COVID-19 & the Little Red Dot – Important Lessons for Trade in Times of Global Pandemics based on Singapore’s Experience

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INTRODUCTION

Singapore, often described as the Little Red Dot, has been described as one of the most trade-dependent economies globally. This is evident from the fact that Singapore’s trade in 2018 was 326% of its GDP. It is no surprise, therefore, that when COVID-19 began to lead to countries adopting protectionist measures such as stockpiling and implementing export restrictions in order to protect their domestic interests, Singapore quickly sought to reverse that trend. Singapore’s heavy dependence on trade means that it has had to be at the forefront of encouraging trade and ensuring that the COVID-19 crisis does not disrupt trade between Singapore and its partners, old or new. Especially for the land-scarce Little Red Dot, continued trade is a matter of survival.

Hence, this paper seeks to present Singapore’s experiences in dealing with trade-related issues arising as a result of COVID-19 as an example of how countries can consider responding to COVID-19 and future global pandemics.

In this paper, seven different issues will be examined:
1. Exceptions (Exemptions in Emergencies);
2. Transparency Provisions;
3. Trade in Goods and Managing Stockpiling in Times of Pandemic;
4. Intellectual Property;
5. E-Commerce;
6. Movement of People; and
7. Investment.

Each chapter of this paper will consider one issue of concern during COVID-19, and how Singapore has tackled this issue through high-level declarations and statements as well as bilateral and regional agreements. Suggestions are then made through text proposals in each chapter, which countries can consider adopting in its own agreements, whether bilateral or regional, or high-level declarations and statements with other countries.

Where the proposed provision originates from a trade agreement or joint statement Singapore has been part of, references to the original documents have been made in the footnotes. However, the text proposals also include some suggestions by the authors beyond the written text in the trade documents involving Singapore. Such suggestions which are included in the text proposals do continue to embody the spirit of the agreements and statements which Singapore has pursued, though the phrasing may have been tweaked in order to make the commitments of the parties clearer.

Before moving into the executive summary of this paper where the contents of each chapter will be briefly described, some caveats are necessary.

First, this paper does not seek to present an argument of there being one correct way for all countries to deal with trade disruptions due to COVID-19 or global pandemics. This cannot be further from the truth. The unpredictable nature of COVID-19 and the global developments show that countries have faced different problems domestically, which they have had to respond to in their unique way. Singapore has had its own set of domestic COVID-19 issues to respond to, such as the spike in cases amongst migrant workers living in congested dormitories. Recognising these differences, the authors here do not suggest that there is a one-size-fits-all approach. What the authors propose, however, is that Singapore has pursued a different, respectable trajectory in the midst of a global pandemic, and there are lessons that can be drawn from this for every country.

In a similar vein, because every country has its own set of domestic issues to consider, this paper does not propose in which type of document or agreement countries should insert the text proposals in. The authors of this paper believe that this is a decision for policymakers to make. This paper, instead, presents a menu of text proposals which can be adapted to fit within different documents, just as how the text proposals have been adapted from various types of documents which Singapore signed during the COVID-19 pandemic. Countries should therefore consider the text proposals and tailor how they fit such text proposals in their trade strategy.

Next, this paper also does not suggest that Singapore’s lessons will be fully applicable for all countries. Singapore, while small, is undeniably a wealthy country with a stable political climate. Therefore, Singapore’s strategy may not be relevant for some countries. The authors recognise this, and do not wish to make any attempt at suggesting that every country can model their approach after Singapore’s.

Finally, one criticism that may arise in response to this paper is that the authors present Singapore’s experience from rose-tinted lenses, and fail to take into account failures of Singapore in responding to COVID-19. The authors therefore would like to clarify at the outset that this paper focuses on what Singapore has done right in light of COVID-19, which is its trade-related responses. Where Singapore has arguably made errors in dealing with COVID-19 is its handling of the COVID-19 clusters in dormitories, or perhaps even a significant gap before its decision to stop all incoming travellers from entering Singapore in order to curb imported cases. However, these are ultimately domestic failures, and do not concern Singapore’s pursuit of trade agreements amidst COVID-19. Therefore, the focus of this paper is on this pursuit of trade agreements, which the authors argue Singapore did well in.
EXECUTIVE SUMMARY

Chapter 1

In Chapter 1, we look at exceptions and exemptions in times of emergency. Many countries have put in place export prohibitions to ease domestic shortages of essential goods especially food and medical equipment. As an importer of foodstuffs, trade restrictive measures threaten Singapore’s access to such essential goods. This chapter examines current RTA provisions that Singapore has signed, and the actions taken by Singapore during COVID-19 to address export prohibitions enacted by other countries. It also examines the possibility of an inverse-exception clause, as suggested by academics, to deal with shortage of goods during pandemics.

Chapter 2

In Chapter 2, we discuss transparency provisions. This chapter lists out the challenges that COVID-19 has posed to the WTO. It first looks at how the WTO has sought to respond to the crisis, namely by having a centralised database where Members can update each other through public notifications. The need for transparency, however, goes beyond formal notifications and trade reviews. During this time, Singapore has implemented a few practices that serves as a model for other countries to follow in the pursuit of freer trade and the principles of the WTO. Singapore has done so by recognising alternative solutions to trade and encouraging others to work towards such goals. Multiple enquiry points have also been set up to clarify such temporary measures and to educate traders on the new trading infrastructure that they can expect in Singapore. Sunset clauses and calls for periodical reviews of current measures also help to reinforce the temporality of such measures which continue to highlight Singapore’s commitment to WTO’s principles such as free trade, Most Favoured Nation principle, and the National Treatment principle. Singapore has also designated products that are to be exempted from such restrictive procedures to encourage greater transparency on the exact goods being stockpiled. This method is two-pronged. It has exempted medical equipment that is necessary during the pandemic which helps to preserve the smooth operation of the global supply chain. This is then complemented by a clear stockpiling scheme such as the Rice Stockpiling Scheme, which details the exact quantity of the goods stockpiled. Finally, Singapore encourages all other countries to commit to accurate and timely information updates through a regional public stockpiling data bank.

Chapter 3

In Chapter 3, we discuss the issues of trade in goods and stockpiling. Noting that passenger travel has grinded to a halt since COVID-19, and this has affected commercial freight as well, we look at how Singapore has ensured continued operation of international transport for trade in goods. In this regard, we look at how Singapore has approached this in various ways, through bilateral commitments, regional agreements, and by getting its Maritime and Port Authority to lead a sector-specific initiative.

Next, we consider how Singapore has ensured trade in medical products, foodstuffs and other essentials continues. Here, we propose that Singapore and New Zealand’s Declaration, which specifically lists all the goods that are covered under the Declaration, i.e. medical products and foodstuffs, is valuable to have in agreements.
On the issue of stockpiling, while COVID-19 has yet to cause a shortage to staple grains, the world food price crisis in 2008 has warned us of the dangers of food insecurity. A sub-section on over-stockpiling will examine its impact on the international trade of goods, as seen in the measures taken by India and China. Following calls to exercise restraint in stockpiling goods which are traditionally exported, we propose a set of provisions with a three-pronged approach to over-stockpiling: First, we suggest the differentiation of essential and non-essential goods as a starting point for the regulation of stockpiles. Second, practical measures should be established by parties for ideas and agreements to be brought to full fruition. Third, clearer commitments and the delineation of obligations of parties would go a long way in trade agreements.

Chapter 4

In Chapter 4, we list out the potential challenges of how intellectual property issues may disrupt nations in their fight against COVID-19 and we provide a brief general introduction to the TRIPS agreement on compulsory licensing.

Next, we focus on how a Singaporean legislation – the Patents Act – may provide useful insights on how domestic legislation can supplement the TRIPS Agreement on compulsory licensing. Section 55 of the Patents Act provides useful regulations on the use of compulsory licensing that includes: the circumstances in which a compulsory licence may be granted, remuneration to the patent owner, prevention of exploitation of the compulsory license and how the usage of the compulsory license may be terminated. Section 56 provides valuable insights on how the Singapore government and authorised parties may use patented inventions for a public non-commercial purpose or during a national emergency. Both sections offer insights on how other nations may enact similar domestic legislation to address intellectual property matters in their fight against COVID-19 and other global pandemics.

Chapter 5

In Chapter 5, we discuss the issue of e-commerce. Social distancing measures and lockdowns have resulted in an increase in e-commerce in goods and services. However, five immediate challenges have arisen, namely, (i) supply chain vulnerabilities faced by e-commerce in goods; (ii) reliability of telecommunications network capacity and consumer access to online services; (iii) adoption of online payment solutions; (iv) heightened privacy concerns and other cyber threats; (v) cross-border data flows to combat pandemics.

