



**Tender Number:
SACU / 005 / 2017 / O**

**SACU STUDY TO
REVIEW AND STREAMLINE
THE SACU TRADE FACILITATION PROGRAMME**

**Closing Date:
17h00 Namibian time on Monday, 27th March 2017**

Delivery Address:

Attention: Secretary, Tender Committee
Southern African Customs Union (SACU) - Secretariat
Private Bag 13285
Corner Lazarett and Feld Street
Windhoek, Namibia

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1. INTRODUCTION

- 1.1. The SACU Trade Facilitation Programme entails promotion of intra-SACU trade amongst Member States (Botswana, Lesotho, Namibia, South Africa, and Swaziland). In an effort to promote intra-SACU trade amongst Member States, the six priority areas have been identified to underpin the SACU trade facilitation programme as follows: IT Interconnectivity; Enforcement; Improving Border Efficiencies; Partnerships with Traders; Legislation; and establishing One Stop Border Posts. These priorities are guided by the following set of principles:
 - a) Focussing the trade facilitation initiatives on delivery i.e. making a real and measurable difference on the ground that will result in:
 - enhanced competitiveness of the trading environment;
 - reduction of cost of trade and the time it takes to move goods across the Common Customs area; and
 - improving global rankings on trading across borders and any such related rankings.
 - b) The need to enhance monitoring and implementation capacity for trade facilitation programmes.
- 1.2. Leveraging on best practices and current national, bilateral and multilateral initiatives pursued by the SACU Member States to align to regional trade facilitation initiatives.
- 1.3. The SACU Trade Facilitation agenda has evolved over the years. There are new global, regional, and international developments that necessitates a review of the current work to be able to streamline activities in a way that will maximise available resources and derive tangible outcomes.
- 1.4. The current SACU Trade Facilitation agenda focuses on the following:
 - a) Regional Customs Modernisation Programme, implemented in collaboration with the World Customs Organisation (WCO) and Swedish International Development Corporation Agency (SIDA).
 - b) Support to the negotiations and implementation of trade agreements that the SACU Member States sign with third parties.
 - c) Linking of the transport programme to the trade facilitation agenda.
 - d) Strengthening of the existing partnerships with the Stakeholders through the Customs to Business Partnership Programme that is being developed under the Regional Customs Trade Forum (RCTF).
- 1.5. All the focus area above are currently being implemented in parallel without a plan of action that aligns and streamline the work. The study will assist the SACU region to develop a Comprehensive Programme that is supported by a five years plan. The Programme will also provide an opportunity for the SACU region to measure, monitor and evaluate the impact of the initiatives undertaken.

2. OBJECTIVE OF THE STUDY

- 2.1. This study intends to review the current SACU Trade Facilitation agenda, with the objective of streamlining the activities into a Comprehensive SACU Trade Facilitation Programme. The review will further assess the effectiveness and adequacy of the programme in improving the trade environment and enhancing regional competitiveness. Where gaps exist, the study will make recommendations to close the gaps. The review will be conducted through a scoping exercise that takes into account all the trade facilitation activities currently pursued by the SACU Member States at national, regional and global level.

3. SCOPE OF WORK

- 3.1. To fulfil the objective of this assignment, the study will focus on a detailed review of the current SACU Trade Facilitation programme, focusing on the following:
- a) Review of the draft high level paper for aligning the SACU Transport Programme to the Trade Facilitation Programme with the objective of enhancing the paper, taking into account recent developments;
 - b) Review the expected outcomes of the WCO SACU Connect Project and how to mainstream it within a broader SACU Trade Facilitation Programme;
 - c) Review the current work expected to be undertaken within the trade facilitation programme to support negotiations and implementation of trade agreements such as the SACU-EFTA FTA, SACU-MERCOSUR PTA, SADC-EU Economic Partnership Agreement (EPA), COMESA-EAC-SADC Tripartite FTA, Continental Free Trade Agreement and the World Trade Organisation (WTO) Trade Facilitation Agreement (TFA);
 - d) Review the work of the Regional Customs Trade Forum and National Customs Trade Forums, with a view to enhancing the approach for engagement with the private sector in the SACU region and developing a private sector engagement programme taking into account the work at hand and the WTO TFA National Trade Facilitation Committees;
 - e) Review of trade facilitation activities undertaken by the Member States of SACU at a bilateral level and under other regional or multilateral configurations with a view to identifying areas of duplication with the SACU Trade Facilitation Programme and to also identify activities that should be implemented by the Member States at a national level. This should also consider national priorities (strategic goals, and appetite for reform in the Member States); and
 - f) Review of institutional capacity, in Member States as well as the Secretariat, to deliver on the revised comprehensive trade facilitation programme. The institutional capacity required will include, but not limited to:
 - The enabling framework for collaboration;
 - The financial and human capacity required; and
 - Knowledge and skills requirements.

