



Economic and Social Commission for Asia and the Pacific

First Meeting of the Interim Intergovernmental Steering Group on
Cross-Border Paperless Trade Facilitation

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**Preparation of a draft road map for the implementation of
substantive provisions in the draft text of the regional arrangement**

**Preparation of a draft road map for the implementation
of substantive provisions in the draft text of the regional
arrangement for the facilitation of cross-border
paperless trade**

Note by the secretariat**

Summary

The present report has been prepared by the secretariat to help the Steering Group on Cross-Border Paperless Trade Facilitation in initiating preparation of a draft road map for the implementation of substantive provisions in the draft text of the regional arrangement for the facilitation of cross-border paperless trade, in pursuance of Commission resolution 70/6. It includes a review of the actions implied by the substantive provisions in the draft text (section I), followed by an introduction to the expected key features of the road map, including a preliminary list of tasks (section II), for discussion and further elaboration by the Steering Group.

I. Overview of substantive provisions and implied actions

1. In the current version of the draft text of the regional arrangement for the facilitation of cross-border paperless trade (E/ESCAP/PTA/IISG(1)/WP.1), article 13 elaborates on the development of an action plan. Paragraph 1 of that article requests the Standing Committee to “develop a comprehensive action plan, which shall include all concrete actions and measures with clear targets and implementation timelines necessary for creating a consistent, transparent and predictable environment for the implementation of the present Agreement/Framework Agreement/ Framework Arrangement, including the implementation schedules of the respective Parties”.

2. Paragraph 2 of article 13 specifically mandates that the “action plan shall incorporate a road map for the operationalization of cross-border paperless trade, including the adoption of international standards, implementation of

* E/ESCAP/PTA/IISG(1)/L.1.

** The present report was submitted late owing to the need to include up-to-date information.

pilot projects and capacity-building related to the present Agreement/Framework Agreement/Framework Arrangement”. It also states that the action plan should “incorporate a mechanism for the assessment of existing legal frameworks and technological gaps and for their further improvement in order to enable paperless trade”.

3. In addition to article 13, which provides the mandate for the development of a comprehensive action plan and an associated road map for cross-border paperless trade, several other articles in the present draft text of the regional arrangement include specific actions that may be incorporated into the road map, as listed below.

Provisions	Actions specified
Article 6: national policy framework, enabling domestic legal environment and paperless trade committee	Establish a national policy framework and create an enabling domestic legal environment for paperless trade
Article 7: facilitation of cross-border paperless trade and development of single windows	Develop or upgrade paperless trade systems, including single window systems, in a manner consistent with the general principles
Article 8: cross-border mutual recognition of trade-related data and documents in electronic form	Agree on mutual recognition of trade-related data and documents in electronic form originating from other Parties on the basis of a substantially equivalent level of reliability
Article 9: international standards for exchange of trade-related data and documents in electronic form	Apply international standards and guidelines in order to ensure regional and global interoperability in paperless trade
Article 10: relations with other legal instruments enabling cross-border paperless trade	Take into account and adopt available and accepted international legal instruments
Article 11: legal liability framework	Establish an adequate legal and regulatory framework to address specific liability and enforcement issues
Article 12: institutional arrangements	Establish and operationalize bodies to oversee and support implementation of the regional arrangement
Article 14: pilot projects and sharing of lessons learned	Initiate and launch pilot projects
Article 15: capacity-building	Cooperate in providing technical support and assistance
Article 16: implementation of the present Agreement/Framework Agreement/Framework Arrangement	Develop implementation schedule

II. Towards a draft road map: key features and preliminary list of tasks

4. Article 13 of the present draft text specifies that the comprehensive action plan shall “set out all concrete actions and measures with clear targets and implementation timelines” and “incorporate a road map for the

operationalization of cross-border paperless trade”. In this context, a draft road map should contain several key features, including:

- (a) Objectives and actions, as specified in the relevant articles;
- (b) Tasks and subtasks, oriented toward achieving each action;
- (c) Target outcome for each action;
- (d) Roles/responsibilities of the Parties and the secretariat;
- (e) Implementation schedule/timeline.