This chapter examines Singapore’s response to each of these challenges by way of domestic policies and practices, as well as cooperation with other Member States such as the Digital Economy Partnership between Chile, New Zealand and Singapore and ongoing negotiations with the Republic of Korea on a Korea-Singapore Digital Partnership Agreement. On challenge (i), it is recommended that provisions be included in trade agreements to enable and facilitate e-commerce so as to alleviate the disruptions caused to supply chains. On challenge (ii), Singapore’s measures to enhance network capacity and digital inclusivity are highlighted as possible practices to adopt. On challenge (iii), it is recommended that policies and support packages be provided to encourage the adoption of online payment solutions and digitisation by businesses and individuals. Finally, on challenge (iv), Singapore’s measures to protect the interests and rights of online consumers with regards to personal data and cyber threats are discussed as policies that may be followed. On challenge (v), it is recommended that provisions to promote the free flow of data and information and prohibit data localisation requirements be included as this issue relates not only to e-commerce, but also digital trade in medical and research services that enhance collaborative efforts to combat Covid-19 and other pandemics.
Further, this chapter considers online consumer protection and health and safety regulations that be may adopted to safeguard the rights and interests of online consumers and reinforce existing efforts to combat the spread of Covid-19.

Chapter 6

In Chapter 6, we consider the issue of movement of people. Restrictions on the movement of people due to COVID-19 have led to various problems within the economy. Industries that have and continue to be particularly affected by the pandemic are domestic and international tourism, air, land and maritime transport services, and education services. These industries have had to cope with the new challenges that COVID-19 presents and have endured the consequences of reduced consumption, as well as the impacts to supply chains both domestically and globally.

This chapter also examines the measures that Singapore has put in place in order to cope with the difficulties that have arisen as a result of COVID-19. In addition, we consider how Singapore’s quick response to create a special working committee with its neighbouring trade partner Malaysia in response to a sudden announcement by the latter of movement restrictions is a valuable lesson for other countries.

We will also take a brief look at how other countries around the world have decided to tackle the challenges, as well as the measures that have been put in place in efforts to respond to the pandemic.

Chapter 7

Finally, in Chapter 7, we consider the issue of investments. The COVID-19 pandemic has the potential to culminate in countries raising protectionist barriers and deglobalize. This would result in fewer opportunities for many and a poorer world for all.

Despite the COVID-19 outbreak, Singapore’s Economic Development Board has secured about S$13 billion in investment commitments in the first four months of 2020, which would translate to the creation of jobs and opportunities for all. This alone has already surpassed the total investment commitments for the whole of 2018, which stood at S$10.9 billion.\(^3\) This is accompanied by a recent surge of investment capital into Singapore, which suggest that Singapore is seen by investors as a safe haven for investments. It is suggested that this can be attributed in part to Singapore’s commitment to remaining opening to investments and its measures to support various investors.

The Chapter on Investments thus seeks to review Singapore’s measures to promote investments during this period. The Singapore government’s commitment to promoting investments can be seen from the various ministerial affirmations made with other countries.\(^4\) As a concerted effort is required to mitigate the negative impacts of the pandemic on investments, it is hoped that

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the burgeoning commitments between countries to promote investments can be adopted, or alternatively used as a blueprint, by more countries in the future to improve investments, thereby bringing about growth and recovery in the post-pandemic era.
CHAPTER 1: EXCEPTIONS (EXEMPTIONS IN EMERGENCIES)

Key reference documents:
- Joint Ministerial Statement by Australia, Brunei Darussalam, Canada, Chile, Myanmar, New Zealand and Singapore Affirming Commitment to Ensuring Supply Chain Connectivity Amidst the COVID-19 Situation
- Joint Ministerial Statement by Poland and Singapore Affirming Commitment to Strengthen Economic Cooperation
- Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as well as the Essential Movement of People
- Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic
- Sri-Lanka Singapore Free Trade Agreement (“Sri Lanka-Singapore FTA”)
- The European Union-Singapore Free Trade Agreement (“EU-Singapore FTA”)

I. COVID-19 challenges faced by Singapore

Due to the COVID-19 pandemic, many countries have put in place export prohibitions to ease domestic shortages of goods like food. Countries have relied on the exceptions in the General Agreement on Tariffs and Trade 1994 (“GATT 1994”) to protect domestic interests. By March 2020, 54 governments had introduced export restrictions on medical supplies. Among other problems, excessive trade restrictions can create higher costs for implementing

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countries. It is important to keep trade flows open to ensure sufficient supply of essential goods like medical products and food.

As a country that imports over 90% of its foodstuffs, the effects of trade restrictive measures and supply disruptions will be felt even more strongly by Singapore. For instance, announcements of lockdowns by Malaysia, which is a major food exporter to Singapore, sparked waves of panic buying in grocery stores in Singapore. Similarly, in the face of export controls on medical supplies, Singapore was facing a potential shortage of masks. Such incidents highlight the need to protect food security and supply of medical equipment in Singapore, especially in times like COVID-19.

II. Review of existing trade agreements

Currently, many of the Free Trade Agreements (“FTA”) signed by Singapore have incorporated the exceptions to the GATT 1994 such as Art XXIII and Art XI. In this regard, it is interesting to note that some FTAs, such as the Sri Lanka-Singapore FTA and the EU-Singapore FTA, provide that parties should negotiate before putting in place such measures. This strikes a balance between maintaining open trade flows and protection of individual countries’ interests.

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It is suggested that, beyond just negotiation, countries can also consider including a time or volume limit on trade restrictions. This further ensures that trade measures taken under these exceptions remain temporary and targeted. Countries can consider including the following in their agreements:

**Text proposal:**
1. *The Parties understand that before taking any measures provided for in Article [ ] of GATT 1994, the exporting Party intending to take the measures shall supply the other Party with all relevant information, with a view to seeking a solution acceptable to the Parties.*
2. *The Parties may agree on any means needed to put an end to the difficulties. If no agreement is reached within thirty (30) days, the exporting Party may apply measures under this Article on the exportation of the good concerned for [ ] months or up to [ ] kg. Where exceptional and critical circumstances requiring immediate action make prior information or examination impossible, the Party intending to take the measures may apply forthwith the precautionary measures necessary to deal with the situation and shall inform the other Party immediately thereof.*

**References:**
Sri-Lanka Singapore FTA Art 2.16(2)
EU-Singapore FTA Art 2.9(2)

**III. Actions taken during COVID-19**

In the course of dealing with this pandemic, Singapore has issued statements and entered into agreements with other countries to protect its food security. These highlight the importance of diversification, as Singapore has managed to protect its sources by ensuring that any trade restrictive measures remain targeted, temporary and proportionate.

**A. Statements**

Singapore has made various Joint Statements with other countries to ensure that trade-restrictive measures remain the exception rather than the norm.

It is commendable that these countries have taken swift action to address the challenges posed by COVID-19. Negotiations between countries also encourage them to work together to arrive at mutually beneficial solutions to tide over challenges together. Countries can consider including the following in their agreements:

**Text Proposal:**
1. *Parties affirm the importance of refraining from the imposition of export controls or tariffs and non-tariff barriers and of removing any trade restrictive measures on essential goods, especially medical supplies, at this time.*

2. *If such measures are instituted, Parties will*
   a) *Ensure that measures are targeted, proportionate, transparent, temporary and consistent with WTO rules;*

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b) Provide advance notification of the measure to the WTO as soon as practicable; and

 c) Work towards removing such measures when the situation allows for it.

References:
Joint Ministerial Statement by Australia, Brunei Darussalam, Canada, Chile, China, Myanmar, New Zealand and Singapore Affirming Commitment to Ensuring Supply Chain Connectivity Amidst the Covid-19 Situation
Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as well as the Essential Movement of People
Joint Ministerial Statement by Poland and Singapore Affirming Commitment to Strengthen Economic Cooperation

B. Declarations

In April 2020, Singapore concluded negotiations with New Zealand to facilitate trade in essential goods, resulting in the Declaration of Trade in Essential Goods for Combating the COVID-19 Pandemic. It is notable that the Declaration includes two Annexes of goods (“Annex 1 Goods” and “Annex 2 Goods”, including both medical equipment and food items) which the parties have committed to, inter alia, not apply export prohibitions to.21

In future, countries can enter into similar agreements and identify which are the key goods being imported or exported with the other party that trade-restrictive measures will not be applied to. This further ensures certainty in trade, and that countries can have continued access to essential goods. Countries can consider including the following in their agreements:

Text Proposal:
1. Parties will not apply export prohibitions or restrictions, within the meaning of Article XI:1 of the GATT 1994, with respect to all Annex 1 Goods.