4. APPROACH AND METHODOLOGY

- 4.1. The SACU Secretariat will engage the service of an experienced Consultant/Consultancy firm that has worked in Trade Facilitation and Customs.
- 4.2. Upon procurement of the services of the Consultant/Consultancy Firm and prior to commencement of the study, the SACU Secretariat will convene a preliminary meeting between the Consultant/Consultancy firm to discuss the Technical Proposal, Terms of Reference and to agree on the modalities for the implementation of the study. These discussions will also address the visits to SACU countries, as well as to provide a platform to clarify and answer any questions by the Consultant/Consultancy firm.
- 4.3. The SACU Secretariat will act as the contact point for the study. The work of the Consultant/Consultancy firm will be coordinated by the SACU Trade Facilitation Sub-directorate which will then report progress to the Trade, Customs, and Transport Experts (or Contacts points) for oversight.
- 4.4. The Consultant/Consultancy firm is expected to first conduct a desk study and review available official documents such as the reports of meetings related to trade facilitation, the WCO-SACU Connect project documents, SACU Agreement of 2002, SACU-EFTA FTA, SACU-MERCOSUR PTA, SADC-EU EPA, COMESA-EAC-SADC Tripartite FTA, Continental FTA and WTO TFA trade agreements, amongst others.
- 4.5. The Consultant/Consultancy firm will meet the relevant officials and role players in the Member States of SACU as well as the Secretariat to discuss the trade facilitation activities undertaken as outlined in the scope of work in section 3.
- 4.6. The Consultant/Consultancy firm will also undertake a benchmarking exercise focusing, amongst others, the SADC, COMESA, AU, European Commission, EFTA, MERCOSUR and WCO ESA to draw lessons on the design and implementation modalities of their trade facilitation work programmes.

5. EXPECTED RESULTS AND DELIVERABLES

- 5.1. The key deliverable and outcome of the study is a draft final report consisting of a draft Comprehensive SACU Trade Facilitation Programme and a five year implementation plan.
- 5.2. An inception report should be completed and forwarded to the SACU Secretariat three (3) weeks from the date of commencement of the study. The inception report should:
 - a) provide a clear understanding of the Terms of Reference, the methodology that will be used and how information will be obtained from various stakeholders;
 - b) indicate the implementation time for each activity in the Terms of Reference, a detailed plan for country visits and should follow precisely the timeframe set out in the Request for Tenders; and
 - c) be distributed to the SACU Trade, Customs and Transport Experts (Contacts Points) for their consideration and comments, which should be submitted back to the Consultant within two (2) weeks after receipt. The Consultant/Consultancy firm will address the comments and inputs within a further two (2) weeks after receipt of feedback from the Member States.

- 5.3. The draft report should be submitted to the SACU Secretariat within twelve (12) weeks from the date of commencement of the study.
- 5.4. The Consultant/Consultancy firm will be expected to present the draft final report to the SACU Secretariat and the SACU Member States for inputs and further guidance at a date to be communicated by the SACU Secretariat. Upon completion and adoption of the final report, the Consultant will submit to the Secretariat a soft copy of the final report, six (6) CDs and six (6) hard copies.

