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Kazakhstan's Digital Trade Action Plan Roundtable
21 August 2025, Astana

Asia-Pacific Digital Trade Policy: Trends and Landscape

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ESCAP-ECA-ECLAC Regional Digital Trade Integration Index (RDTII) Initiative

To support **comparative analysis, regional regulatory mapping**, and the **identification of areas for regulatory cooperation**

ESCAP-ECA-ECLAC Analytical Framework

Index and indicators (score 0 to 1)

Database

- *Where are we **already aligned** with the region?* → **quick wins**.
- *Where do we **diverge most**?* → **deeper discussion or political buy-in**.
- *Where are our rules **heavier than they need to be**?* → **low-cost, high-impact areas** to streamline.

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ESCAP-ECA-ECLAC Analytical Framework

12 policy areas:

- **Traditional trade measures**
- **Other domestic regulations**
- **Digital governance measures**

Use-case: Comparative analysis

Index and indicators (score 0 to 1)

- **Score to represent approaches, not a value judgement**

0 (minimal) ….. 1 (extensive)

Database

- **Policy database: national measures (50+ indicators) in 48 Asia-Pacific**

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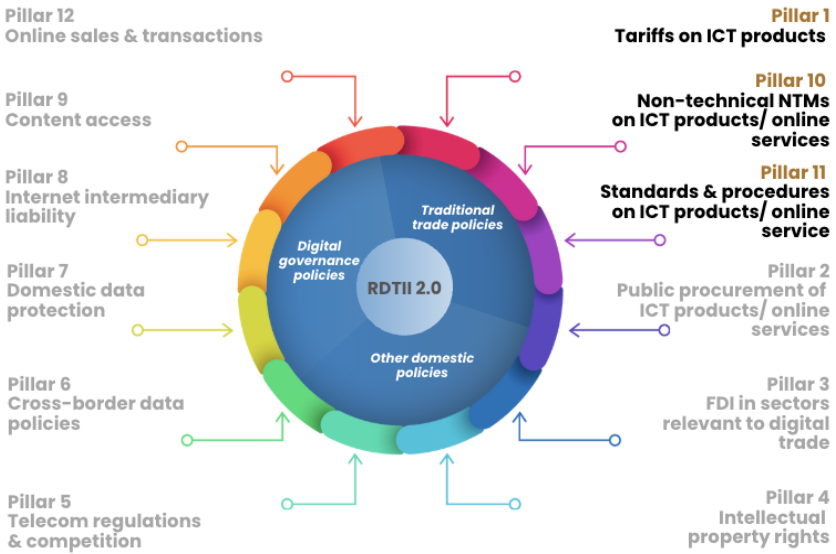
RDTII Cluster 1

Traditional (trade) measures

Traditional trade policies

Other domestic policies

Digital governance



1.1 Effective tariff rates
1.2 No duty free-tariff lines
1.3 Not in WTO Information Technology Agreement
1.4 Trade defence measures

10.1 Import bans
10.2 Other import restrictions
10.3 Local content requirements
10.4 Export restrictions

11.1 Non-transparent technical standards
11.2 Self-certification limitations
11.3 Product screening & testing requirements
11.4 Encryption standards issues

Policies affecting the cost and ease of moving hardware, software, and related services across borders

Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

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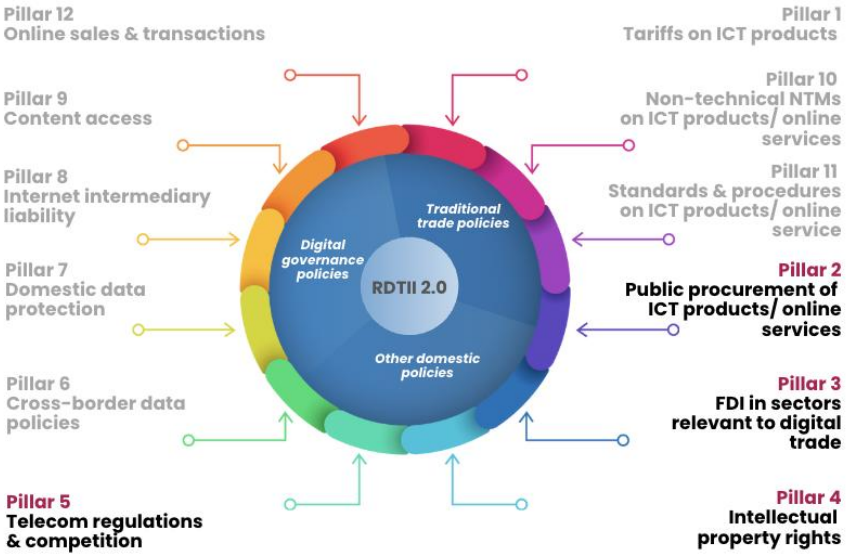
RDTII Cluster 2

Other domestic policies

Traditional trade policies

Other domestic policies

Digital governance



2.1 Foreign exclusions
2.2 Specific requirements
2.3 Limitations in procurement bidding
2.4 Not in WTO Government Procurement Agreement

3.1 Foreign equity limits
3.2 Joint venture requirements
3.3 Nationality or residency requirements
3.4 Investment screenings
3.5 Commercial presence requirements