3. Parties will, consistent with their obligations under the WTO Trade Facilitation Agreement, expedite and facilitate the flow and transit of all Annex 1 Goods and Annex 2 Goods through their respective sea and air ports.

References
Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic

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21 The categories of goods from this Declaration will be referred to as Annex 1 Goods and Annex 2 Goods throughout this paper, and the list of goods in each category have been attached as Annexes at the end of this paper.
C. Domestic production and donations to other countries

To combat the global shortage in medical equipment, Singapore has stepped up its domestic production of items like masks\(^{22}\) and test kits,\(^{23}\) and has engineered items like face shields to provide alternative solutions to face masks.\(^{24}\) Even though Singapore has increased its domestic production of such essential medical goods, Singapore has remained cognizant of the need for open trade flows and has donated these essentials to other countries. The Economic Development Board coordinated efforts for 13 companies in Singapore to donate items like masks and hand sanitisers to Batam, and Temasek Foundation donated more than 30,000 test kits to India.\(^{25}\)

IV. Other suggestions

A. Inverse-exception

It has been suggested by academics like Dr Mona Pinchis-Paulsen that all members should make trade completely open to address the pandemic.\(^{26}\) Dr Pinchis-Paulsen suggests that an “inverse-exception”, akin to Art XXI of the GATT, should be implemented. For instance, when a pandemic is declared, an institutional body will help coordinate members’ actions to remove trade barriers on certain products in a targeted, temporary and transparent manner. Dr Pinchis-Paulsen identifies several models on which this may be based, such as the “Heads of Delegations” of the GATT Contracting Parties, or a “Conference of the Parties” seen in multilateral environmental agreements.

Indeed, it is argued that this may be a plausible solution since open trade is important in such difficult times. Such a provision will ensure that countries are committed to ensuring open trade flows, and greater efficiency can be achieved since these efforts will be overseen by the institutional body. Furthermore, since this provision only applies in exceptional circumstances like pandemics, it is argued that it will not be too onerous for members of the WTO. Countries can consider including the following in their agreements:

**Text Proposal:**

1. *In the event of*

   (a) a pandemic as declared by the World Health Organisation
   (b) xx
   (c) xx

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contracting parties shall not impose trade-restricting measures, and shall ensure that trade remains completely open. Contracting parties shall work with the Committee, which will be convened in any of the specified events above.

References:
CHAPTER 2: TRANSPARENCY PROVISIONS

Key reference documents:
- a) ASEAN Plus Three Emergency Rice Reserve Agreement (“APTERR”)27
- b) Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agricultural and Food Products28
- c) Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic

I. COVID-19 challenges

A key challenge arising from the COVID-19 pandemic is that global supply chains are heavily impacted and the lack of information can cause detrimental supply shocks around the world. This is exacerbated by the need to respond to the pandemic fluidly and rapidly, which has resulted in sudden closures of transport channels, impeded movement of people, and led to essential equipment being redirected.

A slew of travel restrictions have been introduced in countries so far which make up more than 90% of the global population, showing the huge impact of COVID-19 on the movement of people.29 Furthermore, the International Air Transport predicted a 48% decline in air travel in 2020 as a result of COVID-19.30

Urgent medical resources have also been diverted, with countries prioritising their domestic needs and stockpile over preserving the integrity of the global supply chain. One such example was the United States invoking the Defense Production Act in an attempt to halt masks and respirators from being supplied to Canada and Latin America.31 German officials have also accused the US for allegedly diverting away critical medical equipment.32 Even Singapore has not been exempt from such controversies: ST Engineering has, in recent times, been producing masks for Singapore, supposedly because Taiwan had banned all exports of masks which included those manufactured by ST Engineering in Taiwan. This is according to the CEO of ST Engineering’s majority shareholder, Temasek Holdings.33 Despite this being denied by

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Taiwan’s Foreign Ministry, ST Engineering’s manufacturing line for masks was shifted back to Singapore.\textsuperscript{34} In a period of time where measures are being taken to protect domestic needs, transparency becomes all the more important as evidenced by the examples above.\textsuperscript{35} Transparency is not only important for maintaining diplomatic relations in a multilateral trading world, but also aids countries in their individual preparations for supply chain disruptions.

II. WTO’s Response to COVID-19 Through Transparency

The WTO has formally recognised transparency as being a potential barrier during times of pandemics. Trade disruptions arise as a result of new procedures and regulations, affecting exporters and importers who have to adapt to a new infrastructure of barriers to trade.\textsuperscript{36}

To address this, the WTO has made efforts to increase transparency during the COVID-19 pandemic. One such example is a dedicated page on the WTO website to provide “up-to-the-minute trade-related information” on COVID-19.\textsuperscript{37} Trade information pertaining to medical equipment involved in the fight against COVID-19 has also been published with major supplying countries and their tariffs being noted.\textsuperscript{38}

The WTO’s response to COVID-19 mentions the Trade Policy Review Mechanism as a tool to enhance transparency through country-specific trade policy reviews.\textsuperscript{39} Governments have to inform the WTO and fellow-members of specific measures, policies or laws through regular “notifications”; and the WTO conducts regular reviews of individual countries’ trade policies.\textsuperscript{40} Countries’ trade policies and practices are thus regularly and holistically monitored as the countries’ wider economic and developmental needs, policies and objectives, and external economic environment they face are also taken into account. The WTO states that two broad results are achieved by doing this: outsiders can better understand a country’s policies and circumstances, whilst also providing feedback to the country being reviewed on its performance in the system.\textsuperscript{41}

Whilst there is indeed a significant role for the Trade Policy Review Mechanism, its strength lies more in a retrospective review of how a country has maintained its transparency standards, rather than a tool that enables “transparent, efficient information-sharing” that is “crucial” during times of pandemic as published under the WTO secretariat in their information note describing the importance of transparency during times of crisis.\textsuperscript{42}

\textsuperscript{34} Kimberly Anne Lim, “Ho Ching Clarifies Her Reaction to Taiwan Donating Masks to Singapore” AsiaOne (13 April 2020) <https://www.asiaone.com/singapore/ho-ching-clarifies-her-reaction-taiwan-donating-masks-singapore> (accessed 23 July 2020).
\textsuperscript{39} World Trade Organization, “Transparency - Why It Matters at Times of Crisis”.
\textsuperscript{41} World Trade Organization, “Trade Policy Reviews: Ensuring Transparency”.
\textsuperscript{42} World Trade Organization, “Transparency - Why It Matters at Times of Crisis”.
This is especially when the reviews typically only happen over a long time period. The four biggest traders the European Union, the United States of America, Japan, and China, are only examined once every three years, with the next 16 being reviewed every five years and the rest being reviewed every seven years. As such, the formal review mechanism does not entirely help to provide transparency for countries that are seeking to navigate a trading world that has been transformed and is interspersed with pandemic-related changes.

III. Singapore’s effort to uphold transparency in the face of COVID-19

Sylvia Ostry once quipped that transparency was the “most opaque in the trade policy lexicon”. Given the multiple interpretations of transparency and the difference in obligations expected from such an interpretation, it may be best to define transparency. In this paper, the scope of transparency is expanded from the “classical concept” of transparency that is represented in Article X which often relates to the “Publication and Administration of Trade Regulations.” It will also build on the Information Note released by the WTO Secretariat on the importance of transparency during a pandemic and how transparency can be used to better handle the changes in trading regimes as a result of policy responses to pandemics. This paper will focus on how Singapore has managed to maintain transparency in its responses to COVID-19 and has continued to uphold such communication with its trading partners.

As of 25 June 2020, there have been 21 proposals by WTO members regarding COVID-19 and 186 notifications. Singapore published 2 notifications, is a co-signatory of 12 proposals, and the sole author of 1 proposal. Noting this, the WTO Deputy Director-General Alan Wolff has recognised the role of Singapore in leading initiatives to keep trade open during the pandemic.

The two notifications published by Singapore is a representation of how Singapore has communicated with New Zealand, both members of an agreement – the Agreement between New Zealand and Singapore on a Closer Economic Partnership. This paper will expound on the best practices on transparency that Singapore has implemented with its trading partners.

