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FOR COMING EFFECT OF IRAQ'S ACCESSION TO THE (WTO) IN THEMANAGINGOF TAX & CUSTOMS REVENUES

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ABSTRACT

This paper focused on one of the important topics that used recently in almost all over the world, especially in developing countries and particularly Iraq, which is Iraq's accession to the world trade organization, and the impact of this accession on the management of tax revenue and customs, as well as the challenges face the process of accession, It dealt with the major elements of the study, which are the World Trade Organization and Iraq's march to join this organization, and Tax System in Iraq and its major component. In addition to the concept of Costume Policy and its means and the relationship between the costume evaluation rules with the world trade organization agreement. Have been identified the most important challenges, as well as a set of conclusions and recommendations.

KEYWORDS

World trade organization WTO, General Agreement on Tariffs and Trade GATT, Value added tax VAT.

INTRODUCTION

here is no doubt that the financial policy drawn by the overall direction of the State according to its vision, to achieve their goals, political, financial, social and economic, the tax is one of the most important tools used by the fiscal policy to achieve those goals, which reflect the political philosophy of the state, taxes of the most important sources of funding, approved by the financial systems in all countries of the world, to fund balances public, as well as for use as one of the important tools of fiscal policy in guiding the investment desired, and re-distribution of income and try to control the phenomena and the economic turmoil, they are used to guide the market to stabilize the situation, as well as use in the consolidation of economic relations at the regional level or on the international level, it is an important tool in the work of social and economic funding, commensurate with the overall objectives of the state.

In the current circumstances and the opening of Iraq to the outside world and fell into a regional and international conventions, especially to complete the file to join the world trade organization as a permanent member, while benefits provided by the accession to this organization, in entering the investment into the country, and the possibility of Iraq's entry into markets of other countries, but the laws the organization will patrolled the important resources, represent a large proportion of income tax to the State, the revenue of customs, on the one hand, on the other hand, the reconstruction phase in Iraq, and caused the depletion of oil resources in the coming years, resources in the coming years, this requires alternative sources of oil, it is known that tax the most important of these alternatives, which requires the development of tax policy, and the creation of new taxes such as VAT and tax environment, and activation of other development such as sales taxes, taxes on consumption in general, to compensate the lost resources and depleted, consistent with the current circumstances.

THE WORLD TRADE ORGANIZATION & IRAQ

Over the more than four decades of its existence, the GATT system expanded to include many more countries. It evolved into a de facto world trade organization, but one that was increasingly fragmented as "side agreements" or codes were negotiated among subsets of countries. It's fairly complex and carefully crafted basic legal text was extended or modified by numerous supplementary provisions, special arrangements, interpretations, waivers, reports by dispute settlement panels, and council decisions.

Since 1947, the GATT has been the major focal point for industrial country governments seeking to lower trade barriers. Although the GATT was initially largely limited to a tariff agreement, over time, as average tariff levels fell, it increasingly came to concentrate on nontariff trade policies and domestic policies having an impact on trade.

Its success was reflected in a steady expansion in the number of contracting parties. By the end of the Uruguay Round (1994), 128 countries had joined the GATT.

There are many similarities between the GATT and the world trade organization, but the basic principles remain the same. The world trade organization continues to operate by consensus and to be member driven. There were, however, a number of major changes. Most obviously, the coverage of the world trade organization is much wider. A change of great importance is that in contrast to the GATT, the world trade organization agreement is a "single undertaking"—all its provisions apply to all members.

Under the GATT, there was great flexibility for countries to "opt out" of new disciplines, and in practice, many developing countries did not sign specific agreements on issues such as customs valuation or subsidies. This is no longer the case, implying that the world trade organization is much more important for developing countries than the GATT was. Also important were changes in the area of dispute settlement, which became much more "automatic" with the adoption of a "negative consensus" rule. (All members must oppose the findings in a dispute settlement to block adoption of reports.) Finally, the secretariat acquired much greater transparency and surveillance functions through the creation of the Trade Policy Review Mechanism.

The main function of the world trade organization is as a forum for international cooperation on trade-related policies— the creation of codes of conduct for member governments. These codes emerge from the exchange of trade policy commitments in periodic negotiations. The world trade organization can be seen as a market in the sense that countries come together to exchange market access commitments on a reciprocal basis.

