Annexures

Annex. -1

About IPR Labour and Product Standard

About Labour standard, Product Standard and Intellectual Property Rights

On Labour standards Bangladesh is incompliance with the provisions of TICFA Preamble:

“Recognizing the importance of improving the observance and promotion of workers’ rights to both countries’ economic welfare; respecting, promoting and realizing in each Party’s laws and practices the fundamental labour rights enumerated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998); and ensuring the effective enforcement by the Parties of their respective labour laws;”

“Noting that the Parties are Members of the WTO and affirming that this Agreement is without prejudice to the rights and obligations of these Parties under the agreements, Understanding, and other instruments related to or concluded under the auspices of the WTO;”

TICFA ARTICLE FIVE: “This Agreement shall be without prejudice to the law of either Party or to the rights and obligations and privileges of either Party under any other agreement.”

On Labour Standards Bangladesh has ratified core ILO conventions 29, 87, 98, 150, 105, 111, and 182 under which Bangladesh accords freedom of association of employed workers, effective recognition of employed workers' right to engage in collective bargaining, elimination of child labour and elimination of discrimination in respect of employment and occupation in accordance with its own regularly updated labour laws and its specific commitments under ILO.

In negotiations with US Bangladesh should strongly point out that it is a compliant country under the terms of ILO, WTO and TICFA and US should keep the issue of labour standards for imposition of trade-restrictive measures, outside the jurisdiction of mutual trade relations as mandated in the decisions on ILO core labour standards:

ILO core labour standards in WTO: Under the WTO Singapore and Doha Ministerial Declarations on ILO core labour standards there is no scope for members of WTO to restrict trade on grounds of state of compliance of core labour standards. The International Labour Organization (ILO) is the only designated competent body to set and deal with these standards.

Singapore Ministerial Declaration: Paragraph 4: “The International Labour Organization (ILO) is the competent body to set and deal with these standards” and “We reject the use of labour standards for protectionist purposes, and agree that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question. In this regard, we note that the WTO and ILO Secretariats will continue their existing collaboration,”

DOHA Ministerial A DECLERATION: Paragraph 8. “We reaffirm our declaration made at the Singapore Ministerial Conference regarding internationally recognized core labour standards. We take note of work under way in the International Labour Organization (ILO) on the social dimension of globalization.”

Dr Supachai Panitchpakdi, secretary-general for United Nations Conference on Trade and Development (UNCTAD) asserted that “The decisions of the United States and the European Union to demand implementation of controversial labour standards in Bangladesh following an industrial tragedy that killed more than 1,100 people in April pose a serious threat to the rule-based global trading system.”

"Labour rights and standards are something very sensitive to all developing and least developed countries at the World Trade Organization, and when countries try to impose labor standards they are just distracting from the WTO's authority," "If trade majors want to impose labor rights," said Panitchpakdi, "they should bring the issue to the WTO." It is unfair to punish countries outside of WTO by threatening denial of market access, he said.

"They have been doing this with Cambodia and now Bangladesh." Instead of labor rights, the industrialized countries "must look at the business practices of their retail and wholesale industry because the problem with global value chains is the way they are exploiting the sweat shops in poor countries which are providing cheap labour."

Provisions of US and EU GSP regulations that are inconsistent with the WTO terms of GSP are not applicable and actionable to the extent of such inconsistency.

Product Standard: TICFA Preamble: “Taking into account the desirability of reducing non-tariff trade barriers in order to facilitate increased trade among the parties.”

On Product Standards: Bangladesh has developed internationally “Accredited Quality Management and Certification” system and the quality of our export items are duly recognized in the global markets except in some occasional consignments of sensitive food items which is not very uncommon in global trade. On the other hand we have our offensive interest of asking US to reduce various, IPR, ILO, TBT, and SPS WTO plus non-tariff trade barriers in order to facilitate increased mutual trade as mandated in TICFA

On Intellectual Property Rights Bangladesh is incompliance with the Provisions of TICFA Preamble: “Recognizing the importance of providing adequate and effective protection and enforcement of intellectual property rights and adherence to intellectual property norms in accordance with the World Trade Organization (WTO) Agreement on Trade Related Aspects of Intellectual Property Rights, the Berne Convention on the Protection of Literary and the Artistic works and any other intellectual property rights related international agreements as applicable to the parties”

Bangladesh is an IPR compliant country: Bangladesh has incorporated the IP-related multilateral Conventions and Treaties the Paris Convention for the Protection of Industrial Property -; Berne Convention for Protection of Literarily and Artistic Works; Universal Copyright Convention -along with relevant Treaties, conventions and protocols under WIPO and complied with the respective conventions and grant IPRs as per WTO TRIPS Agreement.

Accordingly Bangladesh as a party to WIPO Conventions Treaties and Protocols has already complied with the respective WIPO conventions and grant IPRs under its domestic regulations as per WTO TRIPS Article 3, 4 and 5.

On IPR Enforcement Bangladesh is also a compliant country under the terms of Article 41.5 of the TRIPS Agreement: “The enforcement cost shall be borne by private parties as IPR is private right in

nature".....“Nothing in this Part (Part III Enforcement of Intellectual Property Rights) creates any obligation with respect to the distribution of resources as between enforcement of intellectual property rights and the enforcement of law in general.”

On the other hand we have our offensive interest of asking US for incentives for transfer of technology, technical and financial cooperation under the terms and obligations of the Article 66.2 and 67 of the WTO TRIPS Agreements as stipulated under TICFA.