46 See Article X of GATT 1994.
A. Recognising alternative trading solutions in times of pandemic

During the COVID-19 pandemic, a common theme about operating under a “new normal” was heavily emphasised by Prime Minister of Singapore Lee Hsien Loong. Domestic regulations have been implemented, such as lockdowns, closure of borders and social distancing. Trade and businesses have been and continue to be affected. Unfortunately, international businesses and workers may face greater exposure to such regulations.

It thus becomes especially important that the procedural implementation of any alternative trading infrastructure is clearly listed. New or temporary trading rules, if introduced, must be clearly published and announced with enquiry points related to the pandemic being set up. Singapore has complied with WTO’s obligations to set up enquiry points, with 3 contact points for Trade Facilitation Agreement (“TFA”), 3 enquiry points for Technical Barriers to Trade (“TBT”) Information Management System, and 2 enquiry points for the Sanitary and Phytosanitary (“SPS”) Information Management System.

Singapore has gone a step further by setting up various points of contacts to the general public. The Ministry of Trade and Industry (“MTI”) which was listed previously listed as a point of enquiry for TFA, TBT, and SPS, also has a website dedicated specially for businesses affected by the pandemic. The link can be found below.

Ministry of Trade and Industry:

Further links are given on the MTI website leading to other point of contacts such as the Singapore Tourism Board (“STB”) or Ministry of Manpower (“MOM”). More pertinently, such links are relevant to international traders: for example, the advisories issued by the STB contain information pertinent to international traders on as the availability of hotels, while those by the MOM are useful for businesses that have employees travelling between COVID-19 affected areas.

The official government website, on the other hand, lists out plans for sector re-opening. Visitors to the website are updated on the number of cases within Singapore. Government

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measures and official announcements of how the pandemic control is progressing can be viewed on this website which also details the three phases that were to follow after the ‘Circuit Breaker’.  

Gov.sg:  

Gobusiness has been set up as a contact point for businesses that wish to clarify their status during the pandemic. They can request to be classified as essential services, and to be exempted from the lockdown. They can also use the platform better understand the regulations that apply during pandemic times such as social distancing rules or contract tracing regulations.

Gobusiness:  
- [https://covid.gobusiness.gov.sg/](https://covid.gobusiness.gov.sg/)

The Immigration and Checkpoint Authority (“ICA”) has included information on its website on how different classes of travellers can seek to enter Singapore, such as residents, pass holders, travellers, and those under Green or Fast Lane arrangements set up between Singapore and specific countries.

**Immigration and Checkpoint Authority**  

Any international business or worker is thus acutely aware of the trading regime that exists within Singapore as a result of the pandemic, and can quickly seek clarification for any difficulty arising from this ‘new normal’. Furthermore, trading partners can be assured that Singapore has followed the Most Favoured Nation (“MFN”) and National Treatment (“NT”) principles where there is no room to mistake Singapore’s policy responses as discriminatory practices. The links have been included above for easy reference, and can be emulated by other countries if necessary.

Sunset clauses also act as an excellent method to preserve the integrity of the measures being introduced and go a long way into ensuring transparency with a country’s trading partners. In following this standard, there should at least be a clearly defined timeline for periodical review, if not an expiry date, on an implemented restrictive measure. For example, when Singapore went into lockdown, this period was called the Circuit Breaker and the duration was clearly labelled as 7th April to 4th May inclusive. When that proved insufficient, a notice for the extension of the Circuit Breaker was published on Gov.sg indicating that the new end date

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would be 1st June. In all declarations of the Circuit Breaker, a clear deadline was given even if it was later extended. This provides transparency and clarity to trading partners. Further, it emphasises that the restrictive measures are merely temporary and that there is not only no intent to derogate from any obligations they may have towards their trading partners, but that they intend to resume trading activities. Countries can consider including the following in their agreements:

Text Proposal:

1. Parties will, consistent with their obligations under the World Trade Organization Trade Facilitation Agreement, expedite and facilitate the flow and transit of all Annex 1 Goods and Annex 2 Goods through their respective sea and air ports.

2. Parties will inform the WTO as soon as practicable of any trade related COVID-19 measures affecting agriculture and agri-food products, including providing scientific evidence in accordance with WTO agreements if necessary, to ensure transparency and predictability. Parties should be given opportunities to review new measures.

3. Parties shall periodically review the necessity of the imposed restrictive measures every six months.

4. Participants will strive to implement national points of enquiries for different sectors to allow ease of clarification for the international trading community and to enhance the transparency of any changes made to the trade infrastructure.

References:
Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agricultural and Food Products
Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic

B. Designating products that are to be exempt from restrictive measures

Supplies that are critical to a country’s wellbeing such as medical supplies and food supplies are the most likely to be subject to unclear and opaque trading practices. As mentioned earlier, the conflict between Singapore and Taiwan as well as the United States of America and Germany represent tense situations where it is unclear as to whether the trading regime is following the purportedly published laws commonly known to all members of the WTO. Nevertheless, the lack of transparency in such cases signify significant barriers to trade. Whilst it may be difficult to demand transparency in such cases instantaneously, having agreements that specifically target those products under the Harmonised System can potentially

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64 Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic.

65 Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agricultural and Food Products.

66 Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agricultural and Food Products.

67 Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic.

clarify any disputes over transparency in subsequent trade policy reviews where a member’s derogation from WTO obligations can be more easily identified.

Examples of the products covered can draw a reference from the WTO’s document on “Trade in Medical Goods in the Context of Tackling COVID-19” which extensively covers a list of essential medical products required in combating the pandemic using the Harmonised System. The Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic extends the list of products to agricultural goods. Countries can consider including the following in their agreements:

Text Proposal:
1. Parties will review periodically, and at least one year prior to regular amendments to the Harmonized System nomenclature by the World Customs Organization, and no later than 15 April 2021 for the first review, the paragraphs of this Declaration and list of Annex 1 Goods and Annex 2 Goods and consider whether, in the light of the Covid-19 pandemic, or changes to the HS nomenclature, the paragraphs of this Declaration should be amended or Annex 1 Goods and Annex 2 Goods should be updated to incorporate additional products.

References:
Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic

C. Transparent procedures as to stockpiling

There is an understandable need to accumulate products that are essential to the safety of a country, but the idea of stockpiling can be pushed to an extreme. This is especially when domestic laws target specific companies or prevent the export of goods to certain countries which could result in the derogation of non-discriminatory principles such as MFN.

Furthermore, adverse economic repercussions can occur from stockpiling as large short-term fluctuations in demands are introduced when consumption has not drastically changed. Higher inventory leads to higher costs for each country enacting stockpiling.

One such case study is Vietnam where reactionary policies were introduced amidst supply-chain disruptions during the coronavirus outbreak. In late-March, Vietnam announced a plan to stockpile 270,000 tonnes of rice. This was facilitated through the suspension of signing new export contracts in early April 2020 to ensure sufficient domestic supplies. Vietnam’s rice export halt lasted for almost three weeks before it was eased, introducing limits to export quantities in place. While such measures could be justified by the increased consumer

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69 World Trade Organization, “Trade in Medical Goods in the Context of Tackling COVID 19”.
70 Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic.
71 Wolff, “COVID-19 and the Future of World Trade”.
demand in times of uncertainty, there are potential serious supply chain implications throughout the world.\textsuperscript{75} As the world’s third largest rice exporter,\textsuperscript{76} an estimated 10 to 15 percent reduction in market supply would have resulted if the export ban was maintained.\textsuperscript{77}

This led to a chain reaction in stockpiling in other countries such as Philippines and Egypt which further increased the demand for the food and thus the price. As such, in a time where grain harvests and supplies were bountiful, the price of rice increased by 14\% to $410 a tonne, while prices of wheat and barley increased by 8-10\% within two weeks.\textsuperscript{78}

The concerns of over-stockpiling seem to be warranted when we consider that at the time of implementation of the export ban, Vietnam had reported 153 cases and no deaths, in contrast to the 707 confirmed cases and 45 deaths in the Philippines.\textsuperscript{79}

As such, clear procedures as to what items are on a country’s stockpile list and how much may be diverted can improve the transparency of the stockpiling list and reduce the disruption of trade.

