



World Customs  
Organization

## PROGRAMME

# African Continental Conference on the **HARMONIZED SYSTEM**



23 – 24 NOVEMBER 2021



Virtual Event







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# INTRODUCTION AND BACKGROUND

**The World Customs Organization (WCO) hosted the first Continental Conference on the Harmonized System for Africa on 23 and 24 November 2021, in a virtual format. The Conference was conducted within the framework of the EU-WCO Programme for Harmonized System in Africa (HS-Africa Programme), funded by the European Union. It was organized in collaboration with the Secretariat of the African Continental Free Trade Area (AfCFTA).**

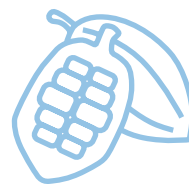
On 1 January 2022, the new version of the Harmonized System enters into force. This means that Customs tariffs, all other HS-based instruments and IT-management systems must be migrated to the new standard. Some organizations find this task daunting and are at risk of missing the deadline for implementing the required changes.

Almost all African countries are Contracting Parties to the HS Convention and thus have an obligation to use the latest HS version. With the advent of the African Continental Free Trade Area, this obligation has been further reinforced as under the AfCFTA Agreement State Parties undertake to adopt Customs tariff nomenclatures and statistical nomenclatures which are in conformity with the latest applicable version of the HS.



**The objective of the Conference was to create a platform for a wide audience of stakeholders, both from the public and the private sectors, to address a broad range of issues around the implementation of the HS 2022 amendments in Africa and tariff-related work in general, to ensure that both Regional Economic Communities (RECs) and individual Members alike are well informed about the upcoming changes in the HS and feel confident about the road to take.**

These issues were discussed in a broad context of regional and continental integration and trade liberalization dynamics in Africa, in particular, the operationalization of the AfCFTA, as well as the trade facilitation agenda under the WTO Trade Facilitation Agreement and Customs modernization processes.



## Event title

African Continental Conference on the Harmonized System.



## Dates, schedule and format

The Conference will be held over two days, on 23 and 24 November 2021. Conference sessions will be held between 12.00 p.m and 3.00 p.m., in an online format.

First day: Directors General and experts sessions

Second day: Experts sessions



## Organizers

The Conference is organized by the WCO, in cooperation with the AfCFTA Secretariat, within the framework of the HS-Africa Programme funded by the European Union.



## Target audience

Representatives of international organizations, Customs administrations, relevant government agencies, RECs, traders, Customs brokers, academia, international expert community.



## Languages

English, French and Portuguese interpretation.





## What to take from the Conference

Participants will benefit from presentations and insights by policy makers, senior managers and international expert community on the most urgent and acutely relevant issues related to the HS, tariff classification work and the role of the HS as an enabler of the regional and continental integration in Africa.

The Conference will be a platform of information on the new version of the HS, the tools and instruments supporting its use, and of the best practices in the areas of HS implementation and digital transformation of Customs work. It will also be an opportunity to deepening participants' understanding of the renewed commitment to regional and continental integration in Africa under the AfCFTA and the role of the HS in this process.

## About the EU-WCO HS-Africa Programme

The EU-WCO Programme for the Harmonized System in Africa (HS-Africa Programme) is a multi-stakeholder initiative, funded by the European Union and implemented by the World Customs Organization. The anticipated outcome of the Programme is that partner African countries implement and apply the 2022 version of the HS, in line with the HS Convention, relevant international standards, and in conformity with continental and regional commitments. The longer-term objective is to provide African countries and other stakeholders involved in the HS implementation process with the required organizational capacities and resources to apply future HS versions in a timely and coordinated manner throughout the respective regions and the entire continent. By the launch of the programme in 2018, it has been recorded that only 28 African countries were implementing the HS 2017, as of now and with the support of the programme 49 countries in Africa are implementing the HS 2017 and the objective is that by 2022 all African countries apply the HS 2022.

**Organizations interested in technical assistance, capacity building or partnership are invited to contact the Programme team at [wcoHSAfrica@wcoomd.org](mailto:wcoHSAfrica@wcoomd.org).**



# AGENDA

## Day One, 23 November

**11h30 - 12h00** Participants log-in and connection

**12h00 - 12h10** Keynote address

**12h10 - 12h30** Opening remarks

**Kunio Mikuriya**, Secretary General, World Customs Organization  
**Wamkele Mene**, Secretary General, AfCFTA Secretariat  
**Yankuba Darboe**, Commissioner General, Gambia Revenue Authority  
**Sandra Kramer**, Director Africa, Directorate General International Partnership - European Union  
**Konstantinos Kaiopoulos**, Director, Tariff and Trade Affairs Directorate, World Customs Organization

*Chair*

**12h30 - 13h15** Panel Discussion:  
Effective implementation of the HS as a key enabler of successful trade facilitation

*Chair*

**Paulina Mbala Elago**, Executive Secretary, Southern African Customs Union  
**Adrian P. Swarres**, Acting Commissioner Customs and Excise, Zimbabwe Revenue Authority, WCO ESA Vice-Chair  
**Guénolé Mbongo Koumou**, Director General of Customs, Republic of Congo, WCO WCA Vice-Chair  
**Antti Suortti**, Head of Unit Customs Tariff, DG TAXUD, European Union  
**Ebenezer Gebding Tafili**, Deputy Director, Capacity Building Directorate, World Customs Organization

**13h15 - 14h00** Panel Discussion:  
The Private sector as an indispensable partner in the implementation and application of the HS

*Chair*

**Valérie Picard**, Deputy Director, Global Alliance for Trade Facilitation, International Chamber of Commerce  
**Carol West**, Secretary, International Federation of Customs Brokers Associations  
**Louise Wigget**, CEO, Global Trade Solution  
**Juanita Maree**, Chief Executive Officer, South African Association of Freight Forwarders  
**Liza Helena Vaz**, Commissioner General, Cape Verde Customs Administration

**14h00 - 14h15** Expert's Voice

**Pablo Muñiz**, Partner, Van Bael & Bellis





## Day Two, 24 November

12h00 - 12h30	HS 2022 amendments as a landmark in making the HS more relevant for its users	<b>Gael Grooby</b> , Deputy Director, Tariff and Trade Affairs Directorate, World Customs Organization <b>WCO Publications &amp; Data Solutions</b>
12h30 - 13h30	Panel Discussion: Optimizing processes for effective and timely implementation of the HS	<b>Demitta Chinwude Gyang</b> , Senior Advisor, Head Customs, AfCFTA Secretariat <b>Felix Kwame Kwakye</b> , Principal Programme Officer - Tariff & Customs Procedures, Directorate of Customs Union & Taxation, Commission of the Economic Community of West African States <b>John David</b> , Information System Officer, United Nations Conference on Trade and Development, ASYCUDA Programme <b>Randy Rotchin</b> , Director of Business Development for Global Trade, Avalara <b>Gasper Konneh Neba</b> , Director of Studies, Trade Facilitation and Risk Analysis, Cameroon Customs <b>Larry Liza</b> , Director, East and Southern Africa, Regional Office for Capacity Building, World Customs Organization
	<i>Chair</i>	
13h30 - 14h30	Panel Discussion: Administering Tariff Concessions under the AfCFTA; challenges and opportunities	<b>Mohammed Ali</b> , Director for Trade in Goods, AfCFTA Secretariat <b>Roy Santana</b> , Senior Counsellor, Market Access Division, World Trade Organization <b>Trudi Hartzenberg</b> , Executive Director, Tralac – Trade Law Center <b>Donald Tindamanyire</b> , Principal Customs Officer (Tariffs & Valuation), East African Community <b>Maheswar Gaunpot</b> , Section Head Assessment, Mauritius Revenue Authority <b>Larry Liza</b> , Director, East and Southern Africa, Regional Office for Capacity Building, World Customs Organization
	<i>Chair</i>	
14h30 - 14h45	Expert's voice	<b>Edvinas Drevinskas</b> , Statistician in the Economic Research and Statistics Division, World Trade Organization
14h45 - 15h15	Open discussion	Open discussion
15h15 - 15h30	Closing	<b>Ricardo Treviño</b> , Deputy Secretary General, World Customs Organization



# BIOGRAPHIES

## Day One, 23 November



### OPENING REMARKS



#### **Kunio Mikuriya** World Customs Organization

Dr. Kunio Mikuriya has been Secretary General of the World Customs Organization (WCO) since 1 January 2009. He provides leadership and executive management for the global Customs community's priorities, including developing global Customs instruments, standards and tools; securing and facilitating global trade; protecting taxable amounts through optimal revenue collection; building Customs-business partnerships; and delivering capacity building in support of Customs reform and modernization.

Prior to joining the WCO, he worked for Japan's Ministry of Finance for 25 years. During his career with the Ministry, Dr. Mikuriya occupied a variety of senior posts, which have given him broad experience and knowledge in Customs, trade, development, budget, and financial policies. He served as Director of Enforcement where he led efforts to fight illicit trade, then as Director of Research and International Affairs, paving the way for the conclusion of Japan's first regional trade agreement, and then as a Counsellor in the Tariff and Customs Bureau. He also served as Director of Salaries and Allowances to coordinate remuneration levels for the entire government workforce, and as the Budget Controller for Foreign Affairs, Official Aid, International Trade and Industry, in the Budget Bureau. In addition, he spent time as a Counsellor at the Japanese Mission to the WTO in Geneva and participated in the GATT Uruguay Round trade negotiations.

Dr. Mikuriya has a degree in law from the University of Tokyo (Japan) and a PhD in international relations from the University of Kent (United Kingdom).



### OPENING REMARKS



#### **Wamkele Mene** African Continental Free Trade Area

Wamkele Mene was elected by the 33rd Ordinary Session of the Assembly of Heads of States & Government of the African Union, to the position of Secretary-General of the African Continental Free Trade Area (AfCFTA) Secretariat.

Prior to being elected Secretary-General of the African Continental Free Trade Area (AfCFTA) Secretariat, he served as Chief Director: Africa Economic Relations, at the Department of Trade & Industry of



South Africa. In this role, he was South Africa's chief trade negotiator in the AfCFTA and Tripartite FTA negotiations. During his tenure as chief negotiator, South Africa ratified both the AfCFTA and Tripartite FTAs agreements, providing new export markets in fast growing and dynamic markets in East and West Africa.