4.1 Patent application issues
4.2 International patents enforcement issues
4.3 Not in WIPO Patent Cooperation Treaty
4.4 Lack of copyright framework & exceptions
4.5 Online copyright enforcement issues
4.6 Not in WIPO Copyright Treaty
4.7 Not in WIPO Performances and Phonograms Treaty
4.8 Mandatory disclosure of trade secrets
4.9 Lack of trade secrets legal framework

5.1 Lack of passive infrastructure sharing
5.2 Foreign equity limits in telecom sector
5.3 Shares owned by the government
5.4 Lack of functional/accounting separation
5.5 Licensing requirements in telecom sector
5.6 Not in WTO Telecom Reference Paper
5.7 Lack of independent telecom authority

Policies influence who can operate in a market, and level playing field

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Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

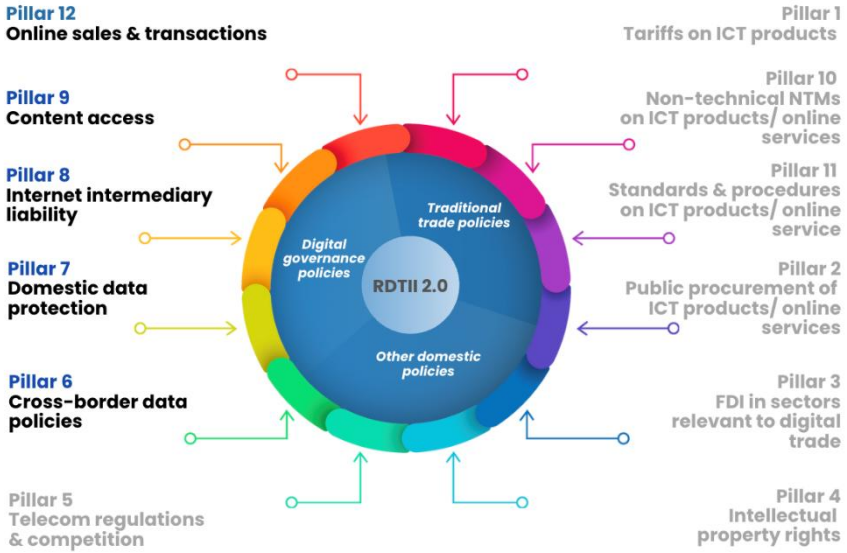
RDTII Cluster 3

Digital governance policies

Traditional trade policies

Other domestic policies

Digital governance



Policies shaping digital services, e-commerce, and digital firms

6.1 Ban & local processing requirements
6.2 Local storage requirements
6.3 Infrastructure requirements
6.4 Conditional flow regimes
6.5 Not participate in agreement with data transfer commitments

7.1 Lack of comprehensive legal framework for data protection
7.2 Minimum period of data retention requirements
7.3 DPIA or DPO requirements
7.4 Requirements to allow government access to personal data

8.1 Lack of safe harbour for copyright infringements
8.2 Lack of safe harbour for other illegal activities
8.3 User identity requirements
8.4 Monitoring requirements

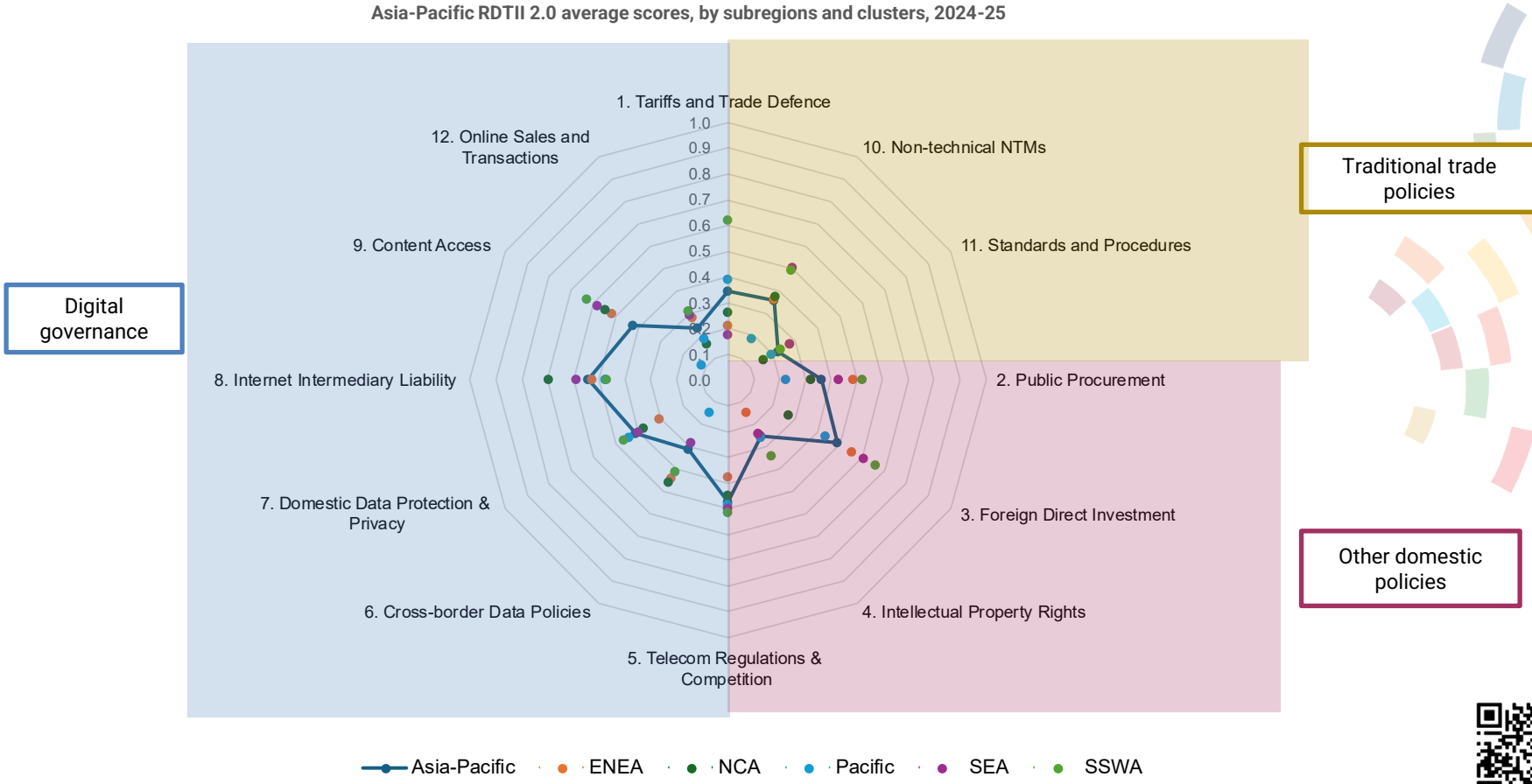
9.1 Blocking or filtering
9.2 Internet shutdowns
9.3 Online advertising requirements
9.4 Licensing requirements