For example, the Singapore’s Rice Stockpile Scheme (“RSS”) is publicly available. Any importer of rice has to sign onto the RSS, thus communicating Singapore’s intent to stockpile in advance.\textsuperscript{80,81} In addition, the duration that the rice is stockpiled, and the quantity to be stockpiled, have already been clearly defined.\textsuperscript{82} Furthermore, Singapore has promised to compensate the rice at market price if necessary. As such, even though Singapore did partake in stockpiling which is generally shunned upon by the liberal international trading community, Singapore has been doing so for a while without introducing the short-term influx of demand that usually accompanies stockpiling as previously mentioned. Singapore has also done stockpiling in a way that ensures there is enough reserves for Singapore, but has also guaranteed that the business operations of traders and businesses selling rice will not drastically change and that traders are fully aware and compliant to stockpiling measures introduced by Singapore.\textsuperscript{83} Countries can consider including the following in their agreements:

\begin{itemize}
  \item For example, the Singapore’s Rice Stockpile Scheme (“RSS”) is publicly available. Any importer of rice has to sign onto the RSS, thus communicating Singapore’s intent to stockpile in advance.\textsuperscript{80,81} In addition, the duration that the rice is stockpiled, and the quantity to be stockpiled, have already been clearly defined.\textsuperscript{82} Furthermore, Singapore has promised to compensate the rice at market price if necessary. As such, even though Singapore did partake in stockpiling which is generally shunned upon by the liberal international trading community, Singapore has been doing so for a while without introducing the short-term influx of demand that usually accompanies stockpiling as previously mentioned. Singapore has also done stockpiling in a way that ensures there is enough reserves for Singapore, but has also guaranteed that the business operations of traders and businesses selling rice will not drastically change and that traders are fully aware and compliant to stockpiling measures introduced by Singapore.\textsuperscript{83}
  \item Countries can consider including the following in their agreements:
\end{itemize}


\textsuperscript{78} Emiko Terazono et al., “Countries Follow Consumers in Stockpiling Food” \textit{Financial Times} (5 April 2020) <https://www.ft.com/content/5e8bc6b0-aec0-4f3d-b0e2-a5e44f0c6f74> (accessed 23 July 2020).


\textsuperscript{83} Lydia Lam, “Singapore Has Months’ Worth of Stockpiles, Planned for Disruption of Supplies from Malaysia for Years: Chan Chun Sing” \textit{Channel NewsAsia} (17 March 2020)
Text Proposal:
1. Parties shall strive to implement transparent stockpiling measures in advance so as to minimise disruptions to the supply chains and to allow for early consultations on such measures.

2. Parties will inform the WTO as soon as practicable any stockpiling measures affecting agriculture and agri-food products, including providing scientific evidence in accordance with WTO agreements if necessary, to ensure transparency and predictability. Members should be given opportunities to review new measures.

D. Clear commitment to accurate and timely information update to a regional public stockpiling data bank

While laudable, the shortcomings of ASEAN Plus Three Emergency Rice Reserve Agreement include the failure of members to provide timely data updates to other contracting states. This has hindered the effectiveness of the early warning system for APTERR to be activated in times of regional crisis or emergency. Similarly, there is no provision in the Agreement on Establishing the SAARC Food Bank for the furnishing of information and data by its signatories. Hence, clearer drafting of such provisions would greatly boost the efficacy of these regional efforts, such as expressly including time periods for review as opposed to the term “regular basis” used in Articles V and VIII in the APTERR Agreement 2011. It has also been suggested that a regional public stockpiling data bank, which would support transparency and trust, be established. Countries can consider including the following in their agreements:

Text Proposal:

1. For the purposes of providing supervision and coordination in the implementation of timely data sharing by the states, Parties hereby agree to establish the Regional Stockpiling Data Bank.

2. For the effective implementation of the agreement, Parties agree to furnish, on a monthly basis, information on their policies and programmes for the reserve of goods, health as well as on food security and other aspects of the food and medical supply and demand situation, to the Regional Stockpiling Data Bank. The said information shall be accessible to all Parties.
3. On the basis of such data collected, concise factual appraisals of the situation and outlook shall be prepared monthly and circulated to Parties by the Regional Stockpiling Data Bank.\textsuperscript{90}

References:

APTERR Agreement Article V and VIII

\textsuperscript{90} See Article VIII of the APTERR.
CHAPTER 3: TRADE IN GOODS AND THE ISSUE OF STOCKPILING

I. COVID-19 Related Challenges Highlighted by WTO

Key Reference Documents:

(a) Declaration by Port Authorities Roundtable (PAR) Members in view of the Global COVID-19 Situation
(b) Declaration of the Ministerial Coordination Group on COVID-19 on Maintaining Essential Global Links
(c) Declaration of the Special ASEAN Summit on Coronavirus Disease 2019 (COVID-19)
(d) Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic
(e) Hanoi Plan of Action on Strengthening ASEAN Economic Cooperation and Supply Chain Connectivity in Response to the COVID-19 Pandemic
(f) Joint Ministerial Statement by Poland and Singapore Affirming Commitment to Strengthen Economic Cooperation
(g) Joint Ministerial Statement by the Republic of Singapore and the French Republic Affirming their Intention to Ensuring Supply Chain Connectivity Amidst the COVID-19 Pandemic
(h) Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as well as the Essential Movement of People
(i) June 2020 Statement of the Ottawa Group: Focusing Action on COVID-19, Communication from Canada
(j) Maritime and Port Authority of Singapore’s Port Marine Circular No. 27 of 2020


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Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agricultural and Food Products

On 3 April 2020, the World Trade Organization published Information Note: Trade in Medical Goods in the Context of Tackling COVID-19. The note sought to explain how medical goods are traded globally, as well as provide insights on the tariffs imposed on medical goods in general. Subsequently, on 23 April 2020, the World Trade Organization published Information Note: Export Prohibitions and Restrictions. In the latter note, it was noted that the increased demand for medical products in light of the pandemic, as well as ongoing disruptions to international transport affecting supply chains has led to an increase in export prohibitions and restrictions to address severe shortages at the national level. Beyond just medical products, however, the note also raised the issue of such protectionist measures being applied on foodstuffs and essentials like toilet paper as well.

This Part seeks to highlight and review Singapore’s practices to ensure (A) the continued operation of international transport and ports during COVID-19; and (B) continued trade of medical products, as well as foodstuffs and essentials.

A. Steps to ensure continued operation of international transport for trade in goods

Since the COVID-19 pandemic, passenger travel has grinded to a halt, with most countries imposing restrictions on incoming travelers. The consequence of this is the effect on international transport of goods via air, given the association between air freight and passenger travel. The various lockdowns and restrictions placed on workforces around the world have also affected the international transport of goods via sea, with port closures and reduced manpower.

Such disruptions to the transport of goods have affected supply chains and led to shortage of goods in some countries, and price fluctuations in others. These goods include both medical supplies, which are essential for the healthcare sectors, as well as daily essentials like toilet paper and eggs.

Singapore has responded to such disruptions by ensuring that transport sectors continue to operate throughout the pandemic, and ports remain open. This has been achieved through bilateral arrangements, regional agreements, as well as a sectoral initiative involving maritime port authorities.

(1) Bilateral arrangements

On a bilateral level, Singapore has published ministerial statements with individual countries, which include commitments to ensure that transport and delivery routes remain operational. This is seen in the Joint Ministerial Statement by Singapore and the French Republic, as well as the Joint Ministerial Statement between Poland and Singapore.

Taking reference from the various ministerial statements issued by the parties following bilateral agreements, countries can consider including a commitment to this effect in their bilateral agreements during COVID-19 as well as in future crises:

**Text Proposal:**

1. **Parties recognise that it is in their mutual interest to ensure transport and delivery links remain available to facilitate the flow of medical products, food and agricultural products, as well as other essential products.**

2. **Parties agree to coordinate efforts to ensure that trade lines, via air and sea freight, remain available, efficient and effective in facilitating the flow of goods.**

3. **Parties will strive to minimise disruptions to trade lines and delivery links that could arise as a result of local policies and regulations to combat the public health emergency at hand.**

**References:**

Joint Ministerial Statement by Poland and Singapore Affirming Commitment to Strengthen Economic Cooperation

Joint Ministerial Statement by the Republic of Singapore and the French Republic Affirming their Intention to Ensuring Supply Chain Connectivity Amidst the COVID-19 Pandemic

(2) Regional arrangements

Beyond bilateral arrangements, Singapore has also made joint declarations with other states at various forums. These include the Ministerial Coordination Group on COVID-19 consisting of 13 states, the ASEAN Summit on COVID-19, as well as a joint statement issued by 6 states following a Ministerial Statement issued by the G20 Trade and Investment Ministers.

At each of these forums, Singapore has jointly made commitments with these states to keep ports and transport hubs operational, to facilitate the transport of goods by expediting approval procedures, and to make transparent all regulations for import and export of goods so as to minimise disruptions to supply chains. Countries can consider including the following in their agreements:

**Text Proposal:**

1. **Parties will encourage key transport hubs around the world to remain open to travel, transit and cargo by air, sea and land.**
2. Parties will encourage sea ports to remain open for cargo operations and the continued availability of shipping services to support the transport of goods, including essential supplies, wherever they are needed.