Today World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the world trade organization agreements, negotiated and signed by the bulk of the world's trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business.

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The world trade organization is an international organization dealing with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible. The goal is a more prosperous, peaceful and accountable economic world. At the heart of the world trade organization system — known as the multilateral trading system — is the organization's agreement, negotiated and signed by a large majority of the world's trading nations, and ratified in their parliaments. These agreements are the legal ground-rules for international commerce. Essentially, they are contracts, guaranteeing member countries important trade rights. They also bind governments to keep their trade policies within agreed limits to everybody's benefit. The agreements were negotiated and signed by governments. But their purpose is to help producers of goods and services, exporters, and importers conduct their business.

In early 2004, Iraq applied for world trade organization membership. It was granted the WTO Observer status in February 2004. A working party to examine Iraq's accession to the world trade organization was established on December 13, 2004. A Chairperson for Iraq's Working Party is expected to be selected early 2005. Ministry of Trade (MOT) Order No. 2265 dated June 7, 2004 established a world trade organization National Committee (NC) headed by the Minister of Trade to (i) review national laws and regulations for their compatibility and consistency with world trade organization agreements; and (ii) prepare the Memorandum on Foreign Trade Regime (MFTR) and accession documents for full membership as soon as possible. The world trade organization is an intergovernmental organization aimed at gradual liberalization through reducing tariff barriers and eliminating non-tariff barriers to international trade in goods, facilitating trade in services, protecting intellectual property rights, harmonizing trade rules, and strengthening the rule of law.

Currently, more than 90% of world trade in goods and services is conducted among world trade organization members. To remain isolated from the activities of the world trade organization and to trade under different rules and principles from those applied by world trade organization member countries are likely to have serious negative economic consequences on Iraq's economy. Iraq has a responsibility to actively and openly consult with the private sector and the citizenry of Iraq as part of their world trade organization Accession process.

The WTO's role is to provide the forum for negotiating liberalization. It also provides the rules for how liberalization can take place. The rules written into the agreements allow barriers to be lowered gradually so that domestic producers can adjust. They have special provisions that take into account the situations that developing countries face. They also spell out when and how governments can protect their domestic producers.

The basic requirements for the process of accession of world trade organization is the harmonization of the laws related to the economic and commercial life of the WTO agreements, which are positives. In such regard world trade organization has been developing a legislation plan, containing more than (35) paragraph (law, bill, Systems, and instructions) working in alignment with the world trade organization agreements. Including for example: the tariff law No. 22 of 2010, a bill of public health, food safety system: No. 4 of 2011, a bill quarantine, the draft of intellectual Property Law, Law on the Protection of Iraqi products and dumping prevention: No. 11 of 2010, the Consumer Protection Act No. 1 of 2010, and the Competition law and monopoly prevention No. 14 of 2010.

The Secretariat of the National Commission on Iraq's accession to the World Trade Organization has to spread awareness programs to all sectors in Iraq of the definition of the world trade organization and what the benefits and the cost of joining this organization are. The awareness could be spread through the establishment of conferences and workshops in all Iraqi cities. Meanwhile the solution should be found for the fears of extrapolation by these sectors and the growing concern of such development in Iraqi through negotiations, bilateral and multilateral in the framework of the World Trade Organization.

WHY ACCESS THE WORLD TRADE ORGANIZATION?

The trend of being put under the protective shelter of the World Trade Organization is growing leaving little to no rooms for option of the isolation from this community. Acceding countries are currently (159) as permanent member, and (28) country as observing member. Therefore, it is best to take advantage of this data and instructions for it only leaves room for major countries alone to take advantage of the provisions.

The biggest beneficiary of international trade agreements, which are joined early after the last forties and fifties of the centuries, it communities that have the potential of technological distinctive

Therefore, it is better to move communities such as Iraq is to join the pretext of benefit in order to support its technological capabilities and strong self- specific programs. The role of the government leaders should not be not dominant where the focus should be on the commercial private sectors for a better economic and trade exchanges in the near future.