Bangladesh Intellectual Property Right (IPR) Registration: Global IPR Protection Systems would substantially promote global IPR registration of Bangladesh products and enhance its value added global trade without having to undertake any additional international obligations other than what it has already adopted in its own domestic regulations.

The international IPR registration systems enable the filing, with a single Office (the “receiving Office”), of a single application (the “international application”) in one language having effect in each of the countries party to the respective agreements which the applicant designates in the application. For applications filed from any LDCs the basic fee is reduced to 10% of the prescribed amount.

Agro and food products, article of apparel and clothing. home textiles, leather products, footwear, pharmaceutical products, plastic and plastic goods, ceramics and table wear, electric and electronic goods, fish and frozen fish, furniture products, jute products, jewelry, ships, boats and water transport products, IT and software are among the most promising and priority products of Bangladesh for global IPR Registration.

Sri-Lanka, Vietnam and thirty LDCs are already parties to Patent Cooperation Treaty. Sri-Lanka, Vietnam and twelve LDCs including Bhutan are already parties to Madrid Agreement on Trademarks. Sri-Lanka, Vietnam and four LDCs are already parties to the Hague Agreement on Industrial Designs.

Bangladesh should immediately join, without any further delay, the two major Global IPR Protection Systems other than Patent Cooperation Treaty (PCT) which Bangladesh has recently joined, Madrid Agreement on Trade Marks and the Hague Agreement on Industrial Design) which will substantially promote global IPR registration of Bangladesh products and enhance its value added global trade without having to undertake any additional international obligations other than what it has already undertaken and adopted in its own domestic regulations. Membership of these Global IPR Protection Systems will also generate most profitable source of revenue against global IPR registrations for the contracting member states from international registration and renewal of fees and charges.

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Annex 2

About EU GSP Schemes

The current scheme shall apply until on 31 December 2023. Unless a new Regulation is adopted, the Standard GSP and the GSP+ arrangements will cease to apply on 1 January 2024. Imports from developing countries under Standard GSP and GSP+ would thus be charged with higher duties. However, imports from LDCs would still be covered by the EBA arrangement, which does not have an expiry date. The GSP consists of three arrangements:

1. Standard GSP: for low and lower-middle income countries, providing for a reduction or full removal of customs duties on two thirds of EU tariff lines.

2. GSP+: the special incentive arrangement for sustainable development and good governance, which reduces tariffs to 0% for broadly the same tariff lines as Standard GSP. It is granted to vulnerable low and lower-middle income countries that implement 27 international conventions related to human rights, labour rights, protection of the environment and good governance.

3. EBA (Everything But Arms): the special arrangement for least developed countries (LDCs), providing them with duty-free, quota-free access to the EU market for all products except arms and ammunition.

The current scheme shall apply until on 31 December 2023. Unless a new Regulation is adopted, the Standard GSP and the GSP+ arrangements will cease to apply on 1 January 2024. Imports from developing countries under Standard GSP and GSP+ would thus be charged with higher duties. However, imports from LDCs would still be covered by the EBA arrangement, which does not have an expiry date.

The proposal for a new GSP Regulation aims to renew the scheme for a further period of ten years 2024-34. They aim at specific and limited improvements, to ensure the continued relevance of the GSP's overall efficiency and effectiveness to respond to future challenges:

(a) Facilitate access to the GSP+ arrangement to the growing number of LDCs graduating from the EBA status;
(b) Adjust product graduation thresholds to better focus preferences on less competitive products and countries;
(c) Reflect the evolving priorities such as those underpinning the European Green Deal by extending negative conditionality also to environmental and good governance conventions;
(d) Update the list of international conventions in a targeted and manageable way, while not jeopardizing the monitoring process;
(e) Make the preferences withdrawal process more responsive in urgent cases;
(f) Enhance the monitoring and implementation of GSP+ commitments, for instance through increased transparency and participation of relevant stakeholders, including through the recently created Single Entry Point (SEP) mechanism for noncompliance related complaints.

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Annex 3

About RCEP

The Regional Comprehensive Economic Partnership (RCEP) is composed of 15 signatories: Australia, Brunei, Cambodia, China, Indonesia, Japan, Laos, Malaysia, Myanmar, New Zealand, the Philippines, Singapore Vietnam, South Korea, and Thailand. RCEP members include the 10 countries of ASEAN and their regional trade partners – China, Australia, New Zealand, Korea, and Japan. The RCEP Agreement was signed by trade ministers from the ASEAN member states plus Australia, China, Japan, Korea, and New Zealand during the fourth RCEP Leaders' Summit held on 15 November 2020.

RCEP has a combined GDP to the tune of $26.2 trillion, or 30 per cent of world GDP, engages 2.2 billion people, and accounts for about 28 per cent of global trade. The RCEP according to the Joint Leaders' Statement covers a market of approximately 2.2 billion people – almost 30% of the world's population – with a combined GDP of US$26.2 trillion or about 30% of global GDP, and accounts for nearly 28% of total global trade.

The pact takes effect 60 days after six ASEAN signatories and three non-ASEAN signatories complete ratification or equivalent procedures. According to the Australian trade ministry's website November 8, 2021, the countries that have ratified their RCEP participation are: Brunei, Cambodia, Laos, Singapore, Thailand, Vietnam, Australia, New Zealand, Japan and China.

Negotiations among the parties began in 2012 and originally included India, which dropped out of the negotiations in 2019. The Agreement was signed on 15 November 2020. It will enter into force 60 days after ratification by at least six countries of the Association of Southeast Asian Nations (ASEAN) and three non-ASEAN countries.