12.1 Foreign equity limits in e-commerce sector
12.2 Online purchases & delivery limitations
12.3 Licensing requirements in e-commerce sector
12.4 Online payment limitations
12.5 Low De Minimis threshold
12.6 Imposition of customs duties on electronic transmissions
12.7 Domain name requirements
12.8 Local presence requirements
12.9 Lack of legal framework for online consumer protection
12.10 Not in UN Convention of Electronic Communications
12.11 Not in UNCITRAL Model Law on Electronic Commerce
12.12 Not in UNCITRAL Model Law on Electronic Signatures
12.13 Not in UNCITRAL Model Law on Electronic Transferable Records

Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

Asia-Pacific's digital trade regulatory environment landscape

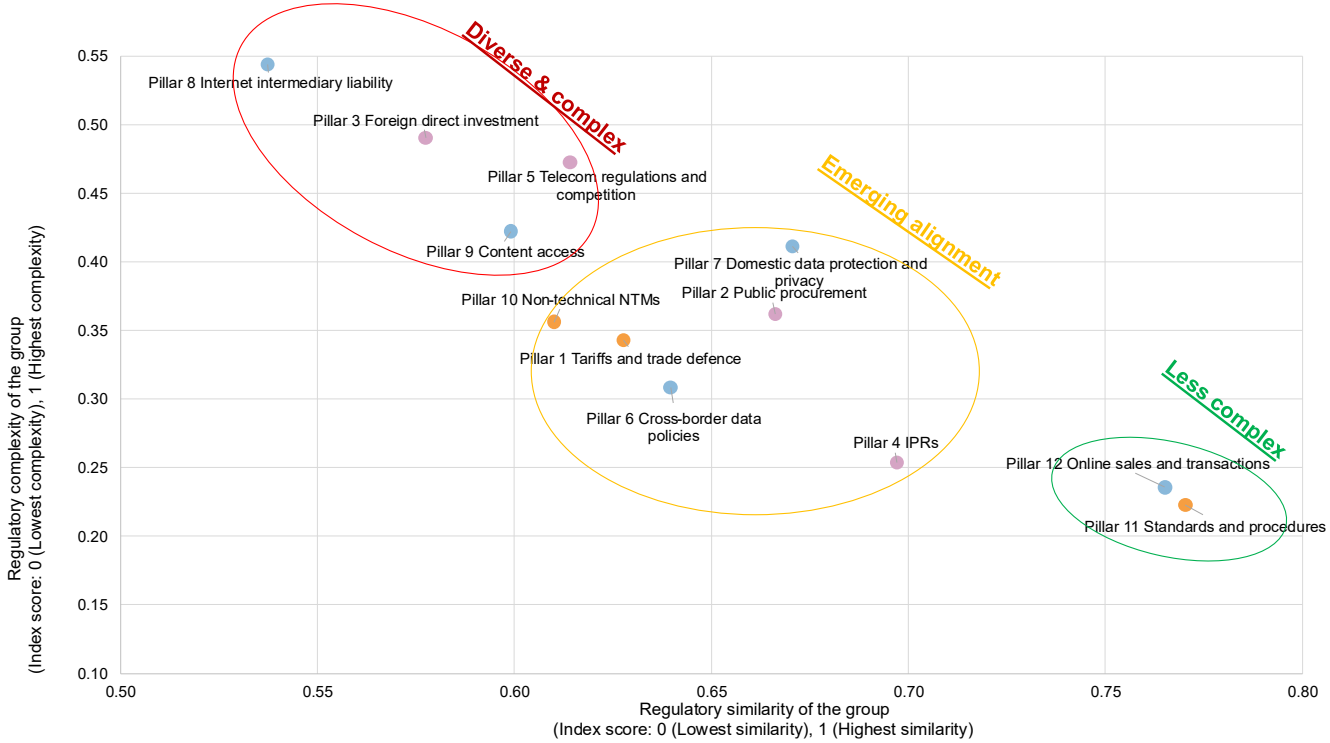
Asia-Pacific RDTII 2.0 average scores, by subregions and clusters, 2024-25



Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

Asia-Pacific's digital trade regulatory environment: Complexity and Similarity by policy areas

Traditional trade policies
Other domestic policies
Digital governance



Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

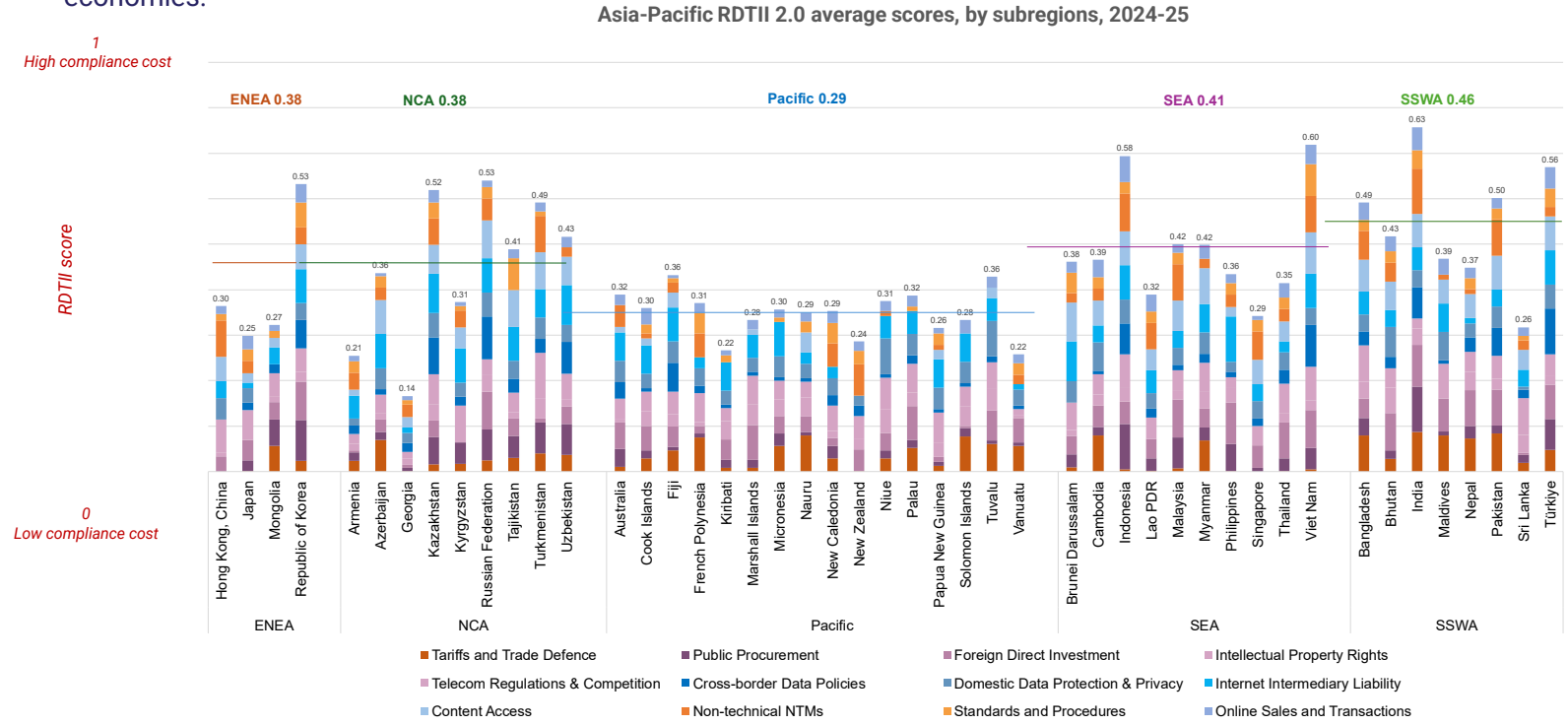
Diverse digital trade regulatory environment

Based on 48 sample economies, the average RDTII scores mask substantial variation across subregions and individual economies.