Prior to assuming this position, Wamkele was Director: International Trade Law & Investment Law at the Department of Trade & Industry, a role in which he was principal legal counsel on international trade law and international investment law.

From 2010 until 2015, Wamkele represented South Africa at the World Trade Organisation (WTO) in Geneva, Switzerland. During his posting to the WTO, Wamkele was elected by over 130 governments to the position of Chairman of the Committee on International Trade in Financial Services, a committee comprising trade negotiators, financial regulators and financial policy makers from over 160 countries.

Prior to joining the government, Wamkele worked for the law firms Simpson Thacher & Bartlett LLP in London and Milbank, Tweed, Hadley & McCloy LLP in Hong Kong.

Wamkele has written and lectured internationally on international trade law, international investment law and international business law. He holds a Bachelor of Arts (Law) degree from Rhodes University in South Africa, a Master of Arts in International Studies & Diplomacy (with specialization in International Economics) from the School of Oriental & African Studies (SOAS), University of London and a LL.M. (Master of Laws) in Banking Law & Financial Regulation from the Law Department of the London School of Economics & Political Science (LSE).



## OPENING REMARKS



**Yankuba Darboe**  
Gambia Revenue Authority

## Day One, 23 November



### OPENING REMARKS

 **Sandra Kramer**  
European Union

Sandra Kramer is Director Africa at the European Commission's Directorate-General for International Partnerships since June 2019.

Sandra joined the European Commission in 1995 in the Directorate-General for External Relations. She served in two EU Delegations, Indonesia as Trade Counsellor and India as Head of Economic Co-operation. Sandra was assistant to the Commission's Chief Spokesperson and assistant to the Deputy Director-General of Directorate-General Enterprise & Industry. She was Head of Unit in the Directorate-General Enterprise & Industry and in the Directorate-General Justice before joining the team of European Commission President Juncker as Director Coordination and Administration.

Sandra holds a Master Degree in Modern Literature from the University of Groningen, and a Master Degree in Economics and International Relations from the Johns Hopkins University, School of Advanced International Studies, Bologna and Washington DC.



### CHAIR - OPENING REMARKS

 **Konstantinos Kaiopoulos**  
World Customs Organization

Mr. Konstantinos Kaiopoulos is Tariff and Trade Affairs Director at the World Customs Organization (WCO) since 1st March 2021. He provides leadership and management for the development of global Customs instruments, standards, and tools related to the International Convention on the Harmonized Commodity Description and Coding System (HS Code), the Customs Valuation and the Rules of Origin.

Prior to joining the WCO, he represented the Hellenic Customs Administration to the European Union, the WCO, the OECD (Organisation for Economic Development and Cooperation) and the WHO (World Health Organisation)/FCTC bodies. During his 35 years long professional career, Mr. Kaiopoulos worked for Greece's Independent Authority for Public Revenue, the Hellenic Ministry of Economy and Finance, the European Commission and the Newcastle Business School, occupying a variety of senior posts which have given him broad experience and knowledge in Customs, international trade and economics and international business.



Mr. Kaiopoulos is graduated from the London School of Economics, the College of Europe (Belgium), the Sciences Po, the University of Paris IV Sorbonne and the University of Aix-Marseille (France), and is specialised in International Law and International Economic Relations.



### **PANELLIST - EFFECTIVE IMPLEMENTATION OF THE HS AS A KEY ENABLER OF SUCCESSFUL TRADE FACILITATION**



**Paulina Mbala Elago**  
Southern African Customs Union

Ms. Paulina Mbala Elago, is a Trade Economist, currently serving as the second Executive Secretary for the Southern African Customs Union (SACU) Secretariat since the 1st April 2014. Her appointment as the Executive Secretary of SACU was renewed for the second term in 2019. Prior to heading the SACU Secretariat, Ms. Elago served as the Tanzania Country Director, for TradeMark East Africa (TMEA). She was responsible for designing, managing and implementation of the TMEA Tanzania's multi-million dollars Country Programme designed to support implementation of East African Community (EAC) regional integration Programmes. This include improving intra-regional trade and trade competitiveness through improved trade facilitation, streamlined procedures and trade related infrastructure development

Ms. Elago has over twenty-five years of professional experience in International Trade, primarily trade policy, regional integration, trade facilitation, investment environment reforms, trade related capacity building and trade related infrastructure development. Additionally, she boasts of 10 years' experience in managing and delivering multi-donor, multi-country and multi-year development programmes to support regional integration and trade competitiveness, primarily in Africa, Caribbean and Pacific (ACP) States including institutional support to regional integration organisations across ACP region.

She has also served as Deputy Chief of Party for the Southern Africa Global Competitiveness Hub in Gaborone, Botswana, Economic Adviser at the Commonwealth Secretariat in London and as Chief Trade Negotiator for the Government of Namibia. She has in-depth knowledge and understanding of the trade and Socio - economic development context on the African continent esp. SACU, SADC and EAC sub-regions, the ACP and Commonwealth groupings as well as the global arena.

## Day One, 23 November



### PANELLIST - EFFECTIVE IMPLEMENTATION OF THE HS AS A KEY ENABLER OF SUCCESSFUL TRADE FACILITATION



#### **Adrian P. Swarres**

**Zimbabwe Revenue Authority - WCO ESA Vice-Chair**

Adrian Peter Swarres is currently the Acting Commissioner Customs and Excise with the Zimbabwe Revenue Authority, he joined the then Department of Customs and Excise in January 1991 and has amassed a thorough knowledge of customs procedures and legislation over the years, and has been very instrumental in the modernization efforts of the Zimbabwe Revenue Authority. He is a holder of a Master Degree in Business Administrations and a Bachelor of Commerce Honours in Fiscal Studies.



### PANELLIST - EFFECTIVE IMPLEMENTATION OF THE HS AS A KEY ENABLER OF SUCCESSFUL TRADE FACILITATION



#### **Guénolé Mbongo Koumou**

**Congo Customs, WCO WCA Vice-Chair**

Guénolé MBONGO KOUMOU, Directeur général des douanes et des droits indirects, Enseignant à la Faculté des sciences économiques de l'Université Marien NGOUABI (République du Congo), est titulaire d'un Master 2 de l'Université Paris 1 Panthéon Sorbonne et Docteur en sciences économiques de l'Université de Tours (France).

Il a d'abord travaillé en France après son diplôme d'ingénieur en Réseaux informatiques et Télécommunications en 2006, avant de rentrer au Congo en 2013, date à laquelle il a intégré la Cour des comptes et de discipline budgétaire.

Conseiller à la fiscalité et aux douanes du ministre des finances et du budget entre 2016 et 2018, il était en charge de la coordination des réformes fiscales et douanières.

Il a été nommé Directeur général des douanes et des droits indirects de la République du Congo en décembre 2018 et élu Vice-président du Conseil de l'Organisation Mondiale des Douanes pour la région Afrique occidentale et centrale (OMD-AOC) en septembre 2020.





### PANELLIST - EFFECTIVE IMPLEMENTATION OF THE HS AS A KEY ENABLER OF SUCCESSFUL TRADE FACILITATION



**Antti Suortti**  
European Union

Mr Suortti graduated as a lawyer from the Helsinki University. Before joining the European Commission in 1996 he worked for the Finnish Customs. In the European Commission Mr Suortti has worked in the Directorate-General for Budget, heading units in the area of EU own resources and revenue management. Since 2017 he has been in charge of the “Customs Tariff” unit in the Directorate-General for Taxation and Customs Union that also represents the EU in the WCO in relation to the Harmonised System.



### CHAIR - EFFECTIVE IMPLEMENTATION OF THE HS AS A KEY ENABLER OF SUCCESSFUL TRADE FACILITATION



**Ebenezer Gebding Tafili**  
World Customs Organization

Mr TAFILI Ebenezer has held the position of Deputy Director, Capacity Directorate of the World Customs Organization (WCO) since January 2021. His primary responsibility is to plan, manage and supervise the work programme of the Directorate, actively contribute to setting new priorities for the WCO's capacity building programmes and assure alignment with the WCO Strategic Plan for effective capacity building delivery to the 183 WCO Members.

Before his current position, Mr Tafili was Director of WCO Regional Office for Capacity Building (ROCB) for West and Central Africa. He had previously served the Cameroon Customs Administration for over 27 years, holding various operational and managerial positions, including Capacity Building Contact Point and Head of International Cooperation during the last ten years of this period.

Mr Tafili holds a BSc. and a Master's Degree in Economics from the University of Yaounde, Cameroon and a Post-Graduate Diploma in Customs Administration from the Cameroon National School of Administration (1987-89).

## Day One, 23 November



### PANELLIST - THE PRIVATE SECTOR AS IN INDISPENSABLE PARTNER IN THE IMPLEMENTATION AND APPLICATION OF THE HS



**Valérie Picard**

International Chamber of Commerce

Valérie Picard is the Deputy Director for the Global Alliance for Trade Facilitation based at the International Chamber of Commerce (ICC). Based in Paris, Valerie leads ICC's contribution to the Global Alliance working with her team to leverage the ICC's network of businesses, national committees and chambers of commerce to support the work of the Alliance and develop trade facilitation projects. She previously worked at Bolloré Transport & Logistics advising on legal matters relating to public-private partnerships and the development and operation of ports and terminals in Africa and Asia. Valerie holds a BA in Government from Smith College and a JD/LL.M from Duke University School of Law.



### PANELLIST - THE PRIVATE SECTOR AS IN INDISPENSABLE PARTNER IN THE IMPLEMENTATION AND APPLICATION OF THE HS



**Carol West**

International Federation of Customs Brokers Associations

Carol West is the Secretary of the International Federation of Customs Brokers Associations (IFCBA) as well as the President and CEO of the Canadian Society of Customs Brokers.

Carol has led and participated in many Canadian and international discussions on harmonization of data requirements, Customs processes, border management, supply chain security and trade facilitation. She understands and articulates the important role of business in the successful implementation of change in Customs administrations. She is a former chair of the WCO Private Sector Consultative Group, and was the private sector co-chair of the WCO SAFE Working Group and a joint working group on Customs-Business Partnership. Carol has contributed to WCO and World Bank capacity building work in Latin America and Asia. She has also supported the implementation of the WTO Trade Facilitation Agreement through work with the Global Alliance for Trade Facilitation in Zambia and Malawi. She is a strong advocate for the value and importance of customs brokers and is a committed supporter and promoter of Customs-business partnership, in Canada and worldwide.





