designate.

## **Article 7: Working Procedures**

1 The NTFC shall meet at regular intervals, but not less than once a calendar quarter, or at the request of the Chairperson or by any member making a request through the chairperson.

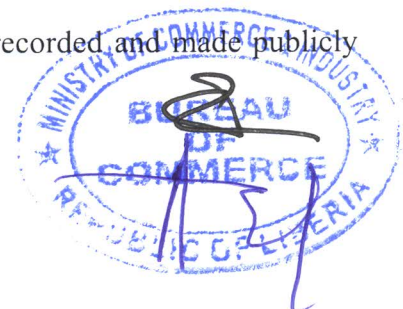
2 Meetings of the NTFC shall be carried out on the basis of an agenda prepared by the Secretariat in collaboration with members and approved by the chairperson.

3 Each member has the right to propose issues for discussion in the meeting agenda, submitting them to the Secretary no later than a week prior to the planned date of the meeting.

4 The Secretariat shall make available to members in advance of the meeting the relevant working documents, especially those which may require consultations.

5 The Chairperson, through the Secretariat, shall coordinate and schedule the NTFC meetings and circulate the draft agenda.

6 The Chairperson shall ensure that the NTFC decisions are recorded and made publicly available.



7 All decisions in the meeting shall be taken by consensus of members present in the meeting.

### **Article 8: Working Group**

1 The NTFC may establish working groups for specific task requiring detailed discussion and consideration.

2 The NTFC shall approve members of working groups and provide clear terms of reference and time frame for completion of the assigned tasks.

3 The working groups shall organize their own working methods and elect a moderator.

4 The moderator shall present a written report to the NTFC upon completion of the assigned tasks.

### **Article 9: Observers**

1 The Chairperson may permit such individuals or representatives of organizations with expertise of significance in matters under the responsibility of the NTFC to attend or assist in meetings of the NTFC as non-voting members.

2 Observers may clarify issues and facilitate discussions during the NTFC meetings. However, the NTFC shall have the discretion whether or not to accept their views in decision-making.

### **Article 10: Annual Work Plan**

1 The NTFC shall develop and submit to the Steering Committee an annual workplan beginning January of the year following the adoption of these terms of reference.

2 The NTFC workplan shall include a sustainable methodology for the monitoring and evaluation (M&E) of the implementation of trade facilitation measures set out in the work plan.

3 The (M&E) shall include:

- Establishment of mechanism for monitoring progress in implementation of trade facilitation measures;
- Development of reporting procedures, performance indicators, and related issues;
- Review and approve progress reports (including those from working groups), and initiate changes in appropriate cases; and
- Report to Steering Committee and to the public on progress in trade facilitation.

### **Article 11: Steering Committee**

1 There shall be a Steering Committee to the NTFC;



2 Members of the Steering Committee are:

- Minister of Commerce & Industry;
- Commissioner-General, Liberia Revenue Authority
- President, Liberia Chamber of Commerce

3 The Steering Committee has the following responsibilities:

- to approve the NTFC annual workplan;
- to present the NTFC recommendations and proposal to Cabinet for decision or other action, where such recommendations and proposals are agreed by the Board and where Cabinet decision or action is deemed necessary;
- to support implementation of the NTFC's recommendations and proposals agreed by the Board;
- to review, and report to cabinet on, the performance of the NTFC; and
- to provide the NTFC with overall strategic and policy direction and advice.

#### **Article 12: Financing the NTFC and Secretariat**

1 Each NTFC member that is MAC shall include in its respective annual budget a share of the costs of financial and/or logistics contributions necessary to sustain the functioning of the Secretariat, as determined by the NTFC. The NTFC shall seek funding from Donors and Government of Liberia to offset such cost, in part or full.

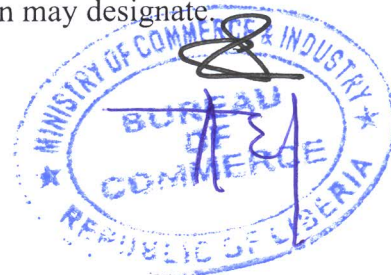
2 NTFC members shall incorporate support to the National Trade Facilitation Committee into their annual budgets to cover their own costs of participation in the NTFC as follows:

- travel costs for attendance of the NTFC meetings, familiarization and monitoring visits;
- printing of meeting documents, reports, studies and other materials forwarded to them;
- other logistical support for hosting of meetings in their facilities;
- any other cost to the individual member that may arise due to participation in the NTFC.

3 Costs of implementation of trade facilitation measures are not part of these Terms of Reference. The NTFC may seek assistance from Donors and Government of Liberia to fund projects to implement its trade facilitation recommendations and proposals.

#### **Article 13: Reporting**

1 The chairperson shall submit to the Steering Committee members and office of the President an annual report on the work of the NTFC, by the first working Monday in January of the following year. The Secretariat shall transmit the report to members and observers of the NTFC and such other persons and organizations as the chairperson may designate.

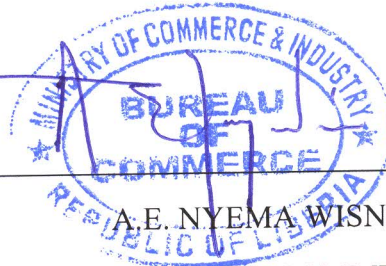


2 Each NTFC member shall incorporate TFA implementation targets into its respective organization's work plan and submit regular monitoring reports to the Secretariat.

**Article 14: Effective Date**

This regulation shall become effective on the 15<sup>th</sup> day of August A.D. 2019.

SIGNED: \_\_\_\_\_



A. E. NYEMA WISNER.

DEPUTY MINISTER FOR COMMERCE & TRADE SERVICES

APPROVED: \_\_\_\_\_

PROF. WILSON K. TARPEH

MINISTER FOR COMMERCE