Traditional trade policies

Other domestic policies

Digital governance

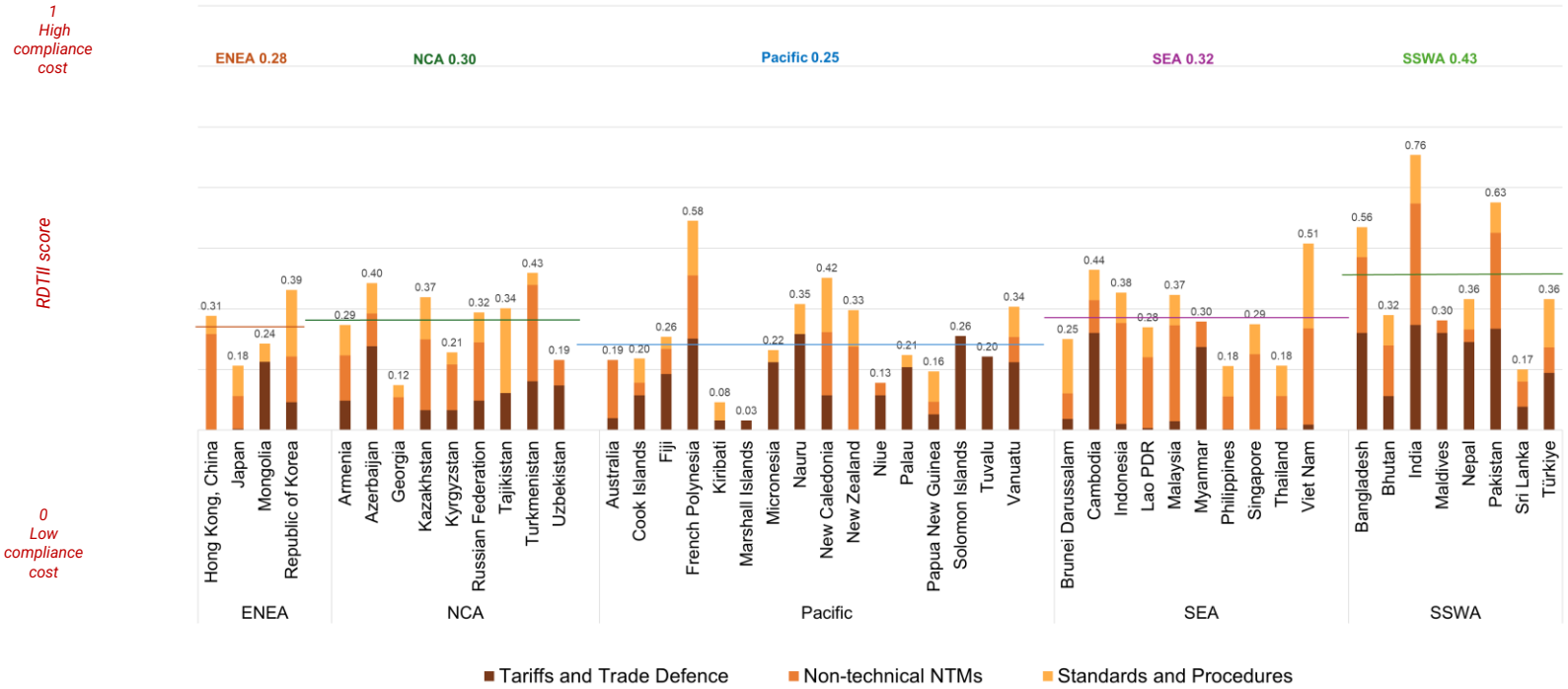


*Not all members shown

Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

Traditional trade policies

Traditional trade policies cluster scores based on 48 Asia-Pacific sample economies, 2024-25



*Not all members shown

Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

Traditional trade policies

Standards & procedures

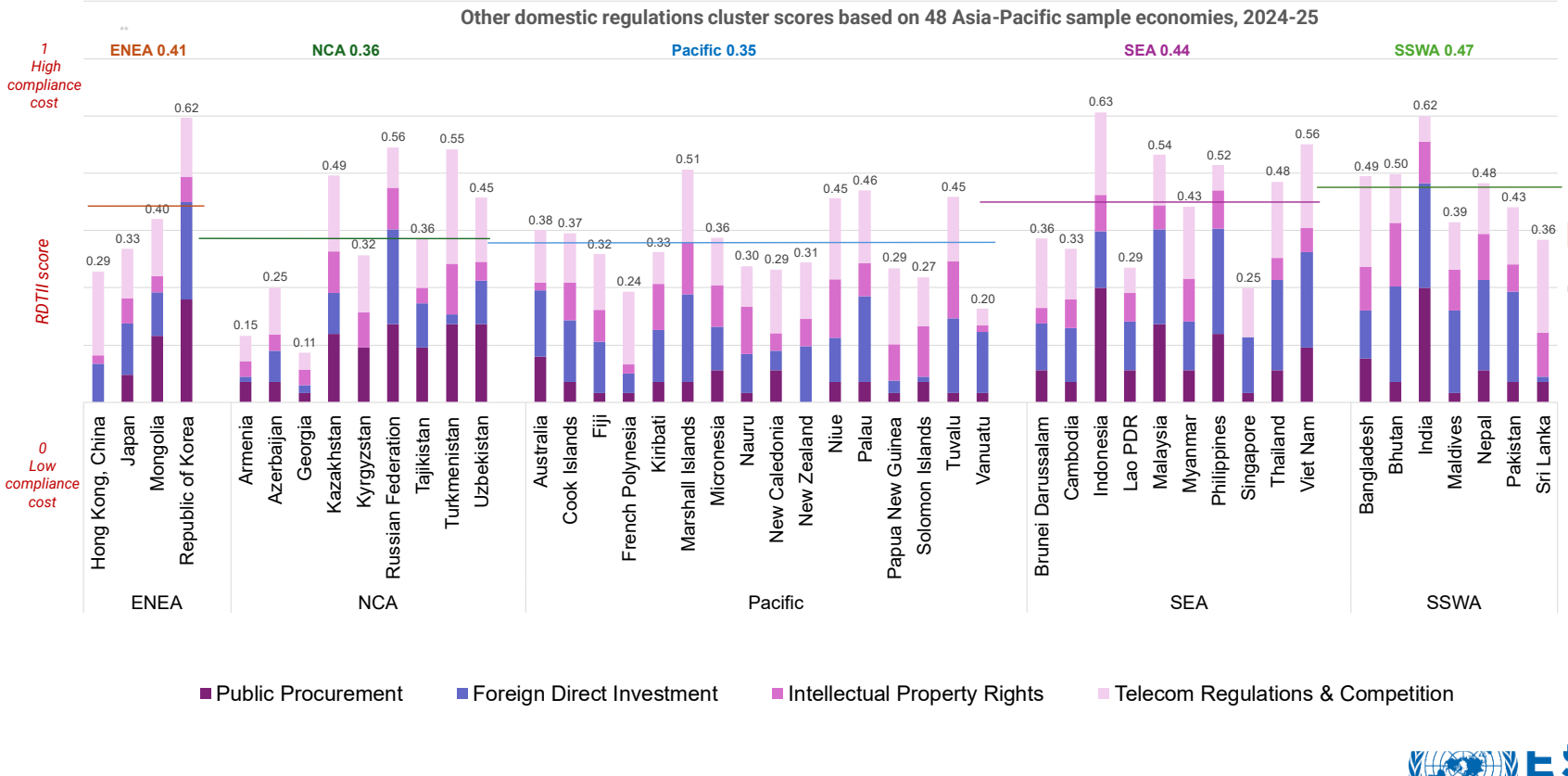
- Referenced technical standards
    - Align with international frameworks, such as ISO, IEC, and ITU.
    - Allow public consultation
- Acceptance of third-party certifications under regional MRAs and recognition of test reports from accredited foreign bodies and testing laboratories