6. CONSULTANCY TIMEFRAME

- 6.1. The expected time frame to conclude this assignment is twenty six (26) weeks from the date of commencement of the assignment. The timetable is as per the table below:

TIMELINE	ACTIVITY	RESPONIBILITY
3 weeks	Submission of inception report to the SACU Secretariat	Consultant/Consultancy firm
2 weeks	Member States comments on the inception report	Member States
2 weeks	Incorporation of comments made by the Member States	Consultant/Consultancy firm
12 weeks	Undertake the study and submit the draft report to the SACU Secretariat	Consultant/Consultancy firm
2 weeks	Member States comments on the draft report	Member States
2 weeks	Incorporation of Member States' comments and submission of the final report to the SCU Secretariat	Consultant/Consultancy firm
3 weeks	Draft final report sent to the Member States and SACU Secretariat convenes a meeting to conclude the final report-Consultant to make a presentation at the meeting.	SACU Secretariat and Member States

7. QUALIFICATION AND EXPERIENCE

- 7.1. The Consultant/Consultancy firm should possess expertise in both trade facilitation and customs and should be familiar with the structure and functioning of the Regional Economic Communities (RECs), and other bodies mandated to implement trade facilitation initiatives globally.

- 7.2. The Consultant/Consultancy firm should have undertaken similar assignments at a national, regional and multilateral level aligned to the scope of work of these terms of reference.
- 7.3. The person(s) undertaking the study should have a post graduate qualification in the related fields such as international trade, trade law, economics, customs and international customs.
- 7.4. The Consultant/Consultancy firm should also have at least ten (10) years' work experience related to this assignment.

8. SUBMISSION OF TENDER PROPOSALS

- 8.1. The SACU Secretariat is implementing a two-envelope tender for this study, meaning that the technical and financial proposals must be submitted separately in sealed envelopes.
- 8.2. The Tender should be delivered or posted to the address specified on page 1 above in **six (6) hard copies each (original plus 5 copies)**. The technical proposals should be inserted in a separate envelope, clearly marked "**Technical Proposal**" and the financial proposal should be placed in its own separate envelope clearly marked "**Financial Proposal**". All envelopes should be properly sealed and clearly marked as indicated below:

SACU/005/2017/O - STUDY TO REVIEW AND STREAMLINE THE SACU TRADE

FACILITATION PROGRAMME

NAME OF THE BIDDING COMPANY/ORGANISATION/FIRM

The deadline for submission of tenders is 17h00, Namibian time, on Friday, 27 March 2017.

9. PRIME CONTRACTOR RELATIONSHIP

- 9.1. SACU will enter into a contract with only one successful bidder.
- 9.2. The selected bidder shall be solely responsible for the deliverables as specified in this document.

10. FINANCIAL ARRANGEMENT

- 10.1. Bidders are solely responsible for their own costs in preparing the Tender.
- 10.2. Payments for all services covered by this tender shall be made within 30 (thirty) days subject to receipt of appropriate invoices, the satisfactory completion of work, and adherence to the SACU Secretariat's Financial Policies and Procedures.
- 10.3. SACU shall not be liable for any losses, damages, costs, charges or expenses caused by injuries to the bidder's personnel during the execution of their duties.

11. CONFIDENTIALITY

- 11.1. Tenders submitted will not be revealed to any other bidders and will be treated as contractually binding.
- 11.2. The SACU Secretariat reserves the right to seek clarification or verification of any information in the Tenders.
- 11.3. All information pertaining to the SACU Secretariat obtained by the bidder as a result of participation in this RFT is confidential and must not be disclosed without written authorisation from the Executive Secretary of the SACU Secretariat.
- 11.4. SACU reserves the right to undertake a full background check on all references submitted prior to awarding the contract.

12. OWNERSHIP OF TENDERS

- 12.1. All Tenders, including supporting documents, submitted to the SACU Secretariat become the property of the SACU Secretariat.
- 12.2. Ownership of all data belonging to SACU whether under its control or the bidder's control shall continue to vest in SACU. Any data of whatever nature resulting from the provision of the Products and Services shall be the property of SACU and may be used by SACU without restriction. All data or information that may be shared with the successful bidder during the provision of the Products and Services shall upon termination of the contract, be returned to the SACU Secretariat.

13. MODIFICATION OF TERMS

- 13.1. The SACU Secretariat reserves the right to add, modify or omit certain portions of the Tenders' scope at any time at its sole discretion. This includes the right to cancel this RFT at any time prior to entering into a contract with the successful bidder.

