ESCAP
Economic and Social Commission for Asia and the Pacific

Document title: Recommendations on adopting international standards for implementation of the Framework Agreement on Facilitation of cross-border paperless trade in Asia and the Pacific

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Article 9 of the Framework Agreement on facilitation of Cross-Border Paperless Trade in Asia and the Pacific (CPTA) indicates that the Parties shall endeavour to apply international standards and guidelines in order to ensure interoperability in paperless trade and to develop safe, secure and reliable means of communication for the exchange of data.

To support the parties in implementing this Article, the secretariat has prepared the document in the form of a recommendation of the Paperless Trade Council. It includes a short list of key international legal and technical standards, elaborated based on a review of commitments in global and regional agreements and their relevance for achieving the objective of the CPTA.

The Standing Committee is invited to review the document and provide feedback. Once the Standing Committee agrees the text, it may propose it to the Paperless Trade Council for decision.

Recommendations on adopting international standards for implementation of the Framework Agreement on Facilitation of cross-border paperless trade in Asia and the Pacific (CPTA)

The Paperless Trade Council,

Recalling Article 9 of the Framework Agreement on international standards for exchange of trade-related data and documents in electronic form which encourages the Parties to apply international standards and guidelines in order to ensure interoperability in paperless trade and to develop safe, secure and reliable means of communication for the exchange of data. Furthermore, the Article also encourages the Parties to become involved in the development of international standards and best practices related to cross-border paperless trade;

Emphasizing that implementation of CPTA should be aligned with global, regional and subregional recommendations and initiatives;

Being mindful that implementation of CPTA should refer to latest digital trade agreements which include the current CPTA parties;

Taking note the trade agreements including provisions and articles on cross-border paperless trade;

Recognizing that the varying economic, geographic, and trade circumstances of the Parties affect the relevance of international conventions and standards to each Party (e.g., differences between a landlocked country and a Pacific island country). Consequently, each Party should adopt the conventions and standards most aligned with its national needs and priorities;

Acknowledging that international standards, as well as trade patterns, evolve over time, necessitating periodic adjustments by countries to ensure their adoption remains relevant and effective,

1. *Recommend* the following standards, or some of their specific articles, to be considered by the Parties for adoption, as appropriate.

    1) UNCITRAL Model Law on Electronic Commerce 1996 done at New York on 12 June 1996[1] or the United Nations Convention on the Use of Electronic Communications in International Contracts done at New York on 23 November 2005[2];
    2) UNCITRAL Model Law on Electronic Signatures 2001[3] (especially its Article 12 on trust and assurance) or the UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services (MLIT) 2022[4]
    3) UNCITRAL Model Law on Electronic Transferable Records[5] (especially Article 19 on no discrimination between foreign issued and domestic issued electronic transferable records)

[1] https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce
[2] https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications
[3] https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures
[4] https://uncitral.un.org/en/mlit
[5] https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records

4) The World Customs Organization Data Model[6]
5) The United Nations Trade Data Element Directory (UNTDED) [7]

2. *Request* the Standing Committee, with the support of the secretariat, to monitor the development of international standards and update the above-mentioned list regularly to ensure the continued relevance of the recommended standards.

3. *Invite* development partners to assist the parties in adopting and implementing the recommended standards.

4. *Call on* the secretariat to:

1) Continue to update the cross-border paperless trade database[8] to include relevant legal and implementation instruments and standards; and
2) where feasible and appropriate, provide capacity-building and technical assistance, to support the parties in adopting the standards.

[6] https://www.wcoomd.org/DataModel
[7] https://unece.org/untded-iso7372
[8] https://www.digitalizetrade.org/