Singapore ratified the RCEP agreement on April 9, 2021, China on April 15, 2021, Thailand on Feb 11, 2021 and Japan on June 25, 2021. RCEP will enter into force 60 days after the date on which at least three non-ASEAN signatories and six ASEAN signatories have completed their necessary domestic procedures and notified the Depositary that they are ready. **Anyone can join RCEP 18 months after it comes into force but India, as one of the original negotiating partners, can join at any time once the deal comes into effect.**

RCEP is one of two so-called "mega-regional" trade agreements in East Asia. The other is the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which came into force in 2018, and currently counts eleven parties: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam.

The main traded goods of RCEP economies are manufacturing goods. RCEP accounts for nearly half of world manufacturing output. Exports of manufactured goods and machinery and transport equipment dominate the exports from the region, as more than half of all exports from the region fall in these categories. RCEP focuses heavily on cutting tariffs and increasing market access but is seen as less comprehensive than the TPP.
It also requires fewer political or economic concessions and has less emphasis on labour rights, environmental and intellectual property protections and dispute resolution mechanisms.

The region focuses particularly on the production of automotive and electronics: around half of global automotive and nearly 70 % of electronics world-wide are produced in the region. With major suppliers and producers of electronics like Samsung or Apple and automobile suppliers and factories in the region, many electronics and machinery components are sourced from these economies.

Once in effect, the deal will eliminate tariffs on as much as 90 per cent of goods traded between its signatories over the next 20 years. The deal will also standardise rules on investment and intellectual property to promote free Trade among its signatories.

RCEP provides some flexibility for less-developed members to implement the practical and legislative changes it requires. Cambodia and Laos, for example, have three to five years to upgrade customs procedures.

RCEP Preamble: *TAKING ACCOUNT OF the different levels of development among the Parties, the need for appropriate forms of flexibility, including provision for special and differential treatment, especially for Cambodia, Lao PDR, Myanmar, and Viet Nam as appropriate, and additional flexibility for Least Developed Country Parties;*

CONSIDERING the need to facilitate the increasing participation of Least Developed Country Parties in this Agreement so that they can more effectively implement their obligations under this Agreement and take advantage of the benefits from this Agreement, including expansion of their trade and investment opportunities and participation in regional and global supply chains;

The structure and content of the RCEP Agreement

The Agreement has a total of 20 chapters across 510 pages. Following chapter 1 **(Initial Provisions and General Definitions)**, **chapter 2 (Trade in Goods)** includes obligations for trade in goods (national treatment clause, elimination of customs duties, duty-free temporary admissions, customs valuation, goods in transit, re-affirmation of World Trade Organization (WTO) commitments related to export competition and export subsidies in agricultural products, quantitative restrictions, import licensing.

It also describes the process how to deal with tariff differentials (different tariff preferences applied by parties); it foresees consultation on technical regulations and encourages to develop a work program on sector-specific issues. The parties agree to reduce or eliminate customs duties imposed by each member on originating goods by approximately 92 % over a period of 20 years. Some tariffs are abolished immediately, while others will be eliminated gradually according to schedules over 20 years. Overall, RCEP will improve market access, with tariffs and quotas eliminated in over 65 % of goods traded. This will, however, not necessarily imply large tariff reductions for all parties as more favourable trade agreements already exist between some parties.

Chapter 3 (Rules of Origin, ROO) determines which goods are originating under RCEP and therefore can benefit from preferential tariff treatment. It has two sections. Section A sets out the requirement for qualifying from the originating status. Section B sets out specific procedures related to the proof of origin and other administrative procedures. The chapter has two annexes: (i) the Product-Specific Rules, which cover all tariff lines at the HS 6-digit level; and (ii) Minimum Information Requirements, listing the required information for a Certificate of Origin or a Declaration

of Origin. It brings all origin rules originally stipulated under the ASEAN-Plus-one and other bilateral PTAs together. So overall, RCEP consolidates ROO, by making it easier for exporters to "cumulate" (more inputs) and rely on a single proof of origin.

Chapter 4 (Customs Procedures and Trade Facilitation) includes trade facilitation provisions, such as advance rulings, rules of origin, customs valuation; customs clearance of goods, risk management and post-clearance audits. The details of implementation of commitments are provided in an annex to the chapter which takes account of differentiated needs.

Chapter 5 (Sanitary and Phytosanitary Measures) relies significantly on established WTO law and practice as well as the work of the respective WTO Committee on SPS. Further emphasis is given to transparency, cooperation and capacity-building.

Chapter 6 (Standards, Technical Regulations, and Conformity Assessment Procedures) relies significantly on WTO law and practice, as well as the work of the WTO Committee on Technical Barriers to Trade (TBT). Following the example of Chapter 5, cooperation among parties is encouraged.

Chapter 7 (Trade Remedies) covers both safeguards as well as anti-dumping and countervailing duties. In both cases parties' rights and obligations under WTO law are confirmed. In terms of safeguards a de minimis rule of 3 % is mentioned and in terms of anti-dumping the practice of zeroing is explicitly prohibited. The chapter further includes an annex on anti-dumping and countervailing duties proceedings to promote transparency and best practice.

Chapter 8 (Trade in Services) includes provisions on market access, national treatment, most-favoured nation treatment, and local presence. These are all subject to Parties' Schedules of Specific Commitments
or Schedules of Reservations and Non-Conforming Measures. Importantly, several parties19 scheduled their services commitments through a "negative list"20 approach while the parties that have used a "positive list" for services commitments are required to transition to a negative list within six years of entry into force of the agreement. Overall, it provides commitments for trade in services that go beyond
commitments in existing PTAs among the RCEP parties. It is foreseen that at least 65 % of services sectors
will be fully open with increased foreign shareholding in Professional Services, Telecommunications, Financial Services, Computer and Related Services, and Distribution and Logistics Services.