### **PANELLIST - THE PRIVATE SECTOR AS AN INDISPENSABLE PARTNER IN THE IMPLEMENTATION AND APPLICATION OF THE HS**



**Louise Wigget**

**Global Trade Solution South Africa**

As the founder and CEO of Global Trade Solution, Louise offers more than 25 years experience and leadership in International Trade, Logistics, Supply Chain, Customs and Information Technology. Along with an entrepreneurial, forward-thinking mindset and a demonstrated track record of accomplishments, she is passionate about innovation and transformation of the business processes within the International Trade environment, both from a Trade and Customs perspective.

Her consulting, business and technology experience includes a vast array of industry segments, namely Manufacturing, FMCG, Food, Canning, Pharmaceuticals, Wine, Fruit, Retail and Footwear and Textile to mention a few.

AEO, MSME development and Women in Trade have over the years become a particular area of focus and interest for her. Embracing technology innovations that improves the International Supply Chain, Logistics, Trade and Customs domains remains an ongoing area of growth and focus.

Louise holds a B.Com from the University of Stellenbosch and a B.Compt (Hons) from the University of South Africa and passed the professional examinations of the SA Public Accountants' and Auditors' Board. She subsequently obtained a number of diplomas in International Trade and Project Management. Prior to founding GTS, Louise completed her articles at Ernst and Whinney and worked extensively in international trade at various blue-chip companies in Africa and internationally.

Louise has ongoing engagements in several trade modernisation and trade facilitation initiatives as well as participation in several of the Customs modernisation activities across the globe. She is also involved in a number of African (RFA, TSPA, ICC) associations. In addition she is involved with several International Associations, which includes the ICC, WCO and WTO as well as other organisations that are involved in the International Trade and Supply Chain and Logistics environment.

Louise regularly contributes to publications and conference papers, both locally and abroad and regularly participates and contributes to conferences, seminars and panel discussions and public debates across the globe.

## Day One, 23 November



### CHAIR - THE PRIVATE SECTOR AS AN INDISPENSABLE PARTNER IN THE IMPLEMENTATION AND APPLICATION OF THE HS



**Liza Helena Vaz**

**Cape Verde Customs Administration**

Liza Vaz is a graduate in Law from the Faculty of Law of the Universidade Clássica de Lisboa. She holds a Master in Tax from ISCTE and in Commercial Company Law from the Faculty of Law of the Catholic University of Lisbon. Prior to joining the Cape Verdean Revenue Authority, she was a Senior Manager at PwC in the corporate taxation department in Lisbon, specializing in Transfer Pricing, Corporate Income Tax in Portugal and Cape Verde. At PwC, she was particularly involved in projects related to corporate taxation and taxation of multinational companies. She also led numerous foreign investment projects in Cape Verde as well as provide advisory support on tax benefits and permanent tax advice to national and international clients in Cape Verde in various sectors of activity including government affairs, tourism, industry and services. She has acted as a key speaker at several National and International Conferences and has collaborated in specialized tax journals, on articles related to taxation in Cape Verde. She was World Bank Doing Business Correspondent for Cabo Verde and Non Executive Administrator of Cabo Verde Telecom. Since July 2016, she is the Commissioner General of Cape Verdes Revenue Authority.



### EXPERT



**Pablo Muñiz**

**Van Bael & Bellis**

Pablo is a partner at the law firm Van Bael & Bellis (Brussels - London - Geneva) where he heads the customs practice. He specializes since 2001 in EU trade law, with a particular emphasis on EU customs law. He regularly provides advice on customs classification files - including the implementation of the Harmonized System and its application by WCO members -, origin issues, free trade agreements and other preferential arrangements, repayment requests, customs valuation, duty suspensions, as well as export controls and sanctions. Pablo often handles multi-jurisdictional customs matters involving disputes in several EU Member states.

He regularly advises clients on customs matters involving the EU Courts, the European Commission, OLAF, the World Customs Organization (WCO) and national customs administrations throughout the EU.

Further information is available on LinkedIn.

## Day Two, 24 November

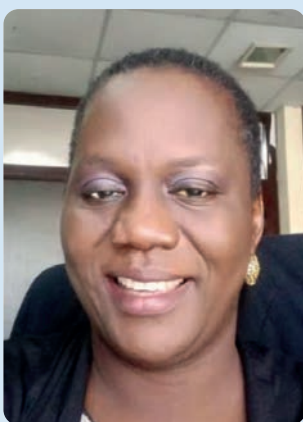


### HS 2022 AMENDMENTS AS A LANDMARK IN MAKING THE HS MORE RELEVANT FOR ITS USERS



**Gael Grooby**  
World Customs Organization

Ms Gael Grooby is the Deputy Director of Tariff and Trade Affairs. She came to the WCO after 27 years in the Australia's Customs administration, with the majority of that time spent in trade areas. Her specialisation was classification, tariff policy and the Nomenclature. When she first joined the Customs administration in Australia, Gael was undertaking a Major in Information Systems and so was naturally drawn to the Nomenclature. Now she has a passion for introducing others to the Nomenclature's intellectual challenges and real world impacts.



### PANELLIST - OPTIMIZING PROCESSES FOR EFFECTIVE AND TIMELY IMPLEMENTATION OF THE HS



**Demitta Chinwude Gyang**  
African Continental Free Trade Area

Mrs. Gyang Demitta Chinwude is currently Head of Customs Cooperation, Trade Facilitation and Transit as well as Senior Adviser to the Secretary-General, AfCFTA Secretariat. Before joining the AfCFTA Secretariat, she was Assistant Chief Trade Negotiator and Head of the AfCFTA/ECOWAS department at the Nigerian Office for Trade Negotiations (NOTN). In her capacity as head of this unit, she was the Alternate Chief Trade Negotiator for Nigeria during the Phase I negotiations of the AfCFTA Agreement. Prior to her deployment to the Nigerian Office for Trade Negotiations, Mrs. Gyang was a Commercial Officer at the Ministry of Industry, Trade and Investment, Nigeria, 2006 – 2016 where she served in the Task Force for Trade Facilitation that eventually became the National Committee on Trade facilitation after Nigeria ratified the WTO Trade Facilitation Agreement. She proceeded to Geneva, Switzerland in 2012 for an Internship at the World Trade Organization (WTO) and was a part of the Project Implementation Unit of the World Bank Growth and Employment Project (GEM), 2014 – 2016. She holds a master's degree in International Law and Economics (MILES) from the World Trade Institute, University of Bern, Switzerland.



## Day Two, 24 November



### PANELLIST - OPTIMIZING PROCESSES FOR EFFECTIVE AND TIMELY IMPLEMENTATION OF THE HS



#### **Felix Kwame Kwakye**

**Commission of the Economic Community of West African States**

I had my tertiary education at the University of Ghana, and the University of Lincoln in the United Kingdom. I began my career at the then Ghana Customs Excise and Preventive Service in 1988 and progressively rose through the ranks to the level of Chief Collector before moving on to the ECOWAS Commission in Nigeria as a Customs Specialist.

I am currently the Principal Programme Officer and Head of Division for Tariff and Customs Procedures at the ECOWAS Commission.

I have been involved in the development and management of the ECOWAS Tariff and Statistical Nomenclature since its inception.

As part of my responsibilities at ECOWAS, I oversee the management of the ECOWAS Common External Tariff (CET) and ensure that it's kept up to date as well as coordinate all Customs programmes and activities undertaken by the ECOWAS Commission in West Africa.



### PANELLIST - OPTIMIZING PROCESSES FOR EFFECTIVE AND TIMELY IMPLEMENTATION OF THE HS



#### **John David**

**United Nations Conference on Trade and Development,  
ASYCUDA Programme**

John David is an Information System Officer at the United Nations Conference on Trade and Development (UNCTAD) where he works for the Automated System for Customs Data (ASYCUDA) Programme. He has 25 years of experience working in the technical field of customs automation and he is presently responsible for the technical development and support of the system including the most recent version - ASYCUDAWorld.

John was raised in the UK, Botswana and Geneva and graduated from Bristol university with a Masters degree in Computer Science. He has participated in international conferences with WCO, EU, OIC-IDB, SADC, WTO and COMESA where he delivered presentations and demonstrations of the ASYCUDA programme and software products.



### PANELLIST - OPTIMIZING PROCESSES FOR EFFECTIVE AND TIMELY IMPLEMENTATION OF THE HS



**Randy Rotchin**  
Avalara

Randy Rotchin is Director of Business Development for Global Trade at Avalara. Randy came to Avalara through the acquisition of his company, 3CE Technologies, a globally recognized leader in the application of artificial intelligence in Harmonized System commodity classification and HS code verification. The company's award-winning solutions are used by a wide variety of international trade stakeholders, including multinational shippers, logistics service providers and Customs authorities. 3CE is considered the gold-standard in technology-enabled HS classification assistance software and is featured in many public-facing resources such as trade-hubs and electronic single windows.

Randy has appeared as an expert witness before several Canadian Parliamentary Committees on such topics as duty remission, quota management, and smart government. He has also spoken at numerous industry conferences on the subject of customs modernization, trade facilitation, and regulatory oversight.



### PANELLIST - OPTIMIZING PROCESSES FOR EFFECTIVE AND TIMELY IMPLEMENTATION OF THE HS



**Gasper Konneh Neba**  
Cameroon Customs

Dr. Konneh is a Senior Inspector of Customs working with the Cameroon Customs Administration. He is currently Director for Studies, Trade Facilitation and Risk Analysis at the Cameroon Customs Headquarters. He has previously held the positions of Director for Legislation and International Cooperation and Director for Legislation and Litigation within the same Administration. He also worked as a Research Officer in the Office of the Vice-Chair of the WCO for the West and Central Africa Region, during Cameroon's tenure of that post from 2014 to 2016. He is a WCO accredited Expert Trainer on the Harmonized System. He is also an accredited Technical and Operational Counselor on the WCO Revenue Package.