Iraq is a country emerging after a series of wars and sanctions and isolation from the international market. It is in a dire need to stand on its feet for excellent technological productivity with low-cost, high-efficiency and qualified human resources (professional that compete with most neighboring countries, such as Lebanon, Jordan, Egypt, and Saudi Arabia finally). Henceforth the wait-and -see approach would increase the burden or costs to join the World Trade Organization. It should be noted that the various conventions in terms of the World Trade Organization do not mean for small countries to open wide markets.

Like allowing, the entry of goods and services or foreign investment in general without restrictions or conditions determined by the local rules and regulations in the State concerned. There are many exceptions to the rules of the organization, which are for the benefit of developing countries: such as tariff ceilings and continued support services production, marketing and exports, as well as anti-dumping, market access and intellectual property rights and other issues that member countries can negotiate to their advantage.

THE REALITY OF THE TAX SYSTEM IN IRAQ

Tax prominence in all financial systems in every country, is an effective tool used in the redistribution of income and wealth on one hand, and maintenance of the general level of prices, and financing the state budget on the other. The tax system in Iraq combines the advantage of direct taxes, levied on income and capital, and indirect taxes, such as taxes, customs, production taxes, and real estate registration fees and other.

The most important pillars of the tax system are the tax structure represented by the types of applicable taxes according to tax legislation this determines the amount of the tax burden for each type of tax contained. According to the Tax Foundation Iraqi (Figure (1) shows the types of taxes in Iraq).

1. Direct taxes (especially Income Tax) the criterion for determining taxable income, the resident and non-resident, is consistent with the standard of national treatment in the WTO agreements. It treats income derived in Iraq for the resident and non-resident alike. This applies as well to the proportion of corporate profits of different types; it is subject to one tax, namely, (15%).

2. Indirect taxes, A. the custom tax: Although the contemporary trends of trade liberalization, and Iraq's desire to transition from a planned to a market economy and to join the World Trade Organization(which sponsors the subject of trade liberalization, and the reduction of customs duties, and the issuance of the customs tariff law No. (22) for the year 2010, (Figure (2) I worked classification to custom tariff bound in this law), is compatible with the principles of this organization, it is expected to increase the revenue of customs in the coming years if the application of this law, because of the high tariff rate for the (5%) charged by Iraq.

B. the production tax: this tax has been suspended. Collected since 2008, its index is negative and possesses a new challenge in front of trends to liberalize trade and open the doors to foreign direct investment within the framework of the world trade organization agreements. It would upset the balance desired in commercial transactions, for example, consumer's desire to buy from the Iraqi state company for the automotive industry. is more than the general company's desire to trade cars . Although the first is manufactured in Iraq and the latter in the country of origin. It is due to the low prices of the general company for the automotive industry that their prices do not include tax.

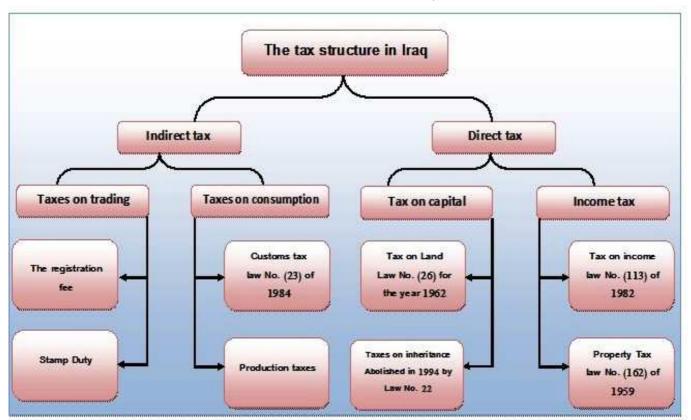
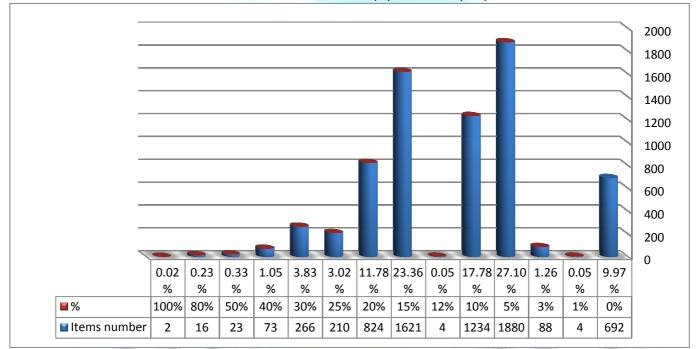


FIGURE 2: CUSTOMS TARIFF LAW NO. (22) FOR THE YEAR (2010)



C. the sale tax "Impose sales (10%) on the value of all services provided by the hotels and restaurants (excellent and first class)". The sales tax in Iraq currently cannot compensate for tax revenue that will be lost after Iraq joins the World Trade Organization. Unless the sales tax law is re-examined and ensures formulas imposed on the final stage of consumption goods, which lead to maximizing revenues.