Non-technical NTMs contribute slightly higher compliance costs than tariff measures

- Conditions in import licensing for ICT products are common
- High tariffs on intra-regional imports of ICT goods in select LDCs and SIDs
- Not participating in the Information Technology Agreement (ITA I, II)

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Other domestic regulations



*Not all members shown

Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

Other domestic regulations

IPRs (patents, copyrights & trade secrets)

- Comprehensive IPR frameworks: online copyright enforcement, fair use/fair dealing exceptions, and patent protection
- Gaps in trade secret protection & local representative requirements for patents

Public procurement

- Limited GPA commitments
- Barriers to foreign firm participation in public procurement (e.g., price preference)

FDI in sectors relevant to digital trade

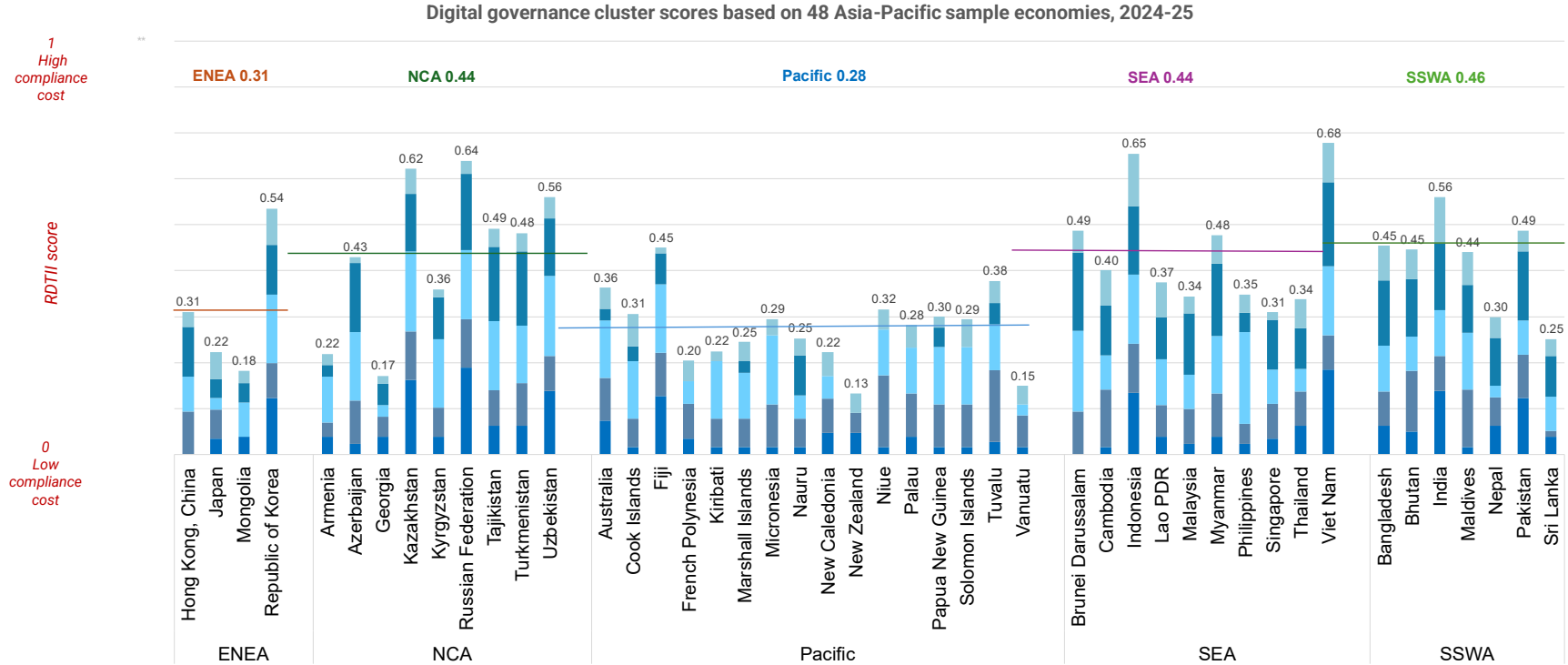
- Equity caps, horizontal screening & commercial presence requirements