## Day Two, 24 November



### **CHAIR - OPTIMIZING PROCESSES FOR EFFECTIVE AND TIMELY IMPLEMENTATION OF THE HS**



**Larry Liza**

**World Customs Organization**

Larry Liza is the Director of the World Customs Organization, East & Southern Africa, Regional Office for Capacity Building (WCO ESA ROCB) in-charge of implementing capacity building initiatives for 24 Member countries in the region. The focus of his service includes promoting growth in intra-regional trade, promoting fair and efficient revenue mobilisation, strengthening intra-regional compliance and enforcement and enhancing integrity and professionalism in human capital. Under Customs-Business partnerships, Mr. Liza cooperates with the private sector, including logistics companies, in light of their critical role in international trade and economic development.

Larry, who is serving on secondment from Kenya Revenue Authority, has a Masters degree in Planning and Management and a Bachelor of Science degree, both from the University of Nairobi, among other qualification. He is a Kenyan born poet, published author and global champion for maternal health.



### **PANELLIST - ADMINISTERING TARIFF CONCESSIONS UNDER THE AfCFTA; CHALLENGES AND OPPORTUNITIES**



**Mohammed Ali**

**African Continental Free Trade Area**

Mohamed Ali, is the Director of Trade and Competition at the AfCFTA Secretariat. In February 2021, he was appointed to be the First Director of Trade in Goods and Competition of the African Continental Free Trade Area Secretariat. Mohamed was born and raised in Cairo, Egypt. He graduated with a Bachelor of Commerce in Accounting and Business Management from Cairo University, Egypt. He obtained a Master's degree in Development and Public Policy from the KDI School of Public Policy and Management, Seoul/South Korea.

He was the Director for Africa Relations in the Ministry of Trade and Industry and Egypt's Chief Negotiator in the negotiations of the Agreement Establishing the African Continental Free Trade Area Agreement (AfCFTA). Mohamed later served as the Project Development Manager for Third Country Cooperation in North and West Africa at British Embassy in Cairo. Mohamed has taken part and presided the Egyptian delegation in various technical and high-level COMESA meetings and Tripartite FTA negotiations. Moreover, He has contributed as a senior



trade official and the deputy of the Chief Negotiator of Egypt since the commencement of the negotiations of the Agreement Establishing the African Continental Free Trade Area (AfCFTA), which is deemed to be one of the most imperative flagship projects of the Agenda 2063: The Africa We Want. In addition, he assisted in the establishment of a trade policy framework on the national level aimed at identifying trade issues that could be mainstreamed into the development plans and strategy to enhance Intra-Africa trade within the Continent.



#### **PANELLIST - ADMINISTERING TARIFF CONCESSIONS UNDER THE AfCFTA; CHALLENGES AND OPPORTUNITIES**



**Roy Santana**  
World Trade Organization

Mr. Santana has more than 20 years of experience on tariffs and other customs matters. He has worked for the Market Access Division of the World Trade Organization since 2004, where he has served as the Secretary of the Council for Trade in Goods (CTG), the Committee on Market Access and the Committee on Customs Valuation. He has also provided technical support to the Committee of Participants of the Information Technology Agreement (ITA), the negotiations for the expansion of the ITA, the Trade Facilitation Agreement Facility (TFAF), the Negotiating Group on Non-Agricultural Products (NAMA), and the negotiations for an Environmental Goods Agreement (EGA). He has served as technical liaison in eight disputes under the Dispute Settlement Understanding of the WTO, contributed to a number of reports and publications by the WTO Secretariat, and frequently trains government officials in various WTO agreements. Between 2001 and 2004, Mr. Santana worked as a Geneva-based delegate for the Government of Costa Rica. In 2003, he was elected vice-chairman of the International Textiles and Clothing Bureau (ITCB), and served as an alternate member of the Textiles Monitoring Body. From 1998 to 2000 he worked as a trade negotiator on issues relating to Market Access, Agriculture, and Trade & Competition Policy in numerous agreements, including the Free Trade Agreement of the Americas (FTAA), and bilateral trade negotiations with Central America, Canada, Chile, the European Communities, Dominican Republic, Mexico, and Panama.

Mr. Santana holds an LL.M. in Trade Regulation from New York University (NYU), a degree in Law from the University of Costa Rica and a bachelor's degree in Economics from the same university. Mr. Santana is a member of the New York and Costa Rican Bars. He lectures at the Catholic University of Lyon, and the World Trade Institute (WTI) in Bern, the LLM on Food Law of the Libera Università Internazionale degli Studi Sociali "Guido Carli" in Rome, and the LLM in International Economic Law (IEL) at the European Public Law Organization (EPLO).

## Day Two, 24 November



### PANELLIST - ADMINISTERING TARIFF CONCESSIONS UNDER THE AfCFTA; CHALLENGES AND OPPORTUNITIES



**Trudi Hartzenberg**  
Trade Law Center

Trudi Hartzenberg is the Executive Director of the Trade Law Centre (tralac). Her research areas include international trade, competition policy, industrial development and Africa's integration agenda.

She has a special interest in capacity building. She designs and delivers academic and tailored short courses a broad range of trade-related topics, investment, competition policy and industrialisation.

She currently serves on the WTO Chairs Advisory Committee and is a member of the Committee for Development Policy of the United Nations Economic and Social Council (ECOSOC).



### PANELLIST - ADMINISTERING TARIFF CONCESSIONS UNDER THE AfCFTA; CHALLENGES AND OPPORTUNITIES



**Donald Tindamanyire**  
East African Community

Donald Tindamanyire, is currently the Principal Customs Officer, responsible for Tariffs, Valuation and Rules of Origin at the East African Community Secretariat, based in Arusha, Tanzania. Donald's experience in Customs Management spans over 19 years, specifically in the areas of valuation, tariff, Rules of Origin and trade facilitation. Donald holds a Master's Degree in Customs Administration, from the University of Muenster, Federal Republic of Germany, and a Bachelor of Laws (LLB), from the University of Dar es Salaam, in Tanzania.

As a regional expert, Donald's key responsibilities centre on ensuring the overall administration and monitoring on the application of the EAC Common External Tariff, Agreement on Customs Valuation and Rules of Origin, by EAC Partner States, and in accordance with the EAC Customs Union Protocol. Donald is currently coordinating the EU-WCO Programme for Harmonized System (HS) in Africa within EAC region. He is overseeing the transposition and implementation of the HS 2022 version, which will include a Digitalized / Electronic Tariff and advanced ruling system. Donald also oversaw the awareness creation, for border agencies, on measures taken to facilitate smooth movement of goods within the region including the WCO HS reference guide on classification for COVID 19 medical supplies, in order facilitate expedited clearance.

Donald has also led the facilitation of various reviews of EAC Tariff regimes based on the EAC policy requirements, as well as participated in the negotiations on Rules of Origin for Tripartite Free Trade Area (TFTA) and the recently concluded Economic Partnership Agreement (EPA). Donald previously worked with the Tanzania Revenue Authority, where he held various senior portfolios, such as, Assistant Regional Manager Customs & Excise Department and Head of Rules of Origin, where he led various teams in the development and implementation of various policies and procedures on revenue collection, trade facilitation and protection of society.

From his legal background, Donald is an Advocate of the High Court of Tanzania, and a Member of both requisite professional bodies of the Tanganyika Law Society (TLS) and East Africa Law Society (EALS).



#### **PANELLIST - ADMINISTERING TARIFF CONCESSIONS UNDER THE AfCFTA; CHALLENGES AND OPPORTUNITIES**



**Maheswar Gaunpot**  
Mauritius Revenue Authority



#### **CHAIR - ADMINISTERING TARIFF CONCESSIONS UNDER THE AfCFTA; CHALLENGES AND OPPORTUNITIES**



**Larry Liza**  
World Customs Organization

Larry Liza is the Director of the World Customs Organization, East & Southern Africa, Regional Office for Capacity Building (WCO ESA ROCB) in-charge of implementing capacity building initiatives for 24 Member countries in the region. The focus of his service includes promoting growth in intra-regional trade, promoting fair and efficient revenue mobilisation, strengthening intra-regional compliance and enforcement and enhancing integrity and professionalism in human capital. Under Customs-Business partnerships, Mr. Liza cooperates with the private sector, including logistics companies, in light of their critical role in international trade and economic development.

Larry, who is serving on secondment from Kenya Revenue Authority, has a Masters degree in Planning and Management and a Bachelor of Science degree, both from the University of Nairobi, among other qualification. He is a Kenyan born poet, published author and global champion for maternal health.



## Day Two, 24 November



### EXPERT'S VOICE



**Edvinas Drevinskas**  
World Trade Organization

Edvinas Drevinskas is a statistician in the Economic Research and Statistics Division of the World Trade Organization. He has many years of experience working with tariffs and trade data. This allowed him to gain expertise in the Harmonized System especially on the evolution of codes across different versions of the HS. Edvinas is also an excellent data scientist and R programmer and has developed various computer modules to automate database verification, analysis, and data visualization in his job. Mr. Drevinskas is one of the main developers of several WTO data analytics tools, including a recent tool HS tracker.

Mr. Drevinskas holds a Master of Science in Statistics from the University of Geneva (UNIGE) and a bachelor's degree in Statistics from Vilnius University (VU).



### CLOSING REMARKS



**Ricardo Treviño**  
World Customs Organization

Ricardo Treviño Chapa holds a Bachelor's degree in Financial Administration/Business from the Instituto Tecnológico y de Estudios Superiores de Monterrey (Monterrey Institute of Technology and Higher Education) in Mexico and a Master's degree in Global Banking and International Finance from the University of Birmingham in the United Kingdom.

With a public sector career spanning 20 years, he first worked for Mexico's Government at the Institute for Protection of Bank Savings, focusing on areas such as process improvement, financial support analysis and asset management.

In 2007 he was appointed as General Director for Revenue Collection in the State of Mexico Government. Revenue collection tripled during his term of office, thanks to the implementation of automated processes. He also served as General Director of the Social Security Institute of the State of Mexico, where he led spearheaded a legal reform to strengthen the pension system.