There are also three specific annexes on financial services, telecommunications services and professional services (including recognition of professional qualifications) with obligations and frameworks for increased cooperation.

Chapter 9 (Temporary Movement of Natural Persons) covers rules regarding temporary entry and temporary stay of natural persons related to trade, services and investment. It includes party-specific schedules that are found in the appendix.

Chapter 10 (Investment) covers the areas of investment protection. It does not, however, offer refinements compared to the parties existing investment agreements. Linked to the chapter are schedules of reservations and non-conforming measures following a negative list approach with standstill and ratchet mechanism. What is noteworthy is that parties did not agree on an investor-state

dispute settlement (ISDS) mechanism which usually is part of most modern investment chapters. This is a notable difference with the EU's investment agreements, concluded in addition to the trade agreements with Singapore and Vietnam, which have set high investment protection standards and put in place ISDS mechanisms.

Chapter 11 (Intellectual Property, IP) covers many of the areas related to IP (Copyright, Trademarks, Geographical Indications, Patents, Industrial Design and Genetic Resources, Traditional Knowledge and Folklore, Domain Names). It is over 40 pages long building mostly on
WTO law. It encourages members to accede to IP Conventions and re-affirms the flexibilities related to the WTO Doha Declaration on Trade-related Aspects of Intellectual Property Rights (TRIPS) Agreement and Public Health. In terms of geographical indications, all parties must adopt or maintain transparency obligations. The chapter is accompanied by a list of party-specific transition periods and a list of technical assistance requests.

Chapter 12 (Electronic Commerce) calls for a framework for future liberalization in e-commerce. It covers various topics that are usually part of an e-commerce chapter ranging from a commitment not to impose customs duties for electronic transmission to an obligation to protect personal information, but it is less ambitious than comparable agreements on issues such as data localization. Also, commitments do not apply to financial services and include exceptions for national security or other public policy reasons.

Chapter 13 (Competition). The chapter encourages parties to rely on competition law to address non-competitive behaviour. It also encourages information exchange and cooperation among regulatory agencies and support for capacity-building. There are additional transition periods listed in specific appendices for less advanced economies. The chapter also calls on parties to address consumer protection.

Chapter 14 (Small and Medium Enterprises, SMEs) recognizes the role of SMEs. It demands sharing RCEP-related information relevant to SMEs.

Chapter 15 (Economic and Technical Cooperation) provides a framework of cooperation, in particular by calling for an establishment of a work programme.

Chapter 16 (Government Procurement) sets out provisions regarding transparency and acknowledges the need for future cooperation. Government procurement was not part of the original mandate but was added later in the negotiations.
There are no substantial commitments at this stage in government procurement, however it is the first time that ASEAN as a whole, as well as a number of individual RCEP countries, incorporate rules on public procurement in a trade agreement.

Chapter 17 (General Provisions and Exceptions) covers transparency obligations with respect to each Party's laws and regulations. It also excludes investment screening from dispute settlement, includes general security, balance of payment and other exceptions (Article XX of GATT and Article XIV of GATS).

Chapter 18 (Institutional Provisions) provides information about arrangements regarding various bodies (meetings of RCEP ministers, RCEP joint committee) and 4 specific sub-Committees (Goods, Services and Investment, Sustainable Growth and Business environments).

Chapter 19 (Dispute Settlement) follows a standard approach with the possibility to convene a panel of experts to administrate an arbitration procedure. There is a strong expectation that panelists have previous experience in the WTO dispute settlement system. There are detailed rules about procedures, implementation and compliance. The chapter also foresees rights for 3rd parties. In cases involving least developed country parties, the complaining party has the obligation to exercise its rights with restraint allowing for special and differential treatment. Finally, chapters on Electronic Commerce and Competition are excluded from Dispute Settlement.

Chapter 20 (Final provisions) sets out, among other provisions, a general review mechanism (after five years) and procedures for accession (without geographical restrictions) with explicitly mentioning the possibility for India to joining without having to wait 18 months after RCEP's entry into force (Art. 20.9).

There are four market access annexes: First, there are country-specific tariff schedules and for some members, there are additional clarification for tariff differentials. Singapore's tariff schedules are noteworthy as the annex reads "Singapore shall eliminate the customs duties on all originating goods under this Agreement, as from the date of entry into force of this Agreement." Second, there are schedules of specific commitments for services for those members that follow a positive list approach. Third, schedules of reservations and non-conforming measures for services and investment are listed. The fourth annex consists of schedules of specific commitments on temporary movement of natural persons.

Although RCEP covers many trade topics, parties have decided not to include provisions related to the environment, labour, state-owned enterprises and government subsidies.

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Annex.-4

About Services Domestic Regulation (SDR) 2021

Services are the most dynamic and fastest growing sector of today's global economy. Services represent the fastest growing sector of the 21st century global economy, but its potential remains constrained by a variety of barriers, including limited transparency and predictability of regulations, and rather widespread procedural inefficiencies. Services currently account for more than 60% of world gross domestic product (GDP) and more than 50% of employment worldwide.

Services trade – through all four modes of supply – was estimated to be worth USD 13.3 trillion in 2017, accounting for some 43% of global trade (WTO, 2019a). However, services play a much more significant role: if one takes into account that services constitute more than 32% of value-added of manufacturing exports worldwide (WTO, 2019a), the contribution of services to international trade is larger than gross statistics suggest.