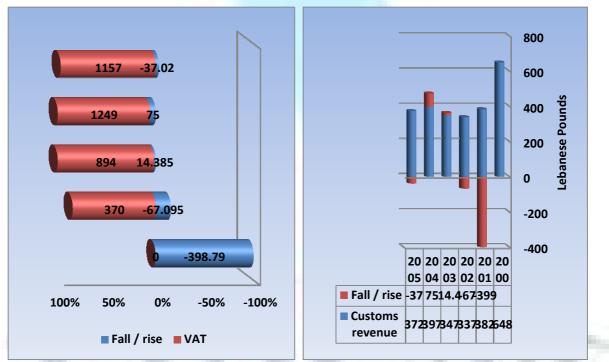
Iraq can benefit from the experiences of Jordan and Lebanon, According to the Ministry of Finance of Jordan Figure (3) shows the evolution of tax revenue (sales and customs) in Jordon. It also shows the gradual reduction of customs taxes and its impact on customs revenue at the same time. The impact of the change in sales tax revenue as a result of the amendments in the Sales tax Act is also evident. Although Jordan compensated for the shortfall in tax revenue customs by increasing the sales tax revenue the growth rate exceeds the growth rate of customs revenue. It also achieved the liberalization of trade according to the agreements of the World Trade Organization.

As for Lebanon, it issued a decree to amend the Customs Law of Lebanese customs and tariff reduction to commensurate with the requirements of the World Trade Organization. In the same year, the VAT rate (10%) was issued to compensate for the decline in customs revenue. According to the Ministry of Finance of Lebanon Figure (4) shows the coverage of the VAT and the low quotient of customs revenue.





FIGURE 4: THE COVERAGE OF THE VAT THE LOW QUOTIENT OF CUSTOMS REVENUE



The tax foundation in Iraq prepared a strategic plan for the next three years, and putting this plan hierarchically represents what is known as the peak (the mission statement). It is a general framework including a summary of the objectives. Its most important goals are to create a unit to deal with large taxpayers, and work on the implementation of the method of self-esteem. The reason being because the tax foundation at the present time does not have the capacity to deal with the giant companies (oil companies that contracted with the state recently). This is because of the difference with the evolution regulations and accounting standards used by these companies compared to the regulations and criteria used by the tax foundation in Iraq.

In this regard, the Tax Foundation Iraq has plans to develop cadre systems to keep pace with international accounting in order to have the ability to deal with such companies. The tax foundation also intends to create a partition for senior taxpayers to deal with such giants.

It must also be pointed out that the current sales tax imposed for specific purposes (reflecting the country is headed in a timely manner, without reflecting the orientations of the tax administration), and the tax administration 's long-term strategy for the enactment of the sales tax in its true sense (a tax on consumption) and access to value-added tax.

CHALLENGES

1. The bad security conditions that prevailed in Iraq and still sparks, has closed the door to foreign investment and evacuated the balance of commercial transactions. As observed on taxes fluctuation, between high and low from year to year. This was due to the security situation experienced by the country in the past years that led to disable many of these revenues.

2. Iraq suffers from a non-tender legislature; the state is unable to enact legislation that complies with directions, and judicial institutions. It does not have the ability to apply and interpret such new legislation in the courty of the Iraqi judiciary.

3. Prevention of world trade organization rules by a recourse to the quota quantity. Using the ban as a way to protect the domestic industry, and working to restrict the freedom of the state to resort to preventing the entry of certain goods or export subsidies. While there are no preventive measures for anti-dumping and protection of domestic industries, especially in light of some of the taxes to stop the ineffectiveness of the other.