Telecom regulations and competition

- SOE dominance & limited implementation of competition safeguards

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Digital-economy governance



*Not all members shown

Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

Digital-economy governance

E-commerce

- Presence of e-transaction laws & online consumer protection
- Generally welcome foreign investment and fewer requirements (e.g., licensing, delivery limitations)
- Low ratification of the UN Convention on the Use of Electronic Communications in International Contracts and limited notifications on the adoption of UNCITRAL model laws

Data regulations

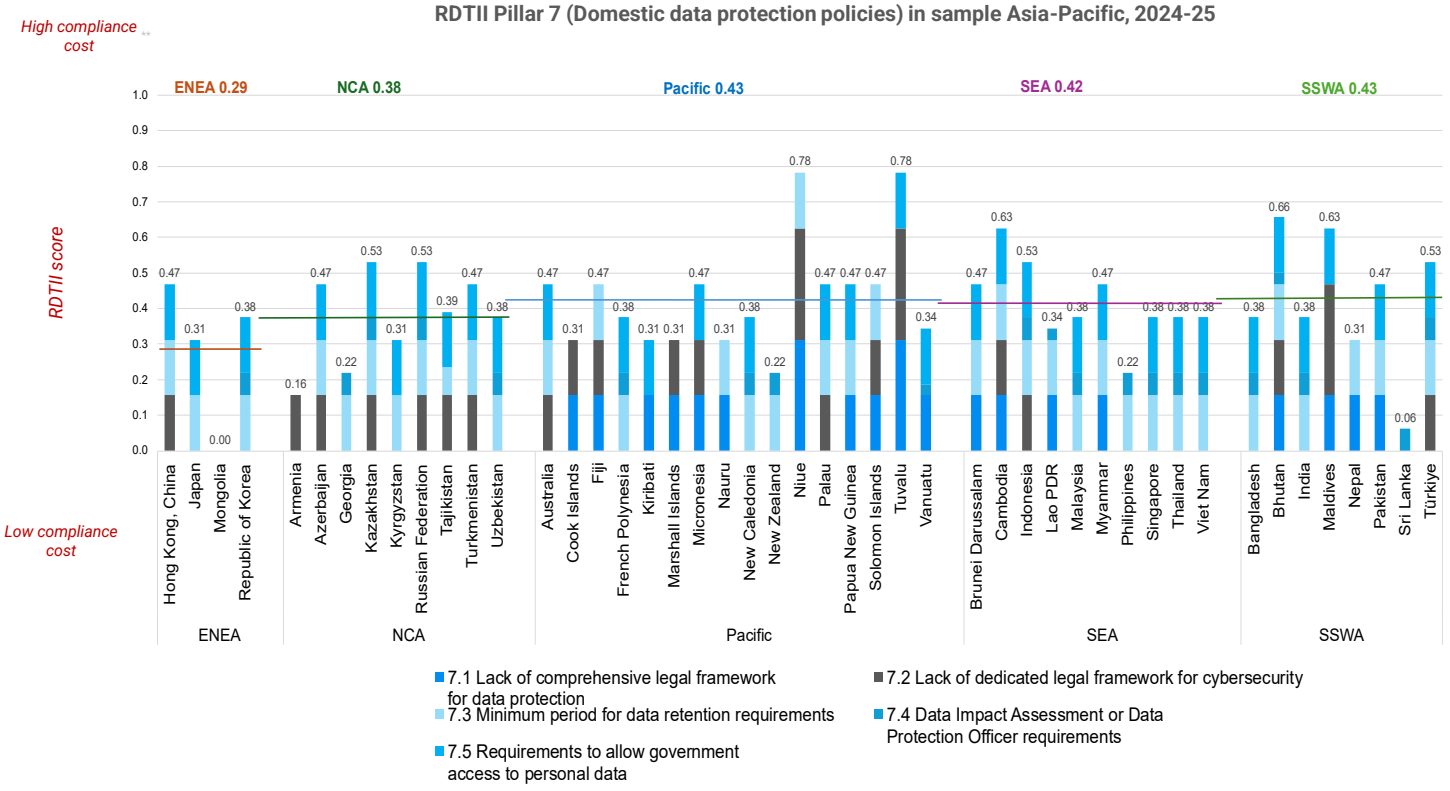
- Varying conditions for data flow
- Minimum period of data retention period
- Low binding data flow commitment

Internet intermediaries/ content access

- Limited safe harbour provision
- User identity (SIM card registration) & monitoring requirements

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Domestic data protection policies



Presence of data retention requirements
- Both horizontal and sector-specific measures

Government Access to Personal Data
- 37 economies have provisions that grant government access to personal data without court order