As the 2019 World Trade Report found, trade costs in the services sector are almost double those for trade in agriculture and manufacturing. International trade in services is about four times more costly than domestic trade. Regulatory differences, information and transaction costs, and governance aspects account for more than 40% of these costs (WTO, 2019a). OECD estimates suggest that the barriers recorded in the OECD Services Trade Restrictiveness Index (STRI) involve average trade costs between 50% and 250% of export values (Benz & Jaax, 2020). Among the obstacles, the lack of transparency of laws and regulations, and pervasive procedural inefficiencies figure prominently.

As the scope of services trade encompasses not only cross border trade, but also other modes of supply, and services are an important ingredient for trade and indeed economic performance overall, the negative impact of regulatory bottlenecks are likely to reverberate along the entire value chains.

Services Domestic Regulation (SDR) 2021: To enhance transparency, efficiency, and predictability of services trade regulatory systems Sixty-seven WTO members covering more than 90% of world services trade currently participating in this plurilateral process announced on 2 December, 2021 the successful conclusion of negotiations on Services Domestic Regulation (SDR) 2021 aimed at slashing administrative costs and creating a more transparent operating environment for service providers hoping to do business in foreign markets. This agreement also breaks new ground in that, for the first time in the WTO's history, members will commit to ensuring non-discrimination between men and women in their services regulations.

The disciplines on services domestic regulation (SDR disciplines) that the Joint Initiative has agreed build upon three core principles:

(i) transparency, namely measures aimed at promoting prompt publication and availability of information relevant to service suppliers and their engagement in regulatory decision-making processes;
(ii) legal certainty and predictability, namely measures aimed at ensuring regulatory and procedural guarantees to be followed by competent authorities when dealing with applications for authorization to supply services; and
(iii) regulatory quality and facilitation, namely measures aimed at disseminating good regulatory practices to facilitate services suppliers' ability to trade.

The Services Domestic Regulation 2021 refers to the requirements, procedures, and applicable technical standards for qualification and licenses for service providers including businesses and individuals, such as architects, lawyers, and financial institutions etc. When rules such as licensing requirements are unclear and unpredictable, this can result in highly qualified service providers being unable to access foreign markets in a fair and non-discriminatory manner. The SDR 2021 Agreement aims to reduce this gap.

The new rules agreed cover increased levels of transparency by Licensing Authorities when advertising and evaluating licence applications from enterprises supplying foreign services in local markets of the parties to the agreement. The Agreement also contains new disciplines relating to licensing requirements and procedures, qualification requirements and technical standards affecting trade in services, thereby bringing greater clarity to market access requirements for our services exporters in a range of key markets.

Cutting red tape in regulatory frameworks can help create new services trade opportunities for suppliers of all sizes and women entrepreneurs. It can benefit particularly micro, small and medium-sized enterprises (MSMEs), which typically face limited resources to navigate complex and costly requirements and procedures.

The disciplines on services domestic regulation – in brief

Transparency
• Publish and make available information required to comply with requirements and procedures for authorization, including through electronic means;
• Establish appropriate mechanisms for responding to enquiries from service suppliers;
• Engage stakeholders by publishing proposed laws and regulations, providing opportunity for comments from interested persons, and considering comments received.

Legal certainty and predictability
• Establish indicative timeframes for processing applications;
• Process applications in a timely manner;
• Provide information on the status of applications;
• Allow applicants to correct minor deficiencies in incomplete applications and identify additional information required;
• Inform applicants of reasons for rejection of applications and allow resubmission;
• Allow authorization once granted to enter into effect without undue delay;
• Allow reasonable time between publication of laws and regulations and date of required compliance by service suppliers;
• Hold examinations at reasonably frequent intervals.

Regulatory quality and facilitation
• Require applicants to approach only one competent authority to obtain authorization;
• Permit submission of applications at any time throughout the year, or at least, allow reasonable periods of time for submission;
• Accept electronic applications and authenticated copies of documents;
• Ensure that authorization fees are reasonable, transparent, and do not in themselves restrict the supply of service;
• Support professional bodies wishing to establish dialogues on issues relating to recognition of professional qualifications;

• Ensure that competent authorities reach their decisions in a manner independent from services suppliers;
• Consolidate relevant information on a single online dedicated portal;
• Develop technical standards through open and transparent processes;
• Base measures relating to authorization on objective and transparent criteria;
• Ensure that procedures are impartial, adequate and do not unjustifiably prevent fulfilment of authorization requirements;
• Ensure that authorization measures do not discriminate between men and women.

Participating members have agreed to incorporate the final set of disciplines into their respective GATS schedules as "additional commitments" pursuant to GATS Article XVIII. This provision allows WTO members to negotiate commitments regarding measures on qualifications, standards, or licensing matters. The new commitments made as part of this initiative will apply to service suppliers from any other WTO member, based on the so-called most favoured nation principle.

The disciplines will complement the existing specific commitments undertaken by participating members in their respective GATS schedules. The disciplines will not affect any existing rights and obligations under the GATS or any other WTO Agreements.

Research by the WTO and the Organisation for Economic Co-operation and Development (OECD) suggests that the reduction in trade costs from implementing the new disciplines could amount to USD 150 billion annually globally, with particularly important gains for financial, business, communications and transport services.

The SDR 2021 disciplines will become binding only on those WTO members who inscribe them into their GATS schedules. They will be applied on a "Most Favoured Nation" (MFN) basis, meaning that services suppliers from all WTO members will be able to equally benefit from them.