5. In an effort to facilitate discussion of the Steering Group on the development of the draft road map, this section tentatively identifies tasks and responsibilities associated with the actions elicited from the present draft text in section I. In general, tasks for actions are defined at a broad level, though more specific tasks are provided for certain actions depending on their nature. Responsibility for each of the proposed tasks is defined as either collective or individual. “Collective” indicates that the tasks should be performed jointly by all the parties together with the support of the secretariat, while “individual” indicates that each party is responsible for implementation.

6. Article 6 intends to promote paperless trade at the national level by requesting the parties to establish a national policy framework and create an enabling legal environment, which are essential in moving towards cross-border paperless trade.

Action	Tasks	Responsibilities
Establish a national policy framework for paperless trade	1. Develop a template for designing a good national policy framework.	Collective
	2. Develop and implement a national policy framework for paperless trade.	Individual
Create an enabling domestic legal environment for paperless trade	1. Identify and select relevant international legal frameworks and best practices.	Collective
	2. Align the domestic legal framework with selected international legal frameworks and best practices.	Individual

7. Article 7 intends to facilitate cross-border paperless trade through use or development of paperless trade systems, including single window systems.

Action	Tasks	Responsibilities
Develop or upgrade paperless trade systems, including single window systems, consistently with the general principles of the regional arrangement	1. Prepare a guide on how to develop or upgrade paperless trade systems consistently with the general principles.	Collective
	2. Develop a guide to help facilitate concurrent implementation of national and cross-border paperless trade systems.	Collective
	3. Develop or upgrade paperless trade systems consistently with the general principles.	Individual

8. Article 8 intends to enable exchange of trade-related data in electronic form across borders by establishing a mutual recognition scheme.

Action	Tasks	Responsibilities
Agree on a mutual recognition scheme for exchange of trade-related data in electronic form	1. Form a technical group.	Collective
	2. Define the criteria for satisfying the requirements to offer a substantially equivalent level of reliability.	Collective
	3. Develop a model memorandum of understanding and service level agreement to be used by parties at the bilateral and multilateral levels.	Collective
	4. Apply the defined criteria for mutual recognition.	Individual

9. Article 9 intends to promote the use of international standards and guidelines to ensure interoperability in paperless trade.

Action	Tasks	Responsibilities
Use international standards and guidelines	1. Prepare an international standards implementation strategy, including selection of relevant international standards and guidelines to be used and the development of safe and secure communication protocols.	Collective
	2. Participate in the development of relevant international standards and best practices.	Collective and Individual
	3. Apply selected international standards and guidelines.	Individual

10. Article 10 intends to make the regional arrangement consistent and compatible with regional and international legal instruments.

Action	Tasks	Responsibilities
Take into account and adopt available and accepted international legal instruments	1. Develop a guide on how to engage in a cross-border exchange of trade-related data and documents in electronic form consistent with regional and international laws and regulations and best practices.	Collective
	2. Apply selected legal instruments or relevant provisions within the legal instruments.	Individual

11. Article 11 intends to promote the establishment of an adequate legal and regulatory framework to address specific liability and enforcement issues that may arise in relation to the cross-border exchange of trade-related data and documents in electronic form.

Action	Tasks	Responsibilities
Establish an adequate legal and regulatory framework to address specific liability and enforcement issues	1. Prepare a guide on how to establish an adequate legal liability framework.	Collective
	2. Establish a legal liability framework.	Individual

12. Article 12 specifies the proposed institutional bodies and their roles and responsibilities pertaining to the operationalization of the regional arrangement.