4. If we compare the experience of Jordan with the reality of taxes and customs sales tax in Iraq, the sales tax in Iraq in its present state cannot compensate for tax revenue customs. Unless they re-examine the law of the sales tax, in a way that secures the impose on the final stage of consumption goods, which leads to maximize revenues.

5. The world trade organization may make some exceptions to the rules of a particular country. These exceptions should be obtained by the negotiating team. The more experienced and familiar with the rules the negotiating team is, the better results are gained. The Iraqi negotiating team comprises senior officials from various Iraqi ministries. Yet the existence of the political quota system that prevailed in the state, and the changes in positions of senior officials (special grades), will lead to instability in the Iraqi negotiating team. In addition, these quotas may be filled with average people not specialists in the membership of the negotiating team.

The biggest question remains, must Iraq's accession process continue, by saying that it is inevitable not a stud, or will it take advantage of all the pluses, to pay the productive sectors and the Iraqi economy towards prosperity and growth?

This paper shows clearly that there is no negative repercussions recalled in the financial terms, but, socially, is another question. Will Iraq be ready in all levels when accession is approved on?

After what has been detailed, the fore coming effect of Iraq's accession to the world trade organization in the management of tax revenue and customs revenues, shows what the world trade organization and the implications of Iraq's accession to this organization in Iraq's economic future, particularly its impact on the tax system and customs policy, as well as the major challenges that may be faced by Iraq of the process of accession to the world trade organization, will have?

CONCLUSIONS

1. The requirements of the Foreign Trade and the World Trade Organization necessitate the reduction of customs taxes, which requires the imposition of a tax on consumption, especially value-added tax. Taking into account the social dimension as much as possible, as evidenced by the experiences of most countries in the world in this field.

2. The files that have been submitted in the instrument of accession do not reflect the real situation of the Iraqi economy, nor its foreign policy. The contents of this document reflect the reality of the Iraqi economy before 2003, and was presented to the political desire at the time to open up to the outside world, especially as it had received support and great pressure from powerful countries in the direction of engaging in the World Trade Organization.

3. Despite the orientations of the state to open up to the outside world, in particular the organization, which holds the global economy in various aspects of finance, monetary and trade, (such as the International Monetary Fund, the International Bank for Reconstruction and Development, the World Trade Organization,) the tax legislation is not consistent with these new trends.

4. Although orientations of the tax administration in Iraq to the use of international standards in the process of settling accounts tax (such as the use of self-esteem, and settling accounts through the mail, open unit for senior taxpayers), the tax system settling accounts in Iraq up to now is not qualified to deal with large companies (Especially oil companies). This is due to the lack of staff compared to the size of the accounts of such companies, and the lack of legislation that paves the way for orientations of the tax administration, especially with regard to electronic signatures.

5. Still the tax system in Iraq is far from the application of VAT, which is one of the most important financial instruments in the modern economy, and applied in most countries of the world. The application requires modifications, in including income tax rates, and reducing some of the slides, and revisiting some exemptions to achieve tax justice when applied.

RECOMMENDATIONS

1. Revision of tax laws especially the laws of consumption taxes, and the most important sales tax, to serve as a prelude to the value-added tax. Iraq needs such a tax to cope with external changes, especially concerning trade liberalization, and the process of Iraq's accession to the World Trade Organization.

2. The process of Iraq's accession to the world trade organization at the present time constitutes the confused Industries of Iraq. Therefore, it has to be a cushion for a period outside the conventions of this organization. To obtain exemptions from agreements that enable Iraq to achieve development, and then move to a market economy in order to avoid the negative repercussions that may hit the productive sectors of Iraq.

3. A Committee to be made for the national instrument of accession, which included arthritis president of the Iraqi economy now, and work through its sub-committees on significant changes in the jointing of the Iraqi economy, to align them with the world trade organization agreements. But it need not work on the transfer of international experiences of economic development, to the reconstruction and development of the Iraqi economy before proceeding to access world trade organization agreements.

4. Take advantage of the situation in Iraq as an observer in the World Trade Organization, to see the experiences of countries in the multilateral negotiations, and determine the alliances that can commensurate with the economic situation in Iraq.

5. Benefit from the experiences of countries in this area, especially from those that benefited from world trade organization agreements and exceptions. Particularly countries that transitioned from customs tax to the sales tax or value-added tax and in particular the experience of the states such as Jordan and Lebanon.

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