The disciplines will apply to sectors where participating countries have undertaken commitments in their WTO General Agreement on Trade in Services (GATS) "schedules of commitments". Members can voluntarily expand the application of the disciplines to additional sectors.

Developing economies that subscribe to the disciplines can delay the application of specific provisions in sectors in which they face implementation difficulties for up to 7 years. The use of transitional periods would allow them to make any necessary adjustments to their domestic regulatory frameworks.

Least-developed countries (LDC) participating in the Initiative are not required to apply the disciplines until they graduate from LDC status and can designate the necessary transitional periods at that time.

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ANNEX-5

THE IMPORT AND EXPORT (FACILIITATION AND REGULATION) ACT, 2021

Imports and Exports (Control) Act, 1950.	**THE IMPORT AND EXPORT (FACILITATION AND REGULATION) ACT, 2021**
Preamble: An Act to continue for a limited period powers to prohibit control imports and exports. (As amended up to the 26th May, 1962) Where as it is expedient to continue for a Limited period powers to prohibit, restrict or otherwise control import into and exports from Pakistan. It is here by enacted as follows: 1. (I) This Act may be called the Imports and Exports (Control) Act, 1950. (2) It extends to all the Provinces and the Capital of the Federation and to every Acceding State to extent to which the central Legislature has power to make laws for the State as regards the control of imports and exports. (3) It shall come into force immediately, and shall remain in force for a period of (fifteen years)	**Preamble**: An Act to expedite facilitation and regulation of imports into and exports from Bangladesh and for matters connected therewith or incidental thereto. Whereas it is expedient to facilitate and regulate imports into and exports from Bangladesh and provide for matters connected therewith or incidental thereto. It is here by enacted as follows: 1. **(I) This Act shall be called the Imports and Exports (Facilitation and Regulation) Act, 2021.** (2) It extends to the whole of Bangladesh (3) It shall come into force immediately. (**4) (1) Anything contained in any other law, rule, regulation, notification or order, so far as they are not inconsistent with the provisions of this Act or rules or orders made there under, shall continue to be in force and shall be deemed to have been made under this Act.** **(2) The provisions of this Act shall be in addition to the provisions of any other law for the time being in force.**
Definitions: 2. In this Act: (a) "Chief Controller" means the officer appointed by the Central Government to perform the duties of Chief Controller of Imports and Exports under this Act. (b) "Customs Collector" means a Customs-Collector as defined in the sea Customs Act 1878 or a Collector of Land customs appointed under the Land Custom Act, 1924 and; (c) "Import and Export" mean respectively bringing into and taking out by sea, land or air.	2. Definitions: 2. In this Act: **(a) Director General" means the Director General appointed under section 3 means the officer appointed by the Government to perform the duties of Imports and Exports under this Act.** (b) "Import and Export" mean respectively bringing into and taking out of Bangladesh by sea, land, air or electronic means. (**c) State Trading Enterprises (STEs) means governmental enterprises, including distribution and marketing units, which deal with goods for export and or import on a commercial basis**.
3. (1) The Central Government may by order published in the official Gazette and subject to such conditions and exceptions as may be made by or under the order, prohibit, restrict or otherwise control the import or export of goods of any specified description, or regulate generally all practices(including trade practice) and procedure connected with the import or export of such goods and such	**3. Powers to make provisions relating to imports and exports**: **(1) Appointment of Director General and his functions: (i) The Government may appoint any person to be the Director General of Import and Export for the purposes of this Act.** **(ii) The Director General shall advise the Government in the formulation of the *Import and Export Policy Order and Rules & Procedures there***

order may provide for applications for licences under this Act, the evidence to be attached to such applications, the grant, use, transfer sale or cancellation of such licences, and the form and manner in which and the periods within which appeals and applications for review or revision may be preferred and disposed of, and the charging of fees in respect of any such matter as may be provided in such order. (2) No goods of the specified description shall be imported or exported except in accordance with the conditions of a licence to be issued by the chief Controller or any other officer authorized in this behalf by the central Government. (3) All goods to which any order under sub-section (I) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act.1878, and all the provisions of the Act. Shall have effect accordingly except that section 183 there of shall have effect as if for the word "shall" therein the work "may were substituted. (4) Notwithstanding anything contained in the aforesaid Act the Central Government may, by order published in the official Gazette, prohibit, restrict or impose conditions on the clearance whether for home consumption or for shipment abroad of any imported goods or class of goods.	***under*** **and shall be responsible for carrying out that Order.** (iii) The Government may, by Order published in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised, in such cases and subject to such conditions, by the Director General or such other officer subordinate to the Director General, as may be specified in the Order. (2) The Government may by order published in the official Gazette and subject to such conditions as may be made by or under the order, facilitate by providing financial, fiscal, tax and tariff and other incentives and regulate imports and exports procedure for imports into and exports from Bangladesh. All imports into and exports from Bangladesh shall, accordingly, be governed by the Order; Provided that i) Government reserves the right to make any amendment to the Import and Export Policy Order by means of notification, in public interest; and ii) The Government may make Imports and Exports Rules & Procedures, not inconsistent with this Act as it stands amended from time to time, for carrying out the purposes of the Import and Export Policy Order. (3) The Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise regulating, in all cases or in specified classes of cases and subject to such conditions as may be made by or under the Order for the following reasons that: (i) the import or export needs to be restricted or prohibited in order to safeguard the state security, public interests or public morals, (ii) the import or export needs to be restricted or prohibited in order to protect the human health or security, the animals and plants life or health or the environment, (iii) the import or export needs to be restricted or prohibited in order to implement the measures relating to the importations and exportations of gold, silver and other listed sensitive products, (iv) the export needs to be restricted or prohibited in the case of domestic shortage in supply or the effective protection of exhaustible natural resources, (v) the import needs to be restricted in order to maintain the balance of international payment, (vi) the import or export needs to be restricted or prohibited as the international treaties or agreements