In 2015 he was appointed as General Administrator of Customs by the President of Mexico, with ratification by the Senate. During his

tenure in office, Mr. Treviño Chapa promoted digitization of Customs procedures as well as cooperation with other border agencies and with Customs administrations of the country's main trading partners. Through the implementation of technology and data analysis, the risk alert effectiveness increased exponentially, impacting positively on revenue collection stemming from external trade. During this period of his career, he was also the WCO Regional Vice-Chair for the Americas and Caribbean region and, in this capacity, coordinated the first ever regional Strategic Plan in line with WCO objectives and priorities.

Since January 2018 Ricardo Treviño Chapa has held the post of WCO Deputy Secretary General, after being elected by the WCO Council. His current duties include leading the efforts to define and implement the WCO Strategic Plan for the period 2019-2022, which is based in an inclusive and transparent approach by taking, for the first time, contributions by the Organization's 183 Members into consideration. He has also succeeded in upgrading the strategic indicators, goals, priorities and deliverables for the Strategic Plan.

In his role as Deputy Secretary General, he follows up on the correct implementation of the WCO Strategic Plan, overseeing and coordinating efforts made by the Organization's three Directorates: Compliance and Facilitation, Tariff and Trade Affairs, and Capacity Building.

Some of the main activities addressed in the WCO Strategic Plan are the promotion and updating of the Organization's conventions, tools and instruments, including the Revised Kyoto Convention, Harmonized System, SAFE Framework of Standards to Secure and Facilitate Global Trade, and Framework of Standards on Cross-Border E-Commerce. To ensure implementation of the Organization's strategic goals, Mr. Treviño Chapa also follows up on the delivery of capacity building initiatives aimed at actively assisting Customs administrations to roll out training sessions and modernization initiatives. In addition, the development of a new mechanism to oversee proper implementation of WCO tools and measure the performance of Customs processes is one of the projects he is currently carrying out.

With a focus on results, transparency, Members' integration and innovative processes, Ricardo Treviño Chapa has been working together with other WCO Secretariat staff to ensure business continuity during the current global health crisis resulting from the COVID-19 pandemic.

In 2013 he joined Mexico's Tax Administration Service as Administrator General of Evaluation and Internal Affairs, where he was responsible for developing actions to strengthen integrity and transparency in Customs and tax.



# SUMMARY REPORT

## Opening

**World Customs Organization**

**African Continental Conference on the HARMONIZED SYSTEM**

OPENING REMARKS | 23.11.2021

**CHAIR:**  
Konstantinos Kaiopoulos  
World Customs Organization

**Kunio Mikuriya**  
World Customs Organization

**Wamkele Mene**  
African Continental Free Trade Area

**Yankuba Darboe**  
Gambia Revenue Authority

**Sandra Kramer**  
European Union

[wcoomd.org](http://wcoomd.org)

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In opening the Conference, Dr. Kunio Mikuriya, WCO Secretary General, highlighted the role of the HS as a universal standard to sustain the global trade system by providing the harmonized means to identify goods that move across borders. He stressed that the entry into force of the 2022 version of the HS would imply a need to amend many major international instruments, such as schedules of tariff concessions forming the core of trade agreements of the WTO and regional integration. He pledged continued support that the WCO would provide to African countries within various initiatives,

such as the HS-Africa Programme, expressing his appreciation to the European Union for the generous financial support.

Also stressing the central role of the HS in Customs work, Mr. Alhagie K. Mbye, Deputy Commissioner of Customs at the Gambia Revenue Authority (GRA) expressed his appreciation of the continued effort that had been undertaken by the WCO Tariff and Trade Affairs Directorate to complete the preparation of the HS 2022 amendments, despite the many challenges related to the Covid pandemic. Along



with that, he stressed that Members would still need to ensure that the new version of the HS was correctly and timely implemented. He expressed his appreciation to the WCO and the EU for the assistance provided under the HS-Africa Programme to facilitate this important work.

Speaking on behalf of the European Commission, Ms. Sandra Kramer, Director Africa, Directorate-General for International Partnerships, expressed her appreciation to the organizers of the Conference for creating a forum to discuss

various aspects of the implementation of the HS in Africa. She pointed out that the HS had evolved into a true language of international trade, bringing together countries, facilitating communication and contributing to economic development, integration and innovation. She reiterated that the EU remained firmly committed to furthering economic integration in Africa and trade facilitation efforts of the WCO, which materialized in the form of concrete initiatives, such as the HS-Africa Programme, and were delivering impressive results.

## Panel discussions

During the four panel discussions held during the Conference, senior representatives of Customs administrations, international organizations and private companies gathered to exchange views on how to unleash the full potential of the HS as a key enabler of successful trade facilitation. Speakers shared their insights into how one could ensure viable partnerships between different groups of stakeholders of the HS implementation process, and what a winning strategy to optimize processes for effective and timely implementation of the HS should include. A special highlight of the programme was the discussion on administering schedules of tariff concessions under the AfCFTA Agreement, indispensable to operationalize the Free Trade Area in Africa.

### PANEL DISCUSSION: EFFECTIVE IMPLEMENTATION OF THE HS AS A KEY ENabler OF SUCCESSFUL TRADE FACILITATION

In their presentations, panellists shared their insights into the ways in which the HS could be successfully implemented at the national level, as well as in Regional Economic Communities and in Customs unions.

Referring to some recent developments in the Southern African Customs Union (SACU), Mrs. Paulina Mbala Elago, SACU Executive Secretary, spoke about the evolving methodology of tariff-related work in the Union, and recent changes that had been implemented as part of SACU

cooperation with the HS-Africa Programme. She stressed, in particular, the role of the new technical group established at the Union level to manage various issues of tariff, origin and valuation, with a specific focus on managing commodity classification matters. In her view, a successful model of implementation of the HS should include a well-coordinated mechanism of migration to new versions of the HS, advance ruling systems as well as digital tools to automate and speed up the tariff work.



Speaking about the experience of their countries, Mr. Adrian P. Swarres, Acting Commissioner Customs and Excise of the Zimbabwe Revenue Authority, and Mr. Guénolé Mbongo Koumou, Director General of Customs, Republic of Congo, expressed their satisfaction that the preparatory work for the migration to the HS 2022 had been finalized in good time. Among the factors that ensured this result were continued engagement of all the main stakeholders in the migration process, its early launch, relations of trust with the private sector, a clear roadmap and a work plan, careful preparation of all the technical tools as well as expertise sharing within respective regions. Moreover, in their capacity of Council Vice-Chairs, they stressed that in both the West and Central Africa and the East and Southern Africa Regions there was a positive dynamic to effectively deliver timely implementation of the HS 2022.

The experience of the European Union was presented by Mr. Antti Suortti, Head of Unit Customs Tariff, Directorate General TAXUD, who underscored the unique character of the EU. He called attention to the fact that the EU had successfully grown to become the world's largest trade block, which operated on the basis of a fully harmonized set of rules related to Customs. One of the key instruments within the EU was the Common Customs Tariff applying to the import of goods across the external borders of the EU, and the Tariff was based on the Harmonized System, whereby the HS contributed to the European integration. He stressed that the HS was also used for many purposes other than Customs tariffs, and was recognised as one of key global standards to facilitate trade.





## PANEL DISCUSSION: THE PRIVATE SECTOR AS AN INDISPENSABLE PARTNER IN THE IMPLEMENTATION AND APPLICATION OF THE HS

Presenting private sector perspective, Ms. Valérie Picard, Deputy Director, Global Alliance for Trade Facilitation, International Chamber of Commerce called attention to the notion of shared responsibility of Customs and business for trade facilitation outcomes. She stressed that the HS belonged firmly to key areas of trade facilitation as it was a common language of international trade. In her view, consistent and transparent application of the HS and tariffs by Customs was vital to prevent delays, penalties, and other negative consequences for trade operators, including deteriorated relations between business community and Customs. Her organization attached a lot of importance to public-private partnership projects, such as the one that was being implemented in Madagascar on advance rulings, as such joint projects fostered mutual trust, dialogue and expertise sharing among different stakeholders.

Supporting the previous speaker in recognising the key role of stakeholder engagement and dialogue, Ms. Carol West, Secretary, International Federation of Customs Brokers Associations pointed out that her organization had a very good level of support in Africa. She pointed out that commodity classification was one of the core areas of work for Customs brokers, requiring complex analysis and a strong knowledge base. In her view, it was essential for Customs brokers to always keep abreast of the changes in the HS and tariffs in order to carry out the classification work in a correct way. She emphasised the importance of using available instruments and publications such as the HS Explanatory Notes when classifying commodities, streamlining processes of implementation of changes in tariffs, leveraging automation and digitalisation, applying for advance rulings and

providing adequate training on the HS to all relevant stakeholders.

In her presentation on the experience of her company, Ms. Louise Wigget, CEO, Global Trade Solution, called attention to the fact that significant progress had been made with the preparatory work to implement the HS 2022 compared to previous editions of the HS. She expressed her satisfaction that the HS 2022-based SACU Tariff had been made available well in advance, whereby economic operators were given sufficient time to prepare the transition to the new version of the HS. She commended the strengthening relations between Customs, government institutions and business community in the SACU region, to build 'a triangle of trust' and ensure fruitful co-operation and get all the benefits of safe, secure and compliant trade. She stressed the role of enabling technologies in achieving sustained improvement in HS-related work, as well as of collaborative and inclusive approach to help all stakeholders to implement change in tariffs in a timely manner.

In conclusion of the panel, Mr. Pablo Muñoz, Partner, Van Bael & Bellis shared his insights into some legal aspects in relation to commodity classification. He drew participants' attention to the risks inherent in tariff determination, which some companies tended to underestimate. Such risks were particularly important in cases where new products were to be classified, or where there were several competing classification options for a product, or where companies had a dispute with Customs authorities. He encouraged importers and exporters to consider merits of setting up corporate Customs compliance programmes, which would address commodity classification issues among other things, and to use assistance of external legal experts to untangle the complexities of tariff classification when it was needed. He invited trade operators to use the available mechanisms to improve certainty and predictability of trade transactions, such as advance rulings, to ensure that adequate training was provided to develop basic skills of commodity classification, and to participate in the work around development of tariff amendments.