14. TENDER FORMAT

- 14.1. Bidders are requested to address the issues and requirements in Appendix A to ensure that each Tender receives full consideration.

15. EVALUATION OF TENDERS & AWARD CRITERIA

15.1. Eligibility

- a) Only Tenders received as specified in section 7 (Submission of Tender Proposals) above will be considered.
- b) Tenders will be disqualified if six (6) copies of each proposal, Technical and Financial, are not submitted in separate envelopes.

- c) Tenders will not be evaluated if the bidder's current or past corporate or other interests may, in the Secretariat's opinion, give rise to a conflict of interest in connection with this RFT.
- d) Tenders will be disqualified if the following documents have not been submitted:
 - i. A certified copy of a Certificate of Registration or Incorporation with the relevant national authorities for companies or corporations;
 - ii. A certified copy of a current Tax Clearance Certificate or exemption thereof from the relevant national authorities; and
 - iii. Where applicable, a certified copy of a legal agreement for partnerships, consortiums and joint ventures.
- e) Tenders will be disqualified if the company is not majority (51%) owned by citizen(s) of a SACU Member State (with proof of shareholding) and registered within a SACU Member State.

15.2. Qualification Criteria

- f) Tenders not so excluded will be initially evaluated by reference to the following qualification criteria:
 - i. Completeness of tender documentation as specified in Appendix A of this document.

15.3. Award Criteria

- a) The contract will be awarded from the qualifying Tenders on the basis of the most economically advantageous proposal applying the following award criteria, listed in order of priority:
 - i. Proof of technical knowledge in the area of the required focus of the study;
 - ii. Proof of experience in undertaking similar assignments;
 - iii. Proof of qualifications, relevant skills/knowledge and experience by the team who will undertake the exercise;
 - iv. Availability of Consultant to undertake the exercise; and
 - v. Company Profile and Reputation of the Bidder.

16. CONTRACT ADMINISTRATION

16.1. The award will be subject to the successful conclusion of a Service Level Agreement (SLA) to confirm the Terms and Conditions of the Tender. The contract will be concluded in line with the existing SLA template used by the SACU Secretariat and the template will be availed to the successful bidder.

16.2. SACU reserves the right to negotiate the terms of the tender proposal and the value of any financial proposal submitted.

APPENDIX A - FORMAT OF TECHNICAL PROPOSAL (1ST ENVELOPE)

Bidders should address all the issues and requirements in the sequence in which they appear in this Appendix.

1. General Information

- 1.1. One page letter of introduction identifying the bidder and signed by the person(s) authorised to bind the organisation to statements made in the proposal.
- 1.2. Title Page listing the RFT Number, Organisation Name, Postal Address, Physical Address, Telephone No., Fax No., Mobile No., Email Address, Website and Full Names of two Contact Persons.
- 1.3. Profile of the Consultancy Firm or consortium.
- 1.4. A record of previous similar consulting assignments undertaken by the firm or consortium.
- 1.5. Proof of qualifications and experience of key staff that will carry out the assignment, including the team leader.
- 1.6. Full Contact Details of any third-parties involved in the proposal.
- 1.7. Description of role or element of proposal to be fulfilled by any third-party.
- 1.8. Confirmation of acceptance by the bidder and any third parties of the conditions of proposal.
- 1.9. Certified copies of a Certificate of Registration or Incorporation with relevant national authorities.
- 1.10. Certified copy of a current Tax Clearance Certificate from relevant national authorities. Where a consortium or a group of companies are jointly delivering a response, then the companies must:
 - a) Clearly state the name of the Primary Party with whom SACU will enter into an Agreement;
 - b) Provide full details of each of the legal entities involved in the bid;
 - c) Provide a certified copy of a legally binding partnership or consortium agreement; and
 - d) Provide a detailed description of the role or element fulfilled by each legal entity involved in the bid.

2. Technical Proposal (Methodology)

- 2.1. A detailed technical proposal indicating a clear understanding of the Terms of Reference and the methodology that will be used by the bidder to complete the assignment should be submitted to the Secretariat.