	to which the Bangladesh is a contracting party or a participating party so require. (4) The Government may, from time to time, formulate and announce, by notification in the Official Gazette, the Import and Export Policy Order and may also, in like manner, amend that Order: Provided that the Government may direct that, in respect of the Bangladesh Economic Zones and the Export Processing Zones, the Import and Export Policy Order shall apply to the goods, services and technology with such exceptions, modifications and adaptations, as may be specified by it by notification in the Official Gazette. **(6) Governmental may grant exclusive or special privilege to any State Trading Enterprises (STEs) for import or export under such conditions as may be specified in the Order.** ***(7) Anything contained in the rule, regulation, or order notified under this Act shall be in force and shall be deemed to have been made also in other laws, rules, regulations, or orders.***
4. All orders made under section 3 of the Imports and Exports (Control) Act, 1947, and in force immediately before the commencement of this Act, shall so far as they are not inconsistent with the provisions of this Act, continue in force shall be deemed to have been made under this Act. 4A. No person shall sell, purchase or otherwise deal in any import licence other than an import licence issued under the Export Bonus Scheme. 4B.Except with the previous permission in writing of the Chief Controller or any other officer authorized in this behalf by the Central Government, no person who imports goods against a licence issued to him in his capacity as industrial consumer shall sell or otherwise transfer such goods or use the goods for purpose other than the purpose or purposes for which the licence was issued.	4. (1) All Orders made under the Imports and Exports (Control) Act, 1950 and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force and shall be deemed to have been made under this Act. (2) **Compliance of Imports with Domestic Laws: Technical Standards & Specifications, Environmental Safety and Health norms applicable in Bangladesh shall apply equally both for domestic and imported products.**
5. If any person contravene (any provision of this Act or) any order made or deemed to have been made under this Act or the rules made there under, or makes use of an import or export licence otherwise than in	**5. Contravention of this Act, rules, and orders —(**1) No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made there under and the Import and Export Policy for the time being in force.

accordance with any condition in that behalf imposed under penalty	2) Where any person makes or abets or attempts to make any export or import in contravention of any provision of this Act or any rules or orders made there under or Import and Export Policy Order, he shall, without prejudice to any other law, be liable to a penalty as may be prescribed in Rules made under this Act. 3) No order imposing a penalty or of adjudication of confiscation shall be made unless the owner of the goods or conveyance, or other person concerned, has been given a notice in writing—(a) informing him of the grounds on which it is proposed to impose a penalty or to confiscate such goods or conveyance; and (b) to make a representation in writing within such reasonable time as may be specified in the notice against the imposition of penalty or confiscation mentioned therein, and, if he so desires, of being heard in the matter. 4) No penalty imposed, or confiscation made under this Act shall prevent the imposition of any other punishment to which the person affected thereby is liable under any other law for the time being in force. 5) **Adjudicating Authority**.—Any penalty may be imposed under this Act by the Chief Controller of Imports and Exports or, subject to such limits as may be specified, by such other officer as the Government may, by notification in the Official Gazette, authorise in this behalf. **6) Appeal**.—(1) Any person aggrieved by any decision or order made by the Adjudicating Authority under this Act may, within a period of forty-five days from the date on which the decision or order is served on such person, prefer, an appeal as prescribed in Rules made in this behalf: Provided that . (a) where the decision or order has been made by the Chief Controller of Imports and Exports, to the Secretary Ministry of Commerce Government of Bangladesh ; (b) where the decision or order has been made by an officer subordinate to the Chief Controller of Imports and Exports, to the Chief Controller of Imports and Exports or to any officer superior to the Adjudicating Authority authorised by the Chief Controller of Imports and Exports to hear the appeal.
6. No court shall take cognizance of any offence punishable under section 5 except upon complaint in writing made: (a) in the case of an offence which his punishable both under this Act or the rules	6. No court shall take cognizance of any offence punishable under this Act without the previous sanction of the Government or any officer authorised in this behalf by the Government by general or special

made there under and also, whether by confiscation or otherwise, under the Sea Custom Act, 1878, by a Customs Collector or by an officer of Customs authorized in writing in this behalf by a Customs Collector or (b) in the case of any other offence, by the chief Controller or by an officer authorized by him in writing in this behalf; and no court inferior to that of a Magistrate of the first class shall try any such offence.	order. No court below the Magistrate of the first class shall try any offence under this Act.
7. No order made or deemed to have been made under this Act shall be called in question in any court, and no suit prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any rules made there under or any order made or deemed to have been made there under.	7. No order made under this Act shall be called in question in any court, and no suit prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any rules made there under or any order made there under.
8. The Central Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.	8. The Government may make Rules and Import and Export Policy Order not inconsistent with this Act for carrying out the purposes of this Act.
9. The Imports and Exports (Control) Act, 1947, and the Imports and Exports (Control) Ordinance, 1950, are here by repealed	9. The Imports and Exports (Control) Act, 1950 is here by repealed

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Annex 6

About UNECE-TIR Convention 1975

What is TIR? The TIR Conventions were adopted under the auspices of the United Nations Economic Commission for Europe (UNECE). As of December 2020, there are 77 parties to the Convention, including 76 states and the European Union.