## **PRESENTATION: HS 2022 AMENDMENTS AS A LANDMARK IN MAKING THE HS MORE RELEVANT FOR ITS USERS**

In her presentation of the HS 2022 amendments, Ms. Gael Grooby, Deputy Director, WCO Tariff and Trade Affairs highlighted the relevance of the HS for the real world. She explained that as a multipurpose tool, the HS played an increasingly prominent role in addressing global issues of different sorts, in particular, those related to social and environmental concerns, as well as safety and security. She called attention to various amendments included in the 2022 edition of the HS that were aimed at monitoring sensitive products in the context of preventing global

warming, such as HFC substances or electrical and electronic waste, as well as hazardous chemicals controlled by other international conventions, fentanyl and certain categories of cultural goods. She emphasized that the HS Committee carefully considered practical aspects related to distinguishing criteria for newly identified products, as well as the availability of reliable and affordable ways to administer that distinction at the border, in order not to undermine the trade facilitation benefits of the HS.





## PANEL DISCUSSION: OPTIMIZING PROCESSES FOR EFFECTIVE AND TIMELY IMPLEMENTATION OF THE HS

Speaking about the role of the HS in the continental integration in Africa, Ms. Demitta Chinwude Gyang, Head Customs, AfCFTA Secretariat recalled that the AfCFTA made it compulsory for each State Party to implement the latest version of the HS in its tariff nomenclature. Apart from tariffs, the HS played a crucial role in the operationalization of the AfCFTA as all schedules of tariff concessions were negotiated on the basis of the HS, and there were plans to create an AfCFTA Tariff Book. She pointed out

that the AfCFTA Secretariat was actively working with countries and RECs to ensure that they get the necessary assistance on the implementation of the HS, stating that most African countries were expected to migrate to the HS 2022 by July 2022. She highlighted the need to promote regional cooperation using WCO Regional Training Centres, capacity building initiatives such as the HS-Africa Programme, and to work in close partnership with other development partners.



This positive assessment of the progress achieved was shared by Mr. Felix Kwame Kwakye, Principal Programme Officer, ECOWAS Commission and Mr. Gasper Konneh Neba, Director of Studies, Trade Facilitation and Risk Analysis, Cameroon Customs. They expressed their satisfaction with regard to the preparatory work accomplished to date to ensure timely migration of the new version of the HS, expressing their appreciation to the EU for the support provided under the HS-Africa Programme that was instrumental in taking this work to a higher level. They stressed that for the ECOWAS, the CEMAC and other African Regional Economic Communities it was crucial to undertake a sustained and well-coordinated community-wide effort to handle the HS migration process allowing countries to pool their resources and support countries that may need assistance, including digitalization of processes, training and technical expertise of various kinds. They underscored that the process of implementation of tariff amendments was not a simple mechanical insertion of amendments, but a complex multidimensional exercise involving a great number of aspects that needed to be properly managed and taken due account of.

Highlighting the importance of digital systems in Customs work, Mr. John David, Information System Officer, UNCTAD presented the ASYCUDA Programme used by administrations as an integrated customs management system for international trade and transport operations. He

pointed out that 68 % of African administrations were using the ASYCUDA and electronic single window systems implemented based on the ASYCUDA, where the HS was the basic standard built into the system. In his view, a need to amend electronic systems was an important consideration in the process of implementation of new HS versions, which required careful planning. He invited administrations experiencing difficulties with the implementation of HS amendments to contact ASYCUDA regional coordinators for any necessary assistance.

The crucial role of technology and the extent to which it can be used in the complex process of commodity classification was also discussed in the presentation by Mr. Randy Rotchin, Director of Business Development for Global Trade, Avalara. According to him, systems based on artificial intelligence, such as 3CE, were capable of supporting the classification process in a highly efficient way. He explained that the 3CE system emulated the HS classification expert's approach and provided reasons justifying the classification process and its outcomes. It allowed importers to describe products in their own words, requiring no deep HS knowledge, and instantly obtain consistent and accurate answers, thereby reducing internal operational costs and enabling more effective allocation of expert personnel. In his view, the system would provide the ultimate balance between the often-conflicting forces of trade facilitation and Customs compliance.



## PANEL DISCUSSION: ADMINISTERING TARIFF CONCESSIONS UNDER THE AFCFTA; CHALLENGES AND OPPORTUNITIES

In opening the discussion of the panel, Mr. Mohammed Ali, Director for Trade in Goods, AfCFTA Secretariat recalled that on 1 January 2021, Africa had officially started trading under the AfCFTA Agreement. He explained that African countries ratifying the Agreement consented to liberalize 90 % of tariff lines, with least developed countries expected to accomplish this over a 10-year period, and non-LDCs over a five-year period. Sensitive products, of up to 7 % of tariff lines, were to be fully liberalized over 13 years for LDCs and 10 years for non-LDCs, and 3 % of tariff lines were excluded from tariff liberalization. He pointed out that all these commitments were included in multiple documents, and there was no single consolidated schedule of tariff concessions for the whole of the AfCFTA. He pointed out

that the AfCFTA was exploring ways to address that challenge and establish a mechanism to administer all these commitments in a correct and uniform manner.

The topic of managing tariff concession was further discussed by Mr. Roy Santana, Senior Counsellor, Market Access Division, World Trade Organization. In his presentation, he explained how the WTO was dealing with the difficult task of managing tariff schedules, focusing on the methods of dealing with errors, re-negotiation of tariff schedules and implementation of HS amendments. He underscored the advantages of having a procedure to deal with the correction of errors in the AfCFTA tariff schedules and to address the need to renegotiate or amend

the schedules. With regard to implementation of HS amendments, he suggested that the AfCFTA consider establishing a regular process to transpose tariff schedules, including legal, procedural, technical and organizational aspects.

Speaking about the role of the HS in trade governance in the context of the AfCFTA, Ms. Trudi Hartzenberg, Executive Director, Tralac – Trade Law Center stressed that the Harmonized System was a foundational construct for both trade governance and trade facilitation. She referred to a number of areas where the HS was used within the AfCFTA legal architecture apart from offers of tariff concessions, such as trade negotiations, determination of origin, non-tariff barriers, standards and certification and simplified trade regimes. She went on highlighting the role of the HS in preserving the integrity of the AfCFTA, in particular, in relation to trade remedies and safeguards, anti-dumping and countervailing measures against unfair trade practices, and safeguards to shield domestic industry from harmful impact of import surges.

At the level of regional economic communities, the issue of administering tariff concessions was further illustrated in the presentation of Mr. Donald Tindamanyire, Principal Customs Officer (Tariffs & Valuation), EAC Secretariat. He explained that the EAC had conducted a comprehensive review of its Common External Tariff and had developed a regional consolidated list of concessions. Despite the challenges that affected the work of the EAC due to the Covid, the

EAC partnered with the HS-Africa Programme and had successfully completed this work. At the national level, a good example of successful implementation of the HS was given by Mr. Maheswar Gaunpot, Section Head Assessment, Mauritius Revenue Authority. He explained that his administration had long experience of migrating the national tariff to new versions of the HS, and had implemented the previous versions of the HS in a timely manner.

In conclusion of the panel, Mr. Edvinas Drevinskas, Statistician in the Economic Research and Statistics Division, World Trade Organization presented a tool by the name “HS Tracker”. He explained that HS Tracker had been developed by the WTO Secretariat, with the support of the WCO, to allow different stakeholders to see all the changes of particular headings or subheadings across different versions of the HS. He demonstrated the “Subheading visualizer” displaying the manner in which a specific HS code had changed across different HS versions, and the “HS at a glance” function providing a broad overview of the HS amendments by consolidating the different versions of the HS in one combined structure. He showed various filters and search functions that allowed searching multiple HS nomenclatures simultaneously for a particular set of codes, and determine whether they were affected by a particular amendment to the HS. He concluded by inviting participants to take a closer look at the HS-Tracker at the WTO web-site at [www.hstracker.wto.org](http://www.hstracker.wto.org).



## Closing



In closing the Conference, Mr. Ricardo Treviño, WCO Deputy Secretary General, thanked all the speakers and participants of the Conference for having contributed to its successful conclusion. He expressed his satisfaction that the implementation of the HS was subject of a consultative mechanism with ever-widening audience of stakeholders rather than an exclusive

affair of Customs administrations alone. He encouraged all stakeholders to be part of that process, and to benefit from the assistance that the WCO was providing to Customs administrations, Regional Economic Communities and other stakeholders in Africa under the HS-Africa Programme and other capacity building initiatives.



# QUESTIONS AND ANSWERS

The questions reproduced below are those that were asked by participants via the 'chat' function of the Conference virtual meeting platform, but were not replied or commented during the Conference.

Please note that questions raised by Conference participants with regard to specific products, or product categories, cannot be commented in this report. The World Customs Organization provides advice on classification of commodities to Customs administrations only, upon their requests. Importers or exporters experiencing difficulties in respect of the HS classification of goods should approach the Customs administration of the importing country or exporting country for assistance. This administration may in turn seek advice from the WCO Secretariat about the issue should they deem it necessary.

## QUESTIONS ON TOPICS DISCUSSED AT THE CONFERENCE

*Q. What measures have been taken to push member states that have not yet migrated to the new version of the HS as this is important to ensure data harmonization and the use of the HS as a common language of international trade in goods? What are some of the checks and balances the HS Committee has put in place to aid a smooth transition to the new version of the HS (2022) and sanctions put in place, if any, for those who are HS Contracting Parties but have not fully implemented the amendments?*

A. According to Article 16 of the HS Convention, statistical nomenclatures and Custom tariff nomenclatures of all HS Contracting Parties shall be brought into conformity with the amended Harmonized System on the date of entry into force of that amended version. There is, however, no mechanism whereby the WCO could enforce that obligation, or impose sanctions on countries that fail to implement HS amendments in a timely manner. The WCO provides different kinds of assistance to members to encourage correct and

uniform application of the HS and support them in their efforts to migrate to new versions of the HS.

Furthermore, according to Article 5 of the HS Convention, "developed country Contracting Parties shall furnish to developing countries that so request, technical assistance on mutually agreed terms in respect of, inter alia, training of personnel, transposing their existing nomenclatures to the Harmonized System and advice on keeping their systems so transposed up-to-date with amendments to the Harmonized System or on applying the provisions of this Convention." Developing countries are, therefore, encouraged to contact the WCO in case they need any support to implement the HS. Moreover, African countries are invited to contact the HS-Africa Programme, which has been specifically created to provide assistance on various HS-related matters to African countries and Regional Economic Communities.