Action	Tasks	Responsibilities
Establish and operationalize bodies to oversee and support the implementation of the regional arrangement	1. Prepare terms of reference for the Paperless Trade Council.	Collective
	2. Prepare terms of reference for the Standing Committee.	Collective
	3. Prepare terms of reference for working groups and the secretariat.	Collective

13. Article 13 requires the development of a comprehensive action plan, which sets out all concrete actions and measures with clear targets and implementation timelines for operationalizing the regional arrangement.

Action	Tasks	Responsibilities
Develop a comprehensive action plan	1. Prepare a legal readiness checklist.	Collective
	2. Conduct a legal readiness assessment using the legal readiness checklist.	Individual
	3. Prepare a technical gap checklist.	Collective
	4. Conduct a technical gap assessment using the technical gap checklist.	Individual
	5. Prepare templates for collective and individual action plans.	Collective
	6. Prepare a collective action plan.	Collective
	7. Prepare an individual action plan.	Individual

14. Article 14 intends to promote and facilitate cross-border paperless trade through implementation of pilot projects on cross-border trade data exchange and sharing of lessons learned from the implementation of pilot projects.

Action	Tasks	Responsibilities
Initiate and launch pilot projects	1. Prepare a cross-border paperless trade reference map on which potential cross-border paperless trade processes, documents and data are indicated and specified.	Collective
	2. Prioritize cross-border paperless trade processes, documents and data for pilot projects.	Collective
	3. Prepare a guide on different implementation options/mechanisms for paperless trade systems in an interoperable manner.	Collective
	4. Prepare model memorandums of understanding/ agreements for arranging bilateral/multilateral exchanges of cross-border data.	Collective

Action	Tasks	Responsibilities
	5. Prepare a plan for developing technical and legal guides to be used for pilot projects.	Collective
	6. Prepare a strategy and guidance on how to transition pilot projects into live projects.	Collective
	7. Plan and implement pilot projects.	Collective and Individual
	8. Prepare a template for reporting the progress of pilot projects to the Standing Committee.	Collective
	9. Report the progress of pilot projects to the Standing Committee.	Individual
	10. Develop a registry for pilot projects.	Collective
	11. Prepare and update a database for collection of best practices, experiences and lessons learned.	Collective

15. Article 15 calls for cooperation among the parties in extending technical support and assistance for facilitating transition to cross-border paperless trade.

Action	Tasks	Responsibilities
Cooperate in providing technical support and assistance	1. Define different options and mechanisms for capacity-building, including a customization strategy for national, subregional and regional levels.	Collective
	2. Prepare a guide on how to make a request for technical support and assistance and how to provide technical support and assistance.	Collective
	3. Prepare a plan for engaging development partners in capacity-building activities.	Collective

16. Article 16 specifies the implementation responsibility of each party for the regional arrangement.

Action	Tasks	Responsibilities
Develop implementation schedule	1. Prepare an implementation schedule as part of the action plan.	Collective
	2. Implement the action plan according to the implementation schedule.	Individual

III. Consideration by the Steering Group and other possible actions

17. The Steering Group may consider undertaking the following:

(a) Review the actions and preliminary tasks listed in section II and further develop, refine and structure them towards development of a draft road map, including in terms of priority and sequencing;

(b) With the intention to make the preparation of the draft road map more efficient, designate a small focus group to prepare the draft road map with support of the secretariat and request that the group present it to the following Steering Group meeting for review;

(c) Request the secretariat, with support of the United Nations Network of Experts for Paperless Trade in Asia and the Pacific, to conduct studies and prepare guidelines for its consideration on areas identified in section II to support the work of the small focus group referred to in paragraph 17(b). The Steering Group may consider prioritizing these requests.

18. Noting with appreciation the trust fund established by the Republic of Korea in 2013 to support trade facilitation, including implementation of resolution 68/3 and the work of the Steering Group on Cross-Border Paperless Trade under resolution 70/6, and aware that additional resources are desirable for efficient and timely delivery of the draft road map for cross-border paperless trade, other members may also consider contributing funds and other resources to this effort, including to building capacity and facilitating the engagement of less developed countries.