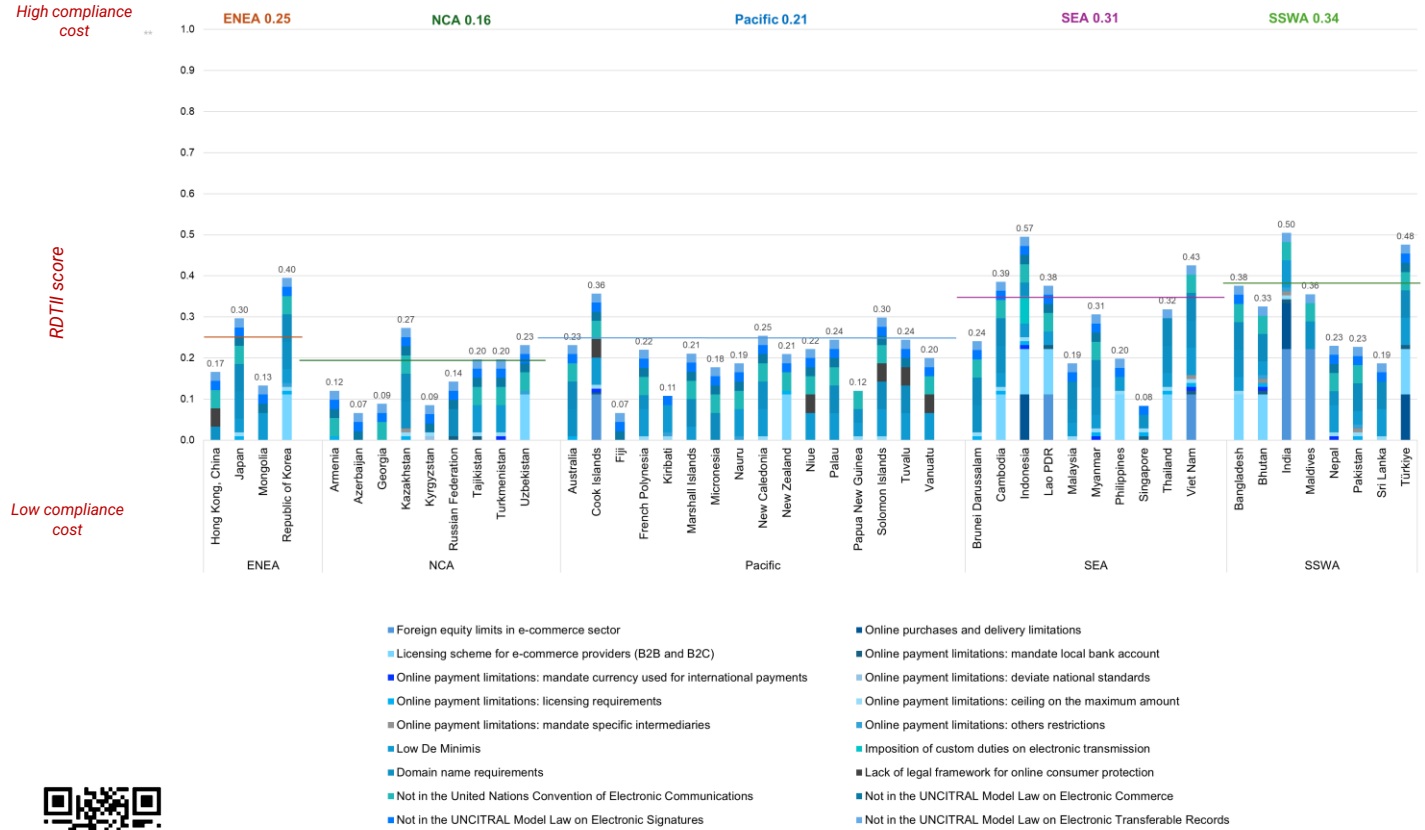
Data Protection Officer and Data Impact Assessment Requirement
- 22 sampled economies require firms to appoint a DPO

Many economies have established legal frameworks for data protection and cybersecurity

*Not all members shown

Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

Online sales and transactions



*Not all members shown

Source: Regional Digital Trade Integration Index (RDTII), https://www.unescap.org/projects/rcdtra

Supportive e-commerce regulatory environment
- Online consumer protection
- Few foreign equity limits
- Few online purchase and deliver restrictions
- No custom duties on electronic transmission

Online Payment Restrictions
- Most observed: licensing requirements for payment services and celling on the maximum amount

Low De Minimis rule
- 33 sampled economies have De Minimis threshold

Insufficient ratification of international frameworks

Conclusion

- **Asia-Pacific = Multi-speed region** — diverse by economy & policy area
- **Trade openness** strong in East & SEA; **domestic/digital rules** more complex

  Chokepoints
  - Data regimes
  - FDI restrictions
  - Internet Intermediary Liability restraints
  - Weak global framework linkages

  Progress
  - IPR
  - Telecom
  - E-commerce

- **Interoperability > Uniformity**
- **Benchmark to strategize**

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THANK YOU!



Comparable regulatory data

12 Policy areas in 100+ economies in Asia-Pacific, Africa, LAC



Economy profiles

Overviews of regulatory environments in various economies



Regional Digital Trade Integration Index (RDTII) 2.0 dashboard

Visualization summarizing RDTII main findings

ESCAP-ECA-ECLAC Portal

ESCAP Initiative on Regional Digital Trade Integration

RDTII Dashboard