**WCO Secretariat**

**Q. Why did the EU decide to have novel tobacco products different from WCO guides?**

A. In the HS 2022, new provisions have been created for various novel tobacco products. The Combined Nomenclature of the EU is based on the HS and will thus use exactly the same structure as the one found in the HS, whereby the classification of novel tobacco products will be, in principle, the same as in the HS.

In cases where Contracting Parties cannot apply any of the decisions of the HS Committee, they are invited to notify the WCO about non-application of any specific decisions. The list with notifications of the decisions not applied by WCO Members and HS Contracting Parties is published on the WCO's web site (Topics > Nomenclature and Classification of Goods > Instruments and Tools > Tools to assist with the classification in the HS Classification Decisions > Application of Harmonized System Committee decisions). The WCO has not received any notification from the EU with regard to non-application of HS Committee decisions concerning novel tobacco products.

**WCO Secretariat**

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**Q. I am happy to hear that there is progress in the implementation of the HS in Africa, looking forward to full implementation on HS 2022 (...) but you must remember, on the other hand, there are criminal actors deliberately created by certain parties to cheat, commit violations or crimes misusing the HS, for example, to avoid high taxes or manipulate HS codes to avoid prohibitions and restrictions on certain goods. This concerns not only the revenue side, but also the monitoring of controlled goods. Do you have any experience to prevent this?**

A. Every time when commodities are moved across borders, they are classified by importers, declarants and Customs. The WCO is aware that the HS is not always applied in a correct and uniform way along that cross-border movement of goods. The WCO has developed a set of standards and recommendations that members are encouraged to follow when they manage the tariff classification work, in order

to prevent misclassification and fraud. These standards are enshrined, in particular, in the WCO Council Recommendation of 25 June 1998 on Improvement of Tariff Classification Work and Related Infrastructure, and in the Guidelines on Customs Infrastructure for Tariff Classification, Valuation and Origin (June 2015).

Apart from that, from the Compliance and Enforcement side, the WCO has made available to Members a comprehensive range of recommendations, compendiums, guidelines and technical materials on a variety of topics, such as the Council Recommendation concerning action against Customs commercial fraud (of 1 July 2006), the WCO Customs Risk Management Compendium and the Guidelines for Post-Clearance Audit. In close co-operation with Members, the WCO has created an extensive library of these instruments to support Customs compliance and enforcement actions. The Compliance and Enforcement Package (CEP) provides a compilation of those WCO compliance and enforcement tools. All CEP materials are available via the WCO Members' website ('Topics' – 'Enforcement and Compliance') and the WCO online bookshop. Selected materials are also accessible through the WCO public website at <http://www.wcoomd.org/en/topics/key-issues/cep/instruments-and-tools.aspx>.

**WCO Secretariat**

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**Q. It is great to learn that all SACU Customs Administrations (Botswana, Eswatini, Lesotho, Namibia and South Africa) are ready for the introduction of the HS 2022 with effect from 1 January 2022. Experience has, however, indicated that legislation based on the HS (for example, import and export controls based on multilateral environmental agreements such as the Montreal Protocol, the Rotterdam Convention, the Stockholm Convention, etc.) is underutilized and normally not aligned on HS updates. This is the case in all SACU countries. Do you have the same experience in your countries or Customs unions? I am speaking from an African perspective. I am sure this is not the case with the EU.**



A. There are two ways in which the WCO encourages members to use standards from various international conventions. Such products can be either directly inserted in the HS (like, for instance, HFC substances or fentanyl have been separately identified in the HS 2022), or they can be included in Recommendations on the insertion in national statistical nomenclatures of subheadings to facilitate the collection and comparison of data on the international movement of certain products (such as ozone-depleting substances, substances for the production of chemical weapons, firearms, etc.). More information on such HS-related Recommendations can be found at the WCO web-site ([http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs\\_recommendations.aspx](http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs_recommendations.aspx)). The information on the position of Contracting Parties with regard to the application of these Recommendations is also available at the WCO web-site (<http://www.wcoomd.org/en/topics/nomenclature/overview/position-of-contracting-parties-to-the-hs-and-non-contracting-party-administrations.aspx>).

#### **WCO Secretariat**

**Q. You explained the measures for the migration to HS 2022. Since you are the Vice-President of the WCO Council for the West and Central Africa (WCA) Region, if you can elaborate what you did as Vice-President, it will be very useful for other WCO regions.**

A. As Vice-President of the WCO Council, the Republic of the Congo coordinates the positions of Customs administrations in the region on topics of common interest, including issues concerning the implementation of the Harmonized System and the work in the area of tariffs. Given the current context of Covid-19 and the requirements regarding revenue mobilization, Customs administrations in the region are facing numerous challenges, among which the implementation of the HS 2022 amendments is clearly a priority.

In the WCA region, we are working on the promotion of WCO standards such as the HS, based on the Regional Strategic Plan 2018-2022, as well as the sharing of experiences between

Customs administrations in the region. We are working to identify their needs and propose solutions, in cooperation with WCO capacity building initiatives, such as the HS-Africa Program. It also helps to promote regional collaboration and solidarity and energize cooperation between the Vice-Presidency, the region, the Regional Economic Communities and other stakeholders.

#### **Republic of the Congo**

**Q. Are all the 351 amendments integrated in the HS 2022 Nomenclature or they are presented in the form of amendments?**

A. In fact, both formats are available. Consolidated version of the HS 2022 Nomenclature, as well as the Article 16 Council Recommendation with all the HS 2022 amendments as well as the 2017/2022 and 2022/2017 Correlation Tables are available at the dedicated section of the WCO web-site (<http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs-nomenclature-2022-edition.aspx>). The HS 2022 amendments brochure (printed version) and the HS 2022 Nomenclature (printed version as well as XML and CSV formats) can also be purchased from the WCO Online Bookshop (<https://www.wcoomdpublications.org/en>).

#### **WCO Secretariat**

**Q. My sincere congratulations to the Deputy Director for her presentation. In the introduction, you underlined the passion that you have for the HS. My question is as follows: what advice would you give Africa to harmonize its Customs tariffs and successfully implement the AfCFTA (steps to follow please)?**

A. At this stage, harmonization is limited to the harmonizing on the latest edition of the HS, so at the six-digit level. This is progressing well and if all African countries succeed in implementing HS 2022 based tariffs as soon as possible, this is a major step to ensuring the success of the AfCFTA. This will of course continue to be important as new editions are released.

Beyond this, the key to the ongoing success of the AfCFTA is communication that leads to a shared understanding of the scope of both the international HS provisions and the various national tariff provisions between the parties to the AfCFTA. This also requires an ongoing commitment to resolving any differing interpretations that may arise: a commitment that requires a transparent and effective mechanism to resolve any disagreements between parties on the implementation to be both established and used well. Setting up a continental framework of monitoring the situation with the implementation of the HS, information exchange, cooperation, mutual assistance etc. (for instance, under the umbrella of the AfCFTA Sub-Committee on Customs Cooperation, Trade Facilitation and Transit as mentioned in the comments by the AfCFTA Secretariat) would be a highly effective way of ensuring that such communications work.

From a practical viewpoint, trade agreements can only be said to be successful if they actually increase trade, so this also requires clear communication with the trade community and practical, accessible and known procedures for traders to utilize the provisions. Having a modern tariff classification work model in place is important in this and there are WCO standards that can be utilized in improving the work models where needed. More information about these standards is available on the WCO web-site at: <http://www.wcoomd.org/en/topics/origin/instrument-and-tools/diagnostic-tool-and-infrastructure.aspx>.

Finally, the HS reflects what is important to its Members in what it specifies as distinct categories, but only insofar as those Members make their voices heard in the HS Review Cycles. So, I would strongly encourage our Members in Africa to be fully involved in the HS Review Cycles to ensure that trade that is important to African nations is properly represented in future editions.

**WCO Secretariat**

*Q. I would like to know if users of the HS 2022 other than Customs (e.g., importers, Customs brokers, etc.) have been 'educated' about it, especially as far as key changes are concerned. This is particularly important for changes that have been made as a result of technological progress and innovation.*

A. The WCO has been consistently advocating the value of providing training on the HS not only to Customs officials, but also to economic operators, importers, exporters, Customs brokers, and other relevant groups within the private sector. This notion is reflected, in particular, in the WCO Council Recommendation of 25 June 1998 on Improvement of Tariff Classification Work and Related Infrastructure, and in the Guidelines on Customs Infrastructure for Tariff Classification, Valuation and Origin (June 2015). The WCO has moreover launched the WCO Academy, which is the e-learning portal for the private sector and academia, to provide various training programmes to the private sector, including those on the HS. Furthermore, every summer business community has an opportunity to attend the WCO Knowledge Academy for Customs and Trade that the WCO organizes on a variety of Customs and trade-related subjects.

**WCO Secretariat**

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*Q. What impact does this integration of HS amendments have on the use of ASYCUDA in the region?*

A. National Customs administrations using ASYCUDA will opt (or not) to migrate and will carry out the necessary preparatory tasks and go live with it after testing. It does not have an impact on our presence in the region. Some countries will do it independently, some with our assistance.

**UNCTAD, ASYCUDA Team**

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*Q. With the movement of big data and considering the different systems in place (such as ASYCUDA, Simba etc.), can the WCO perhaps interact with the respective revenue authorities at least to have transparency of import/export data for*

*stakeholders, i.e., importers and exporters. So far, it can be noted that the SARS from South Africa is willing to share clients' data if requested properly, a practice not common to the rest of Africa.*

A. The WCO strongly encourages revenue authorities to share trade-related information with business (with the exception of data legitimately considered as confidential). Guidelines on Customs Infrastructure for Tariff Classification, Valuation and Origin (June 2015) stipulate that "it is beneficial to both Customs and the trade to provide as much information as possible to all who need it in the business community. In addition to Customs legislation which should be generally available, Customs administrations are encouraged to provide supplementary guidance to help the trade to make legally accurate declarations. This should include national policy decisions and other advice on procedures, business' rights and obligations etc. (...) The more information that is made available to the trade community in a clear, user-friendly fashion, the more the benefits of voluntary compliance will be recognized. It can also be beneficial to announce regulatory and policy changes affecting classification, valuation and origin to the public before implementation. This allows business time to respond accordingly and adapt their procedures to comply with the new requirements." The WTO TFA also contains provisions making it compulsory for members to publish certain information (such as procedures for importation, exportation, and transit, applied rates of duties and taxes, etc.) in a non-discriminatory and easily accessible manner (Art. 1 TFA). Yet the precise scope of the information that revenue authorities make available to the business community, and the format in which it is published varies from one jurisdiction to another and is determined by relevant national laws.