3. Reference Sites

- 3.1. Bidders must provide a minimum of five (5) customers (names, addresses and telephone numbers) who may be contacted for references in connection with the proposed assignment.
- 3.2. A schedule of five (5) or more recent and similar assignments undertaken by the company. This schedule must indicate the client, the assignment that was undertaken, the year, the client's geographical location and the financial value.

For example:

Client	Services Provided	Year	Location	Financial Value
ABC Corporation	Development of BCP	2011	Windhoek	R 49,950

- 3.3. A schedule of five (5) or more clients (contact names, physical addresses and telephone numbers) who may be contacted for references in connection with the proposed assignment.

For example:

Client	Contact Name	Telephone	Physical Address
ABC Corporation	Mr J. Doe	061-999 9999	20 ABC Street, Windhoek

4. Additional Information

- 4.1 Bidders may provide any other information which may be relevant to this proposal.

APPENDIX B - FINANCIAL PROPOSAL

Bidders must address all the issues and requirements which appear in this Appendix B.

1. SCHEDULE OF COSTS/FINANCIAL PROPOSAL (2ND ENVELOPE)

All costs must be quoted in South African Rands (ZAR). The schedule must take the following format:

- a) The total cost of the proposal (best and final offer).
- b) A full breakdown of the price.
- c) An itemised breakdown of the cost of any options being proposed beyond the specified Terms of Reference.
- d) The applicable rate of VAT in respect of each product and service being proposed.
- e) Details of any other costs, taxes or duties which may be incurred.
- f) Confirmation that the Financial Proposal remains valid for 90 (ninety) days from the tender closing date.

2. DOCUMENTATION CHECKLIST

Have you submitted the following required information?	YES	NO
A Signed Letter of Introduction		
A Profile of the Company		
Proof of qualifications and experience of key staff that will carry out the assignment		
A Certified Copy of a Certificate of Company Registration or Incorporation		
A Certified Copy of Certificate of a Tax Clearance Certificate		
Certified Proof that the majority owner(s) of the company or consortium are citizens of a SACU Member State		
A detailed methodology that will be used to complete the assignment		
A schedule of five (5) or more similar assignments undertaken by the company		
A schedule of 5 (five) or more contactable references		
An itemised break down of the costs in a separate financial proposal		
Written confirmation that the financial proposal remains valid for 90 days		
Six (6) copies each proposal, Technical and Financial, in separate envelopes		

Additional documents required from Consortiums or Partnerships	YES	NO
Written identification of the Primary Contracting Party		
Full details of all legal entities involved in the bid		
Certified copy of a legally binding partnership or consortium agreement		
Proof that the majority owner(s) of the company or consortium are citizens of a SACU Member State (copy of ID's or Passports will suffice)		
Description of the role or element fulfilled by each legal entity		

APPENDIX C- BACKGROUND INFORMATION ON SACU TRADE FACILITATION ACTIVITIES

1. INTRODUCTION

- 1.1. The Southern Africa Customs Union (SACU) is an inter-governmental organisation Constituted by Botswana, Lesotho, Namibia, South Africa and Swaziland. It was established in 1910. The SACU Agreement was then re-negotiated and updated in December 1969, following the independence of Botswana, Lesotho and Swaziland. Following the independence of Namibia in 1990 and the democratization of South Africa in 1994, Member States re-negotiated the 1969 Agreement. This culminated in the signing of the 2002 SACU Agreement which entered into force in 2004. Amongst others, the major objectives of SACU are to promote the integration of Member States into the global economy through enhanced trade environment and access to markets outside SACU as well as to facilitate legal trade and the cross-border movement of goods between the territories of the Member States of SACU and between SACU and third parties.
- 1.2. To remain relevant in the context of trade and development integration, both regionally and internationally, it is important for the SACU region to align the trade facilitation agenda with other regional and international blocs to enhance competitiveness of the region through removal of barriers to trade, improve trade, increase efficiency, improve transit times and reduce cost of trade. This will ensure maximum and optimal utilisation of resources and to also avoid duplication and stretching limited resources available in the Member States.