3. Parties will facilitate the timely flow of goods including essential supplies by:
   (a) working out bilateral or multilateral cooperative arrangements to expedite necessary approval procedures for air crew and to utilise aircraft for cargo operations; and
   (b) will make transparent all import and export regulations.

References:

Declaration of the Ministerial Coordination Group on COVID-19 on Maintaining Global Links

Declaration of the Special ASEAN Summit on Coronavirus Disease 2019 (COVID-19)

Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as well as the Essential Movement of People (3) Sectoral-specific initiatives

At a sectoral level, Singapore has taken the lead to ensure minimum disruption to maritime trade and shipping activities through the Port Authorities Roundtable (“PAR”), an initiative set up in 2015 by the Maritime and Port Authority of Singapore.\(^{103}\) PAR is made up of port authorities across Asia, Oceania, Middle East, Africa, Europe and America. In light of COVID-19, the Port Authorities Roundtable Members have issued a declaration committing to work together to facilitate unimpeded maritime trade. Countries or port authorities can consider including the following in their agreements:

Text Proposal:

1. Parties will work together to keep the global supply chain and trade going by:
   (a) Keeping ports open to seaborne trade
   (b) Allowing merchant ships to continue to berth at terminals to carry out cargo operations
   (c) Facilitating the transfer of cargo crew where necessary, and ensuring minimal disruption to cargo operations

2. Parties will facilitate closer coordination with like-minded port and maritime authorities to provide timely updates on measures taken during the public health emergency.

3. Parties will strive to adopt best practices according to national circumstances, including precautionary measures for shipping community, advisories and assistance for shore personnel and ship crew, as well as safe handling of cargos.

\(^{103}\) Port Authorities Roundtable Website <https://www.parforum.sg/web/portal/home> (accessed 23 July 2020).
References:

Declaration by Port Authorities Roundtable (PAR) Members in view of the Global COVID-19 Situation

Maritime and Port Authority of Singapore, Port Marine Circular No. 27 of 2020, “Updated Requirements for Crew Change for Cargo Ships in the Port of Singapore, to Minimise Risk of Community Spread of the Coronavirus Disease 2019 (COVID-19) in Singapore (Supplementary to PMC No.26 of 2020)” (18 June 2020)

B. Measures relating to trade of medical products, foodstuffs and other essentials

Medical products are crucial for all countries in addressing the pandemic. As has been noted in Information Note: Trade in Medical Goods in the Context of Tackling COVID-19,104 the top 10 exporters of medical products account for almost 75% of world exports for such products.105 The sudden spike in demand for medical products since COVID-19 means there would inevitably be a strain on supply chains, and trade of medical products may therefore be compromised.

In relation to foodstuffs and other essentials, Singapore’s resource-scarce and land-scarce reality means that it inevitably depends on overseas partners for its foodstuffs. Hence, when countries began to put in place restrictions relating to trade of foodstuffs and other essentials at the beginning of the COVID-19 pandemic, Singapore sought to reverse that reality to ensure food security. Even though Singapore has some amounts of stockpiles, trade of foodstuffs continues to be essential for Singapore.

In this regard, Singapore has banded together with a group of five like-minded states following the G20 Ministerial Statement issued on 30 March 2020 to issue an Action Plan to facilitate the flow of goods and services. In their Joint Ministerial Statement last updated on 29 May 2020, Singapore and the other member states affirmed their commitment to refrain from introducing export prohibitions or restrictions, tariffs and non-tariff barriers on essential goods, including critical medical supplies. Further, parties have put in place measures to curb the rampancy of any measures instituted by: requiring such measures to be targeted, proportionate, transparent, temporary and consistent with WTO rules; requiring advance notification to the WTO; requiring efforts to remove such measures when possible; and establishing a consultation mechanism between the relevant authorities to identify and address trade disruptions.

Further, Singapore has also agreed on commitments with individual partners, including the Republic of France, Poland, and New Zealand, to ensure continued trade of foodstuffs and other essentials, as well as made region-wide commitments to ensure continuity of supply chains and minimal disruptions. In particular, focusing on the commitment with the Republic of France, the Joint Ministerial Statement includes a commitment to facilitate contacts between food companies, importers and distributors of the two countries to find opportunities for business partnerships. Since the adoption of the commitments, the Embassy of France in

Singapore has reported that more than 100 French agri-food companies have expressed interest in exporting products to Singapore in this new context.\(^{106}\)

Next, on a regional level, Singapore has entered into an agreement at the ASEAN-level titled the Hanoi Plan of Action on Strengthening ASEAN Economic Cooperation and Supply Chain Connectivity in Response to the COVID-19 Pandemic. In this Plan, member states have agreed to similar commitments as made in the document described in the previous paragraph, whilst including a requirement to notify ASEAN members specifically of any trade-related measures instituted.

Next, in what appears to be the most concrete step Singapore has taken to ensure the trade of medical goods sees minimal disruption, Singapore’s efforts with New Zealand has culminated in the Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic announced on 15 April. In this Declaration, there are clear indications of what goods count as the most essential goods, with two Annexes of goods listed in the Declaration.\(^{107}\) Each Annex of goods receives different treatment under the Declaration, with Annex 1 Goods, mostly medical products, receiving deeper commitments to remove all customs duties, all other duties and charges, as well as all export prohibitions and restrictions. Annex 2 Goods, on the other hand, contain foodstuffs and other essentials. This is helpful as it clarifies and makes certain the goods that both states are hoping to make agreements on. However, it is worth noting that the commitments in the Declaration are essentially a reiteration of existing WTO agreements, merely requiring Participants to endeavour not to apply export prohibitions or restrictions on Annex 2 Goods unless they fall within exceptions listed in GATT 1994, and requiring notification requirements if prohibitions or restrictions are introduced. With regards to non-tariff barriers, there is a commitment to intensify consultations with a view to removing such barriers on Annex 2 Goods.

Finally, in the region-wide Declarations and Statements, two types of commitments are worth noting: (1) establishment of a consultation mechanism to identify and address disruptions to trade of foodstuffs and other essentials,\(^{108}\) and (2) transparency requirements, such as to publish updated and accurate information on food production levels, consumptions, stocks, and food prices.\(^{109}\) Countries can consider including the following in their agreements:

**Text Proposal for Annex 1 Goods:**

1. **Parties will eliminate all customs duties and all other duties and charges of any kind, within the meaning of Article II:1(b) of the GATT 1994, with respect to all products listed in Annex 1 of the Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic published on 15th April 2020 ("Annex 1 Goods").**

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\(^{107}\) As was stated in Chapter 1, the 2 Annexes of the Declaration are attached as Annexes at the end of this paper.


2. Parties will not apply export prohibitions or restrictions, within the meaning of Article XI:1 of the GATT 1994, with respect to all Annex 1 Goods.

3. Parties will enter into good faith negotiations to remove non-tariff barriers on all Annex 1 Goods.

4. Parties will establish a consultation mechanism between all relevant authorities to identify and address trade disruptions that affect trade in Annex 1 Goods.

5. Parties will, consistent with their obligations under the World Trade Organisation Trade Facilitation Agreement, expedite and facilitate the flow and transit of all Annex 1 Goods through their respective sea and air ports.

6. Parties will uphold ICAO Covid-19 Declaration, adopted by the ICAO on 9 March 2020, and will endeavour to facilitate entry, transit and departure of air cargo containing essential medical supplies.

7. Parties will enhance corporation amongst themselves to ensure security of Annex 1 Goods on a best endeavour basis, informing all other Participants as soon as practicable in the event of surplus production.

8. Parties will review periodically the product coverage of Annex 1 Goods and consider whether, in light of the public health emergency, or changes to the Harmonized System nomenclature by the World Customs Organisation, Annex 1 Goods should be updated to incorporate additional products.

References:

Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic

Hanoi Plan of Action on Strengthening ASEAN Economic Cooperation and Supply Chain Connectivity in Response to the COVID-19 Pandemic

Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as well as the Essential Movement of People

Text Proposal for Annex 2 Goods:


2. Where such export prohibitions or restrictions are imposed, the Party instituting such measures will give notice in writing to other Parties of the measure as far in advance as possible.

3. Parties will enter into good faith negotiations to remove non-tariff barriers on all Annex 2 Goods.
4. Parties will establish a consultation mechanism between all relevant authorities to identify and address trade disruptions that affect trade in Annex 2 Goods.

