

DRAFT TERMS OF REFERENCE

**CONSULTANCY SERVICES FOR THE DEVELOPMENT OF
OPERATIONAL FRAMEWORK FOR THE TRINIDAD AND TOBAGO'S
TRADE FACILITATION ENQUIRY POINT**

1. BACKGROUND

1.01 International trade plays a pivotal role in the development of the Trinidad and Tobago economy with the country boasting a trade to Gross Domestic Product (GDP) ratio of 59% in 2019. For the GOTT, trade is seen as a crucial driver of economic growth, poverty alleviation, unemployment reduction and development, and a key avenue for economic diversification from dependence on oil revenues. Against a backdrop of declining economic growth over the last decade^{1/}, GOTT embarked upon renewed efforts to diversify, enhance the competitiveness of its economy, and undertake other necessary reforms.

1.02 Trinidad and Tobago is party to several agreements aimed at improving trade facilitation in the import and export of goods and services^{2/}. These agreements also seek to simplify and harmonise local and international practices with respect to data collection, presentation, communication, and processing related to trade. The ultimate objective is to reduce the costs and delays associated with such procedures to improve the ease of doing business and further result in more competitive exports. The overall scope of the commitments is set out in the World Trade Organisation (WTO) Trade Facilitation Agreement (TFA) which was ratified by Trinidad and Tobago in 2015. The TFA is reinforced by provisions in the CSME, in the CARIFORUM – EU EPA, as well as outlined in various bilateral agreements to which the country is also party.

1.03 Under the TFA, the country has committed to several facilitation measures, including pre-shipment inspection, temporary admission of goods for inward and outward processing, electronic payment for customs clearance and acceptance of copies for customs procedure. Upon signature of the TFA, the GOTT notified to the WTO that ten reforms were undertaken as Category A commitments^{3/}. Definitive dates for implementation of Category B^{4/} and C^{5/} commitments were notified in September 2018 and a number of reforms in this regard are being undertaken with the assistance of an Inter-American Development Bank (IDB) loan.

^{1/} Before 2009, the long-term average growth rate was around 8%, but it decreased to around 1% after 2009 due to a series of negative shocks to global commodity demand and prices attendant on a general slowdown in global growth. This 1% growth rate is significantly lower than the growth rate of other developing countries (average growth rate of developing countries was 5.5% for this period). Mineral products (including fuels) remain the largest export category; their share declined over the review period, from 56% in 2012 to 45.5% in 2017. The United States is Trinidad and Tobago's top trading partner, for both imports and exports (International Monetary Fund).

^{2/} For the United Nations Conference on Trade and Development (UNCTAD), any measure that eases a trade transaction and leads to time and cost reductions in the transaction cycle fits into the category of trade facilitation.

^{3/} These are provisions that the Member will implement by the time the Agreement enters into force (or in the case of a least-developed country Member within one year after entry into force).

^{4/} Provisions that the Member will implement after a transitional period following the entry into force of the Agreement. The transitional period for Trinidad and Tobago was two years.

^{5/} Provisions that the Member will implement on a date after a transitional period following the entry into force of the Agreement and requiring the acquisition of assistance and support for capacity building.

1.04 In the TFA, Article 1.3 mandates that members establish or maintain one or more enquiry points to answer reasonable enquiries of governments, traders, and other interested parties on matters covered by Article 1.1 of the TFA and provide the requisite forms and documents. Article 1.1 covers inter alia matters related to procedures for importation and exportation, applicable duties and taxes, fees and charges, laws and regulations and tariff quotas. Trinidad and Tobago currently operates National Enquiry Points in accordance with its commitments under the WTO Agreements on Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary Measures (SPS) which are housed at the Trinidad and Tobago Bureau of Standards, and the Ministry of Agriculture, Land and Fisheries respectively. These existing enquiry points were created to address matters specifically related to SPS and TBT and are required by the WTO under the respective multilateral agreements.

1.05 However, there is no established national mechanism to deal with trade queries of the kind referred to in the TFA. In practice, ad hoc queries are received from different channels, such as through ministry websites, written correspondence to the heads of organisations or emails directly to staff. When received by agencies or ministries, depending on the nature of the matter, the queries are either addressed, or forwarded to the responsible agency. However, there is no designated system which allows for easy follow-up and tracking of referred issues with responsible officers to ensure that they are addressed. In some instances, queries are assigned to officers based on availability in their work schedule, but the assigned officers may not always have the resources to respond or are not aware of where the information can be found. This may result in long response times to queries, and open-ended, unresolved queries. In the absence of formal mechanisms to keep records of queries and the responses provided, when similar enquiries arise and are handled by different officers, unnecessary time is spent duplicating work and research. This leads to wastage of resources, and in some instances, causes frustration among institutions when officials are asked to answer similar questions routinely.