2. OVERVIEW OF THE SACU TRADE FACILITATION PROGRAMME

SACU Regional Customs Modernisation (WCO SACU Connect Project)

- 2.1. As part of an effort to promote trade facilitation and collaboration towards developing modern Customs Administrations in SACU, a consultation process between the SACU Member States and the World Customs Organisation (WCO) was initiated in 2007. This consultation focused on identifying priority areas of intervention to be implemented at the regional level. At this time, the WCO Customs Administrations were implementing phase two of the WCO Columbus Programme on Customs Reform and Modernisation Programme, which included the five SACU Member States.
- 2.2. In order to avert duplications, the SACU Member States agreed to review the five Customs key initiatives that were pursued under the SACU Trade Facilitation Programme to align to the WCO Columbus Programme. The SACU Customs and Trade Facilitation Programme focused on the following priority areas - introduction of a Single Administrative Document (SAD) as a common Customs Declaration form; establishment of One Stop Border arrangements; introduction of joint border controls; use of electronic data interchange by Customs authorities; and implementation of a capacity enhancement programme.

- 2.3. The review of the SACU Trade Facilitation Programme culminated in the development of a revised SACU Customs Development Programme that was adopted by the SACU Council of Ministers in December 2008. Subsequently, a Memorandum of Understanding (MOU) was signed in September 2010 by the WCO and SACU. The WCO agreed to support the region with technical assistance and funding which was sourced from Swedish International Development Cooperation Agency (SIDA). The funds were committed to the region from 2008-2013 and renewed and extended to 2014-2018.
- 2.4. The Customs Development Programme is implemented in phases and Phase I started in 2008-2013, Phase II began in 2014 and will come to an end in 2018. Phase II was renamed WCO SACU Connect Project. The main outcome of Phase I was a SACU Regional Customs Policy. The Customs programme specifically aims to assist the Customs Administrations in the SACU Member States to design and implement a Customs reform programme focusing on the following:
- a) Customs Legislation;
 - b) Risk Management;
 - c) Trade Partnerships;
 - d) Standard operating Procedures in common areas; and
 - e) IT Connectivity.
- 2.5. The WCO SACU collaboration builds upon the progress achieved under the five Customs initiatives that the SACU region pursued since 2004. It is thus envisaged that upon successful completion of the programme, the SACU Member States will be able to realize benefits such as:
- a) Predictability and transparency in the areas of procedures and legislative requirements
 - b) Improved transit times
 - c) Increased competitiveness of regional firms
 - d) Improved/strengthened co-operation and collaboration with various stakeholders
 - e) Improved trading environment
 - f) Streamlined procedures
 - g) Sustainable customs reform and modernised customs systems the region

SACU Transport Programme

- 2.6. The 27th SACU Council of Ministers meeting held on 21 September 2012, approved the priority areas to underpin a SACU Transport programme. The programme focussed on the following elements:
- a) Development of a Policy Instrument to guide the SACU Transport Sector (Review of the SACU MOU on Transport);
 - b) Achieving a seamless, efficient, cost effective and non-discriminatory transport system in SACU (Transport Documentation and Road User Charges);
 - c) Promotion of a safe, reliable and environmentally friendly transport system within the region (Road Safety and Transportation of Dangerous goods); and
 - d) Strengthening relationships with other Regional Economic Communities.

- 2.7. Furthermore, the 4th SACU Summit of the Heads of State and Government held on 12 April 2013 in Gaborone, Botswana, noted that the Council of Ministers has approved a SACU Transport Sector Programme and that work on the regional road safety strategy will focus specifically on standards and permits as they impact on trade facilitation.
- 2.8. In June 2013, the 33rd SACU Commission Meeting took a decision to link and align the transport programme to the broader trade facilitation programme. The Commission further directed that technical teams on transport and trade facilitation work together to align transport and trade facilitation programmes and to ensure that transport activities are aligned to the trade facilitation agenda.
- 2.9. Subsequently, a joint Meeting of Customs and Transport Officials was held on 28 August 2013 in Teyateyaneng, Lesotho and concluded as follow:
- a) The Secretariat would develop a high level paper to guide discussion on the development of the transport strategy;
 - b) This high level paper should be a living document taking into account the Transport Sector Study, the priority areas identified, current work on the customs programme, feedback from national consultations and areas of commonalities identified through the cross border research exercise;
 - c) Member States should continue their national consultations on the transport programme and provide feedback to the Secretariat by the time the Technical Liaison Committees (TLCs) convene;
 - d) A joint meeting of the Customs and Transport TLCs should be convened to discuss this the paper; and
 - e) Based on the outcome of discussions, recommendations for aligning the transport programme with the trade facilitation agenda, including the appropriate institutional structure, will be made to the Commission and Council.
- 2.10. The draft high level paper linking transport to trade facilitation paper has since been developed by the SACU Secretariat. The draft paper will be included in the study and will be updated to take into account recent developments in transport and trade facilitation.

