



Australian Government

Department of Foreign Affairs and Trade

World Trade Organization (WTO) *Agreement on Trade Facilitation: Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization* (including the *Agreement on Trade Facilitation* annexed to that Protocol)
[Agreement on Trade Facilitation originally adopted at Bali on 7 December 2013; Protocol adopted at Geneva on 27 November 2014]

[2014] ATNIF 7

NIA reference: [2014] ATNIA 6

Head Agreement: [1995] ATS 8

**[2014] ATNIA 6: Attachment to NIA tabled on 18 June 2014:
Attachment on second tabling (February 2015)**

World Trade Organization (WTO) *Agreement on Trade Facilitation: Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization* (including the *Agreement on Trade Facilitation* annexed to that Protocol)
[Agreement on Trade Facilitation originally adopted at Bali on 7 December 2013; Protocol adopted at Geneva on 27 November 2014]

The following text is hereby added, on 25 February 2015, to the National Interest Analysis tabled on 18 June 2014:

“Attachment on second tabling (25 February 2015)

37. As indicated in paragraphs 1-2 of this National Interest Analysis:
- (a) the *Agreement on Trade Facilitation* (ATF) will be incorporated into Annex 1A of the *Marrakesh Agreement Establishing the World Trade Organization* (Marrakesh Agreement) by means of a Protocol of Amendment (the Protocol);
 - (b) by accepting the Protocol, Australia would consent to be bound by the provisions of the ATF; and
 - (c) the ATF will, after entry into force of the Protocol, form an integral part of the WTO “single undertaking”, as embodied in the Marrakesh Agreement and its Annexes.
38. As reflected in paragraph 2 of the NIA, the WTO General Council was to meet no later than 31 July 2014 to adopt the Protocol (in accordance with the terms of the Bali Ministerial decision).
39. However, the Protocol was not adopted until 27 November 2014. At a WTO General Council meeting on that date, all 160 WTO Members agreed to adopt the Protocol.
40. As reflected in paragraph 2 of the NIA, the Protocol will now enter into force (and thereby the ATF will be incorporated into the Marrakesh Agreement and become binding on Australia) after it has been accepted by two thirds of WTO Members (i.e. accepted by 107 Members).
41. The Protocol adopted by WTO Members on 27 November 2014 accords with the principles and obligations outlined in this NIA.
42. The Protocol is brief, and its key provisions:
- (a) insert the ATF into Annex IA to the Marrakesh Agreement (Article 1); and
 - (b) provide that the Protocol’s entry into force will be in accordance with the Article X(3) of the Marrakesh Agreement (i.e. after acceptance by two-thirds of WTO members) (Article 4).

43. The ATF included in the Annex to the Protocol is the same text as that tabled in Parliament on 18 June 2014, with the following minor exceptions (which reflect correction of typographical errors and insertion of a WTO document number to facilitate future reference, and in no way alter the substance of the Agreement):

- (a) correction of a spelling error;
- (b) change of case of a capital letter in two instances; and
appearance of a WTO document number