1.06 The National Trade Facilitation Committee of Trinidad and Tobago (NTFC) has recognised the important role that the Trade Facilitation Enquiry Point (TFEP) can play in increasing transparency in the local trading environment and improving the overall ease of doing business in Trinidad and Tobago. The NTFC at its Fourth Regular Meeting in September 2016 agreed to the use of a coordinated mechanism for its national TFEP wherein MTI will act as the focal point for receiving queries, dissemination to relevant stakeholders, and compilation of responses for transmission to the requesting party. The TFEP to be established in the MTI will be in addition to the two existing enquiry points and will cover all areas relating to Trade Facilitation and will establish linkages with the SPS and TBT enquiry points where necessary. The MTI TFEP would also assign the relevant queries to the SPS and TBT enquiry points.

1.07 It is in the context of local trade and fulfilling obligations of the TFA that the MTI applied to the 11th EDF CARIFORUM – EU EPA and the CSME Standby Facility for Capacity Building to undertake a project for the establishment of a TFEP. Trinidad and Tobago has notified Article 1.3 – Enquiry Points as a Category C commitment to the WTO thereby indicating its need for donor support to implement this obligation.

2. OBJECTIVE OF THE CONSULTANCY

2.01 To assist GOTT to develop the legal measures, procedures, and operational capacity required to implement an enquiry point or points required by TFA Article 1.3 of the WTO Trade Facilitation Agreement.

3. SCOPE OF CONSULTANCY SERVICES

3.01 The consultant will conduct the following:

- (a) Needs Assessment. Collect and assess information concerning Trinidad and Tobago's current situation, requirements, and preferences relevant to design and operation of an enquiry point, including:
- (i) the potential users (disaggregated by sex/sector) of the enquiry point, their information needs, and the potential level of demand;
 - (ii) where and how the relevant information and forms are held and communicated;
 - (iii) the capabilities and resources available to the government to support establishment and ongoing operation of the enquiry point or points;
 - (iv) training and institutional capacity building needs;
 - (v) legal measures required to be enacted/amended, if any; and
 - (vi) CARICOM regional coordination or harmonisation requirements, if any.

It is expected that this information will be collected by the consultant primarily through interviews of relevant government officials, based on their experience in responding to public enquiries, and private sector representatives.

- (b) Implementation Proposal. Based on the results of the needs assessment, the consultant will develop and agree with Government (and stakeholders) on a proposal for the design of an enquiry point or points. The proposal should include the location and form of the enquiry point or points, governance structure, the enquiry point functions, types of information to be provided, modes of communication (e.g. paper, telephone, email, website), inter-agency coordination procedures, the resources required for set up and operation of the enquiry point/points (e.g. information, technical, equipment, staff), and a proposal for monitoring and evaluation of the enquiry point's performance.
- (c) Implementation. The consultant will assist in implementation of the enquiry point(s) by:
- (i) Drafting the policy for the TFEP.
 - (ii) Designing the structure and development of administrative documents for the establishment of a TFEP.
 - (iii) Drafting legal measures required to enable the enquiry point, such as Memorandums of Understanding between agencies and Ministries.
 - (iv) Drafting Standard Operating Procedures for the enquiry point(s) including standard forms that may be used in processing enquiries.
 - (v) Developing training materials for operation of the enquiry point and provide training to enquiry point(s) personnel.

4. **DELIVERABLES AND REPORTING REQUIREMENTS**

4.01 The Consultant will report to MTI and will be required to submit/deliver the following:

Deliverables	When
Inception Report and Work Plan	5 days after commencement of services
Needs Assessment	20 days after approval of Deliverable 1
Structure of Enquiry Point Proposal	15 days after approval of Deliverable 2
Draft Policy and Legal measures to enable operation of the Enquiry Point, as required	15 days after approval of Deliverable 3
Enquiry Point Standard Operating Procedures	5 days after approval of Deliverable 4
Enquiry Point Standard Training Programme	5 days after approval of Deliverable 5

5. **SUPERVISION OF THE CONSULTANT**

5.01 MTI will facilitate the work of the Consultant and make available all studies, reports, and data relevant to the completion of the Project. MTI will assign the Project Coordinator, or other designated person to act as liaison between the MTI and the Consultant. The representative will also assist with the arrangement of meetings and logistics support.

6. **QUALIFICATIONS AND EXPERIENCE OF THE CONSULTANT**

6.01 The prospective Consultant should have at a minimum, the following qualifications and experience:

- (a) Master's degree in customs, trade facilitation, or related field preferred.
- (b) Five (5) – ten (10) years' experience implementing trade facilitation measures on donor funded projects required.
- (c) Ten (10) years' experience building the institutional capacity of customs agencies highly desirable.
- (d) At least five (5) years' experience establishing trade information portals, national enquiry points, or other related systems required.
- (e) Five (5) – ten (10) years' experience leading change management procedures to prepare customs agencies for updated systems highly desirable.
- (f) Experience supporting trade facilitation preferred.
- (g) Exceptional written and spoken English required.

7. **DURATION**

7.01 The assignment is for 30 person-days over a period of three (3) calendar months.