Support negotiations and implementation of Trade Agreements

World Trade Organisation (WTO) Trade Facilitation Agreement (TFA)

- 2.11. The 9TH World Trade Organisation (WTO) Ministerial Conference, held in Bali, Indonesia, in December 2013 concluded the WTO Trade Facilitation Agreement (TFA) as part of the Bali Package Ministerial Decision.
- 2.12. The Bali Ministerial Decision and the TFA oblige all WTO Members to undertake certain national processes. The national processes include adoption of the Protocol of Amendment to insert the TFA in Annex 1A of the WTO Agreement, ratification of the Agreement and notification of the schedule of commitments under Categories

A, B and C. The Agreement have come into force and the SACU Member States, as Members of the WTO, are preparing to implement the Agreement.

- 2.13. As at 28 February 2017, Botswana, Lesotho and Swaziland have ratified the Agreement. For categorisation of measures/commitments Botswana and Namibia notified Category A.
- 2.14. Based on the developments at the WTO level, the 36th SACU Commission Meeting recommended that the SACU Member States should approach implementation of the WTO TFA as a region and that implementation of Categories B and C should be coordinated by the SACU Secretariat at a regional level. Subsequently, the SACU customs and trade officials held two technical level meetings and a workshop in an effort to coordinate implementation of the WTO TFA. The SACU Secretariat was tasked to develop a regional work plan for implementation of the WTO TFA. Thus far, the Member States agreed to revise the draft regional work plan in line with the work undertaken by the Member States.

SACU - EFTA Free Trade Agreement (FTA), SACU - Mercosur Preferential Trade Agreement (PTA) and SADC-EU Economic Partnerships Agreement (EPA); Tripartite Negotiations; Continental Free Trade Agreement (CFTA); SACU-India; and SACU-US.

- 2.15. The trade facilitation sub-directorate is also expected to provide support to the trade negotiations between SACU Member States and third parties and the implementation of the trade agreements that SACU Member States signs with third parties such as the SACU- EFTA FTA, SACU-MERCOSUR PTA, SADC-EU EPA, and in the near future, also the COMESA-EAC-SADC Tripartite FTA and the Africa-wide Continental FTA. The support is mainly to simplify the regimes for administration of trade agreements in the SACU region. Trade Facilitation forms an integral part of these trade agreements and in many instances, sub-committees on Customs and trade facilitation matters are established to oversee these matters during the negotiations process as well as following implementation of the Agreements.

Customs to Business Partnership - Regional Customs Trade Forum (RCTF)

- 2.16. The SACU region has established a Regional Customs Trade Forum (RCTF) that is intended to serve as a consultative platform between Customs and the private sector. The main objective of the Trade Partnership component is to establish and strengthen partnerships between Customs Administrations, the trading community as well as Other Government Agencies (OGAs) involved in the trade supply chain.
- 2.17. Thus far the RCTF met three times and the Terms of Reference for the Forum were approved and the areas of focus have been agreed as follows:
- Preferred Trader Programme;
 - Benefits of Trade Agreements to Private Sector
 - World Trade Organisation (WTO) Trade Facilitation Agreement (TFA)
 - Compliance
 - Customs Modernisation

- 2.18. The Forum agreed to develop programme and action plan to guide work in the RCTF. The programme will be based on the agreed areas of focus and it should be

taylor made to add value and benefit to the private sector, whilst also assisting Customs and OGAs to achieve the intended objectives of ensuring compliance with the laws and regulations, including curbing illicit trade and smuggling.