5. Parties will, consistent with their obligations under the World Trade Organisation Trade Facilitation Agreement, expedite and facilitate the flow and transit of all Annex 1 Goods through their respective sea and air ports.


7. Parties will enhance corporation amongst themselves to ensure security of Annex 2 Goods on a best endeavour basis, informing all other Participants as soon as practicable in the event of surplus production.

8. Parties agree to publish updated and accurate information on levels of food production, consumption and stocks, as well as on food prices.

References:

Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic

Joint Ministerial Statement by Poland and Singapore Affirming Commitment to Strengthen Economic Cooperation

Joint Ministerial Statement by the Republic of Singapore and the French Republic Affirming their Intention to Ensuring Supply Chain Connectivity Amidst the COVID-19 Pandemic

Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as well as the Essential Movement of People

June 2020 Statement of the Ottawa Group: Focusing Action on COVID-19, Communication from Canada

Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agricultural and Food Products

II. Managing the issue of stockpiling by countries in times of crisis

Key Reference Documents:

(a) APTERR
(b) Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic
(c) GATT 1994

The recent COVID-19 pandemic has seen empty supermarket shelves as people scramble to stock up on food supplies and toilet paper. Although often irrational and discouraged, we also
see this instinctive human response of hoarding reflected at the governmental scale between countries. While the COVID-19 pandemic has yet to cause a supply shock to staple grains, the world food price crisis in 2008 has warned us of the dangers of food insecurity. This subsection examines the implications of over-stocking on the international trade of goods, especially in times of global crisis. In particular, we explore the existing efforts in place to ensure food security and how they may be supported through model provisions.

A. Over-stocking and the impact on supply chains

(1) Global rice supplies

India

In times of food insecurity, the poor tend to get the short end of the stick. But in India, record harvests has contributed to food security where grain stockpiles are sufficient so last the country’s poor for at least 1.5 years. There was an estimated 100 million tons of food grains available, surpassing the stock requirement of 50 to 60 million tons pursuant to welfare programs for the poor. According to the Food Corporation of India, the grand total norm for the stocking of food grains is 21.04 million tons in the Central Pool. While admirable, such figures of food reserves are less than favourable in the current climate of a global pandemic where the trade of food supplies is severely restricted.

China

China has sufficient grain reserves to last a year, with an estimated 470kg of wheat and rice stocks per capita. Of the world’s total rice stocks, more than 60% are held in China’s

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reserves. In times of food insecurity, the world will likely look to China as a global superpower in alleviating the constraints in the supply chain of rice.

(2) Calls to exercise restraint in stockpiling traditionally exported products

The issue of over-stockpiling has been recognised. In April 2020, Singapore was amongst 23 WTO Members who issued a joint statement committing to open and predictable trade in agricultural and food products. The commitments include, inter alia, to “exercise restraint in establishing domestic food stocks of agricultural products that are traditionally exported so as to avoid disruptions or distortions in international trade”, and to provide timely and accurate information on food supply, demand, stocks and prices.

The OECD has also recommended agreements to regulate stockpiling in times of crisis. These include the “development of strategic stocks or upstream agreements with companies enabling rapid conversion of assembly lines during crises”, and the “the creation of stockpiles of essential medical supplies… including on a regional basis”. The OECD is also cognisant of the needs and difficulties of the more vulnerable countries and suggests exemptions or assistance to the poorest countries in relation to such arrangements on export restrictions and regional stockpiles.

While ideal, these recommendations are broad and insufficient to translate into practical implementations across borders. For the same reason, we now turn to examine the existing efforts in place in relation to stockpiling.

B. Recommendations

(1) Essential vs non-essential goods

As a starting point, it would be useful to include in trade agreements provisions which clearly delineate essential from non-essential goods. While such a differentiation has been acknowledged in respect of regulatory requirements, it is suggested that the list of essential products is also crucial in regulating the goods which are subject to stockpiling restrictions. Moreover, global needs may change over the course of a pandemic or crisis, leading to changes

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118 Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agricultural and Food Products. See paragraph 1.6(b) of the Joint Statement above.
119 See paragraph 1.6(f) of the Joint Statement above.
in demand. In balancing the need for certainty with the need for flexibility, a basic list of
essential goods can still be generated, whereby food and medical products would most
definitely be essential. In pursuing flexibility, this list may be updated timely through an online
portal, upon agreement between the parties.

Text Proposal:

1. Parties shall not apply export prohibitions or restrictions, within the
meaning of Article XI.2(a) of the General Agreement on Tariffs and
Trade 1994 (“GATT 1994”), in the absence of critical shortages of
foodstuffs or other products essential to the exporting contracting party,
with respect to all Annex I Goods.\textsuperscript{123}

2. Parties shall collectively determine and agree on a reasonable level of
stock, under which a contracting party is deemed to be experiencing a
critical shortage of an essential product. Regard shall be had to the
general situation in the region and the world in determining the
reasonable level of stockpile.\textsuperscript{124}

3. Parties will conduct timely consultations through the course of the
pandemic with a view to update the classification of all Annex I Goods
and Annex 2 Goods.\textsuperscript{125}

4. If imposed, the Party instituting these changes in classification will give
notice in writing to the other Parties of the measure as far in advance
as practicable.\textsuperscript{126}

5. Parties will review periodically, and at least one year prior to regular
amendments to the Harmonized System nomenclature by the World
Customs Organization, and no later than 15 April 2021 for the first
review, the paragraphs of this Declaration and the list of Annex I Goods
pandemic, or changes to the HS nomenclature, the paragraphs of this
Declaration should be amended or the list of Annex I Goods and Annex
II Goods should be updated to incorporate additional products.\textsuperscript{127}

References:

APTERN, Article IV.1 and V.1
GATT 1994, Article XI.2(a)
Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the
COVID-19 Pandemic, Paragraphs 2, 8 and 13

\textsuperscript{123} See paragraph 2 of Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the
COVID-19 Pandemic.
\textsuperscript{124} See Article IV.1 and V.1 of the APTERR.
\textsuperscript{125} See Article V.1 of the APTERR.
\textsuperscript{126} See paragraph 8 of Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the
COVID-19 Pandemic.
\textsuperscript{127} See paragraph 13 of Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the
COVID-19 Pandemic.
(2) Practical measures

While it would be ideal to transplant these initiatives on food grains into the field of medical supplies in times of crisis such as the COVID-19 outbreak, these initiatives are not without their practical difficulties.

First, in times of emergencies, it is likely that various bilateral and regional agreements are hindered by the implementation of measures such as export prohibitions and restrictions. Taking lessons from the 2007 – 2008 food price crisis, the APTERR rice reserves are held by three donor countries as well as the importing countries to mitigate the consequences of inaccessibility in the event of export bans.\(^{128}\) The strategic storage of reserves would mitigate the humanitarian implications in a pandemic, such as when mask exports to Canada and Latin America was banned by the US as a result of the COVID-19 outbreak.\(^{129}\)

Second, the reasonable level of stockpile to be determined by the contracting parties should be one that is realistic, having regard to the regional needs and specific circumstances of each party. For instance, the SAARC Food Bank was not operationalised due to the stringent, perhaps unrealistic, condition to be fulfilled before the withdrawal of food grains from the reserves was allowed.\(^{130}\)

(3) A clearer commitment

Just as how “temporarily” in Art XI of the GATT 1994 is not defined, more precise drafting of model provisions would go a long way in delineating obligations in times of crisis.

Specified quantities of commitment

Fixed quantities of contribution may be agreed on between parties in order to facilitate the consolidation of a regional pool of stocks. Rather than broad provisions where parties “endeavour” to contribute as much as they can, the Agreement on the ASEAN Food Security Reserve included a minimal earmarked quantity of rice to be contributed, as voluntarily determined by the parties.\(^{131}\) The earmarked quantities were also reviewed and increased in the subsequent Second Protocol to Amend the Agreement on the ASEAN Food Security Reserve,\(^{132}\) as well as in the APTERR Agreement.\(^{133}\) This allows for periodic review and

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128 N. Kumar, J. George, Regional Cooperation for Sustainable Food Security in South Asia (Routledge India, 2019).
130 N. Kumar, J. George, Regional Cooperation for Sustainable Food Security in South Asia (Routledge India, 2019).
consideration of the region’s needs and circumstances in determining a reasonable level of pooled stocks. Countries may consider including the following in their agreements:

**Text Proposal:**

1. *Each Party shall earmark a certain quantity of Annex I goods based on each Party’s voluntary decision, as set out in Annex [] to this Agreement. Once earmarked it shall be a commitment subject to periodic review by the Parties, taking into account of the general food and medical situation in the region and in the world.*

2. *The release of the good reserved in the regional stockpile and replenishment of the earmarked good shall be implemented in accordance with the rules and procedures to be set forth by the Parties.*

**References:**

(a) APTERR Agreement Article IV

**Definition of “emergency”**

“Emergency” is clearly defined in Art I.e of the APTERR Agreement. The clear articulation of the circumstances which allow for withdrawal from the reserves is a salient feature and crucial factor in its operationalisation. The omittance of this definition has contributed to the lack of utilisation of other regional reserves, like RESOGEST and the SAARC Food Bank. Calls have been made to “[e]stablish clarity in terms of stockpiling goals and objectives and institute clear operational guidelines in terms of procurement, storage, [and] release mechanisms.”