**WCO Secretariat**

*Q. Many advance rulings are currently already in place. Is there a reconciliation document for Customs authorities to amend or update rulings so that current rulings in place that may be impacted due to HS changes will not be brought into question?*

A. Advance rulings will normally cease to be valid where they no longer conform to the law. This will be the case, in particular, as a result of the adoption of amendments to a tariff and statistical nomenclature, and will occur with effect from the date of entry into force of the respective amendments to the nomenclatures. Responsibility for correctly declaring the goods to Customs lays with the holders of advance rulings, and there is normally no legal obligation on Customs authorities to inform the holders of advance rulings when they cease to be valid. Holders of advance rulings should therefore ensure that they are fully aware of any changes in tariffs, and the impact that these changes may have on the advance rulings that they hold.

**WCO Secretariat**

*Q. What is the legal responsibility in case of using artificial intelligence tools, in cases of mistakes/misclassifications?*

A. Tools of any kind, including but not limited to artificial intelligence-enabled tools, are just that, tools. They are designed to assist classification, and not to perform classification. The legal liability associated with classification errors is ultimately determined by the national Customs authority. Typically, such liability rests with the importer of record, but this may differ in each country.

It is also worth noting that usage of classification assistance tools is typically governed by terms and conditions defined by the tool developer/provider. Such terms delineate the responsibilities and liabilities of both the tool developer/provider and the tool user and is effectively a legal agreement between the parties.

**Avalara, 3CE Technologies**

*Q. In regard to capacity building regionally, are there programs in place to ensure a continuous capacity building in the HS for the officers who are in daily contact with this useful tool of trade and what is the criteria for picking those to get this training.*



A. The WCO has a network of the Regional Offices for Capacity Building, which are the cornerstone of WCO regional approach to capacity building, as laid out in the WCO Capacity Building Strategy. Their mission is, among other things, to assist member Customs administrations with their capacity building programs at regional level by helping them to identify more accurately capacity building needs and possible solutions, as well as to enhance the coordination of activities with members and the WCO Secretariat. Training activities on the HS are delivered at the level of national administrations, but also at the regional level, in the form of regional seminars and workshops. Customs administrations select officials to be nominated for the participation in such activities, depending on the content of each activity.

#### **WCO Secretariat**

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#### **Q. How can small and medium-sized businesses receive training on the HS system digitalization?**

A. The WCO assists businesses within the framework of initiatives specifically designed for the private sector, in particular, the WCO Academy and the WCO Knowledge Academy for Customs and Trade. For any specific training requests, businesses are also invited to approach the Customs administrations of their respective jurisdictions to see what assistance they can receive.

#### **WCO Secretariat**

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#### **Q. What role, if any, will article 12 of WTO TFA play in ensuring timely application of the HS 2022 across the AfCFTA?**

A. Article 12 TFA WTO (Customs cooperation) encourages members to share information on best practices in managing Customs compliance, and to cooperate in technical guidance or assistance and support for capacity building for the purposes of administering compliance measures and enhancing their effectiveness. Classification of commodities in HS-based tariff

nomenclatures as well as other HS-related and tariff-related matters can be included in such information exchange mechanisms.

#### **WCO Secretariat**

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#### **Q. With the advent of the AfCFTA, is the HS 2022 cognizant of reducing the high tariff barriers on trade on the African continent?**

A. The HS or HS amendments themselves are not designed to change any tariff rates or reduce tariff barriers. It is explicitly stated in the HS Convention Article 9 (Rates of Customs duty), that “the Contracting Parties do not assume by this Convention any obligation in relation to rates of Customs duty”. Moreover, HS amendments are, in general, duty-neutral, that is, they are not supposed to have any impact on duty rates. It is entirely up to members of the AfCFTA to set duty rates according to the rules agreed under the AfCFTA.

#### **WCO Secretariat**

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#### **Q. Will the EAC CET remain in use after the adoption of the AfCFTA tariff?**

A. Article 3 of the AfCFTA (General Objectives) stipulates that one of the objectives of the AfCFTA is “to lay the foundation for the establishment of a Continental Customs Union at a later stage”. Regional Economic Communities are recognized as building blocks for the AfCFTA (Art. 5 AfCFTA). Member States of the African Union will drive the implementation of the AfCFTA and decide on specific parameters related to the implementation of a continental Customs union and its common external tariff at a later stage.

#### **WCO Secretariat**

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#### **Q. What challenges did the SACU run into while implementing the HS Migration Framework? And kindly share what you would recommend as a ‘panacea’ to resolve these challenges?**

A. For the SACU as a Customs Union, one of the fundamental principles is to ensure that

all the activities towards migration take place simultaneously across all Member States. The following can be considered as areas of challenges experienced:

(i) Considering that the migration is taking place in a difficult time of the COVID-19 pandemic, in some cases Member States would have to close offices as a result of employees contacting the virus. This disrupted the communication and certain scheduled activities such as publication of draft amendments. A robust coordination function from the Secretariat was useful to ensure that there is a close collaboration and realistic adjustments to the Migration Roadmap to accommodate such unexpected encounters.

(ii) Currently, Member States have different national level requirements relating to implementation of tariff and HS related changes. If not accordingly managed, this could lead to Member States implementing HS amendments at different times. However, in order to ensure simultaneous implementation of these changes, the Migration Framework had to ensure that all processes are given sufficient time that will accommodate all Member States with the different requirements. The adopted Regional Roadmap with clear timelines and milestones implemented by a dedicated Technical Working Group has facilitated this process greatly. For future, it will be useful that Member States also reflect on harmonizing all legislative and administrative requirements.

#### **SACU Secretariat**

***Q. I would like to know if the AfCFTA has taken steps to get the Member states to apply the latest version of the HS (HS 2022) because I suppose that for the rules of origin to be properly applied, all countries will need to be at the same level? As a former official of the WCO and the Nomenclature Sub-Directorate and having followed the evolution of the application of the latest version of the HS, I see that the majority of African countries were lagging behind.***

A. The AfCFTA Secretariat has sensitized the AfCFTA Member States on the need to apply

the HS 2022 during the capacity building and the meeting of the Sub-Committee on Customs Cooperation, Trade facilitation and Transit, held from 12 to 16 November 2021. At the meeting the Secretariat was able to access information on the state of preparedness of the different Customs administrations present and a good number have completed the process including stakeholder consultations in readiness to migrate. Others indicated that they would be in a position to migrate by mid-2022 as a result of their budget cycles.

Recognizing the importance and trade facilitating function of operating from the same version of the nomenclature, we have factored in four HS 2022 events into our work programme next year which we hope would be in collaboration with the WCO and the HS-Africa Programme. Member States who might have difficulty migrating have also been encouraged to request for assistance.

#### **AfCFTA Secretariat**

***Q. The conversion of Common External Tariffs (CETs) between the ECOWAS and the UEMOA is a great success story which is also desirable for other regions in Africa where layers of RECs and CETs exist. If the ECOWAS could give tips to realize this conversion of CETs, this would be useful for other regions. In addition, has the advent of the AfCFTA pushed this conversion? How has the HS-Africa Programme worked/supported this conversion?***

A. The ECOWAS tariff nomenclature is the «mother» nomenclature for West African countries, including the UEMOA Commission. Indeed, there is only one tariff nomenclature in the region and that is the ECOWAS CET nomenclature. This is recognized by all countries in the region.

Occasionally you will hear of the UEMOA CET and that is due to the fact that UEMOA countries collect the UEMOA Solidarity Community levy in addition to the duties and taxes in the ECOWAS CET. This is, however, based on the ECOWAS tariff nomenclature.

The need for a common tariff nomenclature in the region predates the advent of the AfCFTA. Rather, the Economic Partnership Agreement negotiations with the EU was a catalyst for the establishment of a true regional tariff nomenclature in West Africa. I must, however, hasten to add that the AfCFTA makes it even more imperative for the region (including Mauritania) as its member states are required to submit a common tariff offer by virtue of ECOWAS' status as a Customs union. The migration of this common

nomenclature to the latest version of the HS requires the involvement of all the countries in the region and the UEMOA Commission.

The support of the HS-Africa Programme in the recent exercise is commendable in making available all the required documentation early enough and facilitating the bringing together of ECOWAS and UEMOA Commissions and their member states to work on the migration.

**ECOWAS Commission**



## PRACTICAL QUESTIONS

***Q. Is there a certificate of attendance for participants of the Conference?***

A. No certificates of attendance will be distributed to participants.

***Q. Will the presentations be shared with Conference participants?***

A. Presentations shown during the Conference will be shared together with the report. They will be sent to email addresses provided by participants in their registration forms, and also uploaded on the Conference website.

***Q. Shall there be a video or audio recording of the Conference?***

A. No recording of the Conference will be available.

***Q. Is there a similar Conference on the HS planned for Caribbean States, or members of the CARICOM?***

A. The WCO Secretariat has not scheduled similar HS conferences for other WCO regions yet, but it will consider a possibility of organizing them, given the success that the HS Conference for Africa has enjoyed.

For the Americas and Caribbean region, the WCO has already organized two HS 2022 workshops in order to provide comprehensive explanations of the new edition of the HS to Customs administrations. One of these workshops was delivered in English and the other one in Spanish. They were attended by 54 officials from 20 Customs administrations of the region.

Similar workshops were also organized for all other WCO regions in November – December 2021, and one more workshop for African English-speaking countries is planned for early 2022.





# CONCLUSION AND WAY FORWARD

The WCO Secretariat will continue its work with the AfCFTA Secretariat, the African Union Commission, African Regional Economic Communities, Customs administrations, relevant government agencies and the private sector to further explore the various ideas and suggestions expressed during the Conference and implement them in the context of the HS-Africa Programme, with the financial support of the European Union.



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