TIR stands for "Transports Internationaux Routiers" which in English means International Road Transport. It is an international system allowing goods to travel across one or more borders with a minimum of Customs interference whilst in transit, providing at least part of the journey is carried out by road.

The TIR system operates in any country that is a Contracting Party to the TIR Convention 1975, provided the country has established the relevant contractual arrangements. Goods travelling under TIR are covered by a TIR Carnet and this means they may pass through these countries without paying Customs duties and taxes and without the need for unloading/reloading at frontiers.

The United Nations, on behalf of the Contracting Parties, has mandated the International Road Transport Union (IRU) to administer the TIR system and in particular the guarantee system. The TIR System has been facilitating and securing trade and international road transport for over 60 years, by allowing customs-sealed vehicles and freight containers to transit countries without border checks.

TIR System Actors

1. The International Road Transport Union (IRU): implements the TIR System under UN mandate.
2. IRU Member Associations: issue TIR Carnets, guarantee transport operations under TIR, grant access to the TIR System to transport operators in collaboration with national authorities.
3. TIR Carnet Holders: transport operators who perform TIR transport operations.
4. National Authorities: usually Customs administrations, grant access to the TIR System to IRU Member Associations and transport operators.
5. United Nations bodies: oversee the TIR System and multilateral transport legislation at global level.
6. The TIR transit system is founded on the following five main principles (the Pillars):
7. the use of secure vehicles or containers,
8. the international guarantee chain,
9. the TIR carnet,
10. the mutual recognition of customs controls, and
11. controlled access to use the system.

Join the TIR System to:

1. Streamline border crossing procedure;
2. Have Customs formalities done at origin and destination rather than at each frontier;
3. Guarantee payment of Customs duties and taxes;
4. Expedite international trade and reduce costs;
5. Use free of charge, web-based, pre-declaration and risk management tools.

TIR Systems : The TIR Convention establishes an international customs transit system with maximum facility to move goods:

- in sealed vehicles or **containers**;
- from a customs office of departure in one country to a customs office of destination in another country;
- without requiring extensive and time-consuming border checks at intermediate borders;
- while, at the same time, providing customs authorities with the required security and guarantees.

The TIR system not only covers customs transit by road but a combination is possible with other **modes of transport** (e.g., rail, inland waterway, and even **maritime transport**), as long as at least one part of the total transport is made by road.

In light of the expected increase in world trade, further enlargement of its geographical scope and the forthcoming introduction of an electronic TIR system (so-called "eTIR-system"), it is expected that the TIR system will continue to remain the only truly global customs transit system.

The TIR Convention is maintained by the UNECE who, in co-operation with the TIR secretariat, also maintain a publication known as the TIR Handbook. The Handbook not only contains the text of the Convention but also a wealth of other useful information concerning the practical application of the Convention.

The International Road Transport Union (IRU) was founded in Geneva on 23 March 1948 to facilitate trade, international road transport and passenger mobility, and to support sustainable development worldwide. IRU upholds the interests of bus, coach, taxi and truck operators to ensure sustainable mobility of people and goods by road worldwide.

The IRU activities include:

1. partnership among all its active and associate members and with related organisations and industries to define, develop and promote policies of common interest;

2. monitoring all activities, legislation, policies and events that impact the road transport industry, responding to and cooperating with all actors involved;

3. strategic reflection on global challenges of energy, competition and social responsibility, drawing on the strengths and expertise of its members channeled through the IRU Commissions and Working Parties;

4. dialogue with intergovernmental bodies, international organisations and all other stakeholders concerned by the road transport industry, including the public at large;

5. cooperation with policy makers, legislators and opinion-makers, in order to contribute to informed and effective legislation, striking the right balance between the needs and interests of all;

6. public-private partnerships with relevant authorities to implement legal instruments such as the TIR Convention under UN mandate or concrete transnational projects such as the reopening of the Silk Road;

7. communication of the role and importance of the road transport industry, of its position on various issues and of reliable data and information;

8. provision of practical services and information, to road transport operators, such as the latest fuel prices, waiting times at borders, secure parking areas, professional training, legislative developments, legal assistance, etc.

9. training to promote professional competence in the sector, improve the quality of services it offers and ensure compliance of road transport training standards with international legislation, through the IRU Academy.

TIR procedures: Vehicle operators making use of the TIR procedure must first obtain an internationally harmonised customs document, referred to as a TIR carnet. TIR carnets are issued by national road transport associations. This customs document is valid internationally and as well as describing the goods, their shipper and their destination, represents a financial guarantee.

When a lorry arrives at a border customs post it need not pay import duties and taxes on goods at that time. Instead the payments are suspended. If the vehicle transits the country without delivering any goods, no taxes are due. If it fails to leave the country with all the goods, then the taxes are billed to the importer and the financial guarantee backstops the importer's obligation to pay the taxes.

TIR transits are carried out in bond, i.e. the lorry must be sealed as well as bearing the carnet. The security payment system is administered by the International Road Transport Union (IRU)

Join the TIR system is a two phase process.

First, governments of the interested countries must deposit the necessary instrument of accession to the TIR Convention with the United Nations in New York. If there is no objection during the 6 months that follow, countries then become Contracting Parties to the TIR Convention, and they are eligible to attend certain relevant meetings and to discuss the TIR system.

If a Contracting Party then wishes to use the TIR system on its territory then it must have fulfilled all the contractual arrangements that have to be established in relation to the Association, the national Customs authorities, the IRU, the Holders and the financial institutions. Only then can TIR transport operations take place on that Customs territory.

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