**Text Proposal:**

1. “*Emergency*” means that state or condition in which a Party, due to extreme and unexpected calamity, is unable to cope with the state or condition through its national reserve and is unable to procure the needed supply of rice through normal trade.

2. “*Needed supply of good*” refers to the quantities of an essential good in the stockpile of a Party falling under the reasonable level of stockpile as determined under the Agreement.

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134 See Article IV.1 of the APTERR.
135 See Article IV.3 of the APTERR.
136 N. Kumar, J. George, *Regional Cooperation for Sustainable Food Security in South Asia* (Routledge India, 2019).
137 N. Kumar, J. George, *Regional Cooperation for Sustainable Food Security in South Asia* (Routledge India, 2019).
139 See Article I.e of the APTERR.
140 See Article I.e of the APTERR.
References:

(a) APTERR Agreement Article 1.e

C. Conclusion

Although our findings are focused on food supplies in the ASEAN region, there is no reason to restrict the proposed model provisions from other essential products such as medical supplies, nor from other regional agreements in the world. Taking lessons from COVID-19, the provisions aim to address the issue of over-stockpiling in emergencies and crises in the future.
CHAPTER 4: INTELLECTUAL PROPERTY

WHO-WIPO-WTO Study on Access to Medical Technologies and Innovation:
(a) Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”) (1994)\(^\text{141}\)
(b) The Doha Declaration on the TRIPS Agreement and Public Health\(^\text{142}\)

Key Reference Documents:
(a) Patents Act\(^\text{143}\)
(b) Infectious Diseases Act\(^\text{144}\)

I. Intellectual Property challenges

Intellectual Property may be an obstacle in the global fight against COVID-19, as it can saddle nations with overwhelming cost when they use patented technology, medicine or vaccines required to combat COVID-19. Unaffordable costs for patented pharmaceutical goods would in turn affect the accessibility of treatments for COVID-19 and available vaccinations. Nevertheless, even as intellectual property, particularly patents, may become an obstacle, the use of the IP system to foster innovation and access can still be explored.

The solutions available are either having patent owners not enforce their patent rights (such as AbbVie\(^\text{145}\)) or having compulsory licensing initiatives. However, the preferred approach would still be voluntary collaboration. This Part briefly discusses how compulsory licensing is provided for under the TRIPS Agreement, and highlights how the international community can benefit from compulsory licensing. It will also explore the challenges that arise with compulsory licensing and solutions to overcome these challenges. There will also be a focus on Singapore’s position with regards to non-enforcement of patent rights and compulsory licensing under the Patents Act.\(^\text{146}\)

A. Introduction to the Agreement on Trade-Related Aspects of Intellectual Property Rights

The TRIPS Agreement is the most comprehensive international legal agreement on intellectual property law between members of the WTO. The WTO Doha Ministerial Declaration on the TRIPS Agreement and Public Health in 2001 states that the TRIPS Agreement must be “interpreted and implemented in a manner that is supportive of WTO members’ right to protect public health and promote access to medicines for all.”\(^\text{147}\) The TRIPS Agreement provides for


\(^{146}\) The Patents Act (Cap 221, 2005 rev Ed) s 55(1).

\(^{147}\) See point 4 of the Doha Declaration.
compulsory licensing through Article 31 and 31bis. Article 31 allows for the use of the patent by a government or third parties authorized by the government, even when permission has not been given by the patent owner, though certain conditions must be met. First, under Article 31(b), before seeking for an actual compulsory license, there should be an attempt to negotiate for a voluntary license with the patent owner. The patent owner must also be remunerated. However, in events such as a national emergency or under circumstances of extreme urgency such as COVID-19, negotiations for voluntary license can be done away with and countries can instead opt for compulsory licensing. A key limitation, however, lies in Article 31(f) which states that compulsory licensing authorization is limited to predominantly supplying the market of the member granting the licence.

Article 31bis is relevant in addressing this limitation, as it provides a waiver to Article 31(f). Under Article 31(f), pharmaceutical products may be exported to a country who lacks the manufacturing capabilities which is also known as an “eligible importing member”. Although Article 31bis has been argued by members such as India to be time-consuming and expensive, other members such as New Zealand, USA, Japan, Australia, Canada and countries in the European Union explicitly support the use of this waiver. Nevertheless, it has only been invoked once in September 2007 when HIV medications that were produced by Apotex, a Canadian firm, was sent to Rwanda.

B. Singapore’s position on Compulsory Licensing

Although no international convention has defined the meaning of compulsory licenses thus far, legal scholars have attempted to define compulsory licence as having the right to use a patent-protected invention without the authorisation of the right holder against payment of a royalty. In this paper, we adopt the definition set out by Professor Liu of Singapore Management University. According to Professor Liu, compulsory licensing is the use of protected Intellectual Property rights without the consent of the patent owner upon the payment of a reasonable remuneration. This definition is in line with Singapore’s Patents Act, where it is stated under s 55(7) that the patent owner is entitled to remuneration. Nevertheless, it is

148 See Articles 31 and 31bis of TRIPS.
149 See Article 31 of TRIPS.
150 See Article 31(b) of TRIPS.
151 See Article 31(b) of TRIPS.
153 Article 31bis and Article 31(f) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (1994).
156 Ibid.
157 Ibid.
159 Ibid.
160 Ibid.
161 The Patents Act (Cap 221, 2005 rev Ed) s 55(7).
to be noted that the license seeker in this case would not have the same legal rights as the patent owner even if remuneration has been given.

Compulsory licensing may be viewed in two ways: first, as a license obtained for governmental use or by third parties which are authorized by the government, in national emergencies or circumstances of extreme urgency; second, as a license obtained for use by private companies either to satisfy public demand or for commercial gains. However, the second manner of use may involve an abuse of the license as private companies could exploit the patent for their own commercial gain. Therefore, it is the first type of compulsory licensing that is critical in addressing pharmaceutical needs arising from the COVID-19 crisis or future global pandemics.

In the Second Reading Speech on Patents (Amendment) Bill 2008, Senior Minister of Singapore Assoc Prof Ho Peng Kee, stated that the Patents Act was amended in light of Article 31 of TRIPS being amended to include Article 31bis, so as to provide greater access to protected pharmaceutical products in cases of national public health emergencies.

(1) Patents Act – Section 55

Section 55(1) deals with compulsory licenses and allows the court to grant such a license to correct an anti-competitive practice. Section 55(2) states that the court may decide that a grant of a compulsory licence is necessary if: (a) there is a market for the patented invention in Singapore; and (b)(i) that the market is not being supplied, or (b)(ii) is not being supplied on reasonable terms; and (c) the court believes that the owner of the patent has no valid reason for its failure to supply the market with the invention, whether directly or through a licensee, on reasonable terms.

According to an analysis by the Law firm Bird & Bird, section 55 is written broadly and may thus be broad enough to be used to seek for a compulsory licence to address COVID-19, especially if the COVID-19 vaccine is too expensive and there are no other alternatives to it in the market. Under section 55(7), however, the patent owner would still be entitled to remuneration.

The license is only meant to satisfy a short-term need, since it may be terminated by the application of any interested party when the ground upon which the license is granted has ceased to exist and is unlikely to recur.

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163 Ibid.
165 The Patents Act (Cap 221, 2005 rev Ed) s 55(1).
166 The Patents Act (Cap 221, 2005 rev Ed) s 55(2).
168 The Patents Act (Cap 221, 2005 rev Ed) s 55(7).
169 The Patents Act (Cap 221, 2005 rev Ed) s 55(5).
(2) Patents Act - Section 56

Under Section 56 of the Patents Act, which deals with the use of patented inