Note by the secretariat

Summary

The present document was prepared by the secretariat to help the Paperless Trade Council to draw up its rules of procedure and terms of reference. The present document is based on documentation and discussions of the meetings of the Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation and its Legal and Technical Working Groups.

The Council may wish to discuss and adopt the rules of procedure and terms of reference of the Paperless Trade Council.

I. Rules of procedure of the Paperless Trade Council

Rule 1

Sessions

The following principles shall apply as regards the convening of sessions of the Paperless Trade Council (hereinafter “the Council”):

1.1 Sessions of the Council shall be held at least annually and as otherwise appropriate.

1.2 Regular annual sessions shall be convened by the secretariat of the Economic and Social Commission for Asia and the Pacific (hereinafter “ESCAP”).

1.3 The secretariat may also convene ad hoc sessions of the Council if requested by more than half of the members of the Council.
1.4 The secretariat shall transmit a written invitation to each regular session of the Council, together with a provisional agenda, at least 60 workdays in advance of the start of the session, and, whenever practicable, a written invitation to each ad hoc session, together with a provisional agenda, at least 30 workdays before the start of each session.

1.5 An invitation to a session shall be sent to the national focal point appointed by each party to the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (hereinafter “the Framework Agreement”) at the correspondence address conveyed to the secretariat for official correspondence. Responses to invitations shall be sent by email to the secretariat within the requested time frame, that is, no later than 30 workdays before a regular session and 15 workdays before an ad hoc session.

1.6 All formal correspondence addressed to government members of the Council shall be copied to the permanent representatives of member States that are members of the Council, in accordance with existing rules and procedures of ESCAP, through official channels of communication. Furthermore, formal correspondence shall be addressed to the functional titles, not to the personal names, of those designated to serve as standing members of the Council.

**Rule 2**

**Venue**

2.1 The sessions of the Council shall ordinarily be held at the ESCAP headquarters in Bangkok.

2.2 Members of the Council may make known at a session their offers to host subsequent sessions at an alternate venue.

**Rule 3**

**Secretariat**

3.1 The ESCAP secretariat shall serve as the secretariat of the Council.

**Rule 4**

**Participation**

4.1 Members of the Council shall participate in its sessions on a self-financing basis.

**Rule 5**

**Conduct of business**

5.1 The Council shall at each regular session elect a chairperson who shall serve until the next regular session.

**Rule 6**

**Voting**

6.1 In accordance with article 11, paragraph 5, of the Framework Agreement, the Council shall, by a majority vote of the parties present and voting, adopt such decisions as may be required for the performance of its functions, provided that at least two thirds of the parties are present to cast votes.
6.2 Each Council member shall have one vote.

6.3 The Council shall normally vote by a show of hands.

6.4 If the Chairperson requests a roll call, it shall be taken in alphabetical order of the names of the member States in the English language.

**Rule 7**

**Agenda**

7.1 The provisional agenda for each regular session of the Council shall be drawn up by the secretariat. Council members may suggest amendments to the agenda in writing in advance of the session or orally and in writing at the start of the session itself.

7.2 The provisional agenda for the regular session shall include:

(a) Opening of the session and adoption of the agenda;
(b) Election of the Chairperson;
(c) Review of the implementation of decisions emanating from the previous session of the Council;
(d) Review of resource mobilization;
(e) Date of and venue for the next regular session;
(f) Other matters.

7.3 The provisional agenda for ad hoc sessions of the Council shall be drawn up by the secretariat.

**Rule 8**

**Language**

8.1 The sessions of the Council shall be conducted in English and documentation shall be issued in Chinese, English, French and Russian.

**Rule 9**

**Report on the sessions of the Council**

9.1 The draft report on each session of the Council shall be prepared by the secretariat and adopted by the Council members at the end of the session.

**Rule 10**

**National focal points and other observers**

10.1 Each party to the Framework Agreement shall inform the secretariat in writing of the name of its senior representative and confirm the address, including email address, to which official correspondence concerning the national focal point should be sent.

10.2 Subregional intergovernmental agencies, United Nations agencies, development cooperation agencies and development banks may be invited to attend the Council sessions in an observer capacity.

10.3 Other institutions and individuals, including private sector stakeholders and associations, may be invited to attend the Council sessions in an observer capacity.
Rule 11
Entry into force and amendments to these rules of procedure

11.1 These rules of procedure shall enter into force on the date of their adoption by the Council.

11.2 Any aspect of these rules of procedure may be amended or overridden by the Council during its session by a two-thirds majority vote of its members present and voting.

11.3 Unless otherwise specified, the ESCAP rules of procedure will be followed on any matter that is not covered in the rules of procedure of the Council.

II. Terms of reference of the Paperless Trade Council

1. The Paperless Trade Council (hereinafter “the Council”) shall comprise one (1) high-level nominee from each State party to the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (hereinafter “the Framework Agreement”). One high-level nominee from each State member of the Economic and Social Commission for Asia and the Pacific, other than parties to the Framework Agreement, has an open invitation to join the Council as observers.

2. The Council shall take final decisions on all matters related to the implementation of the Framework Agreement.

3. The work of the Council shall be conducted in accordance with its rules of procedure. The Council may adopt additional rules of procedure for matters not covered by its existing rules of procedure.

4. The Council shall supervise its Standing Committee and be supported by it in implementing the Framework Agreement.

5. The Council shall adopt the rules of procedure for itself and for its Standing Committee.

III. Issues for consideration by the Council

1. The Paperless Trade Council may wish to consider taking the following actions:

   (a) To discuss and adopt the rules of procedure of the Council;

   (b) To discuss and adopt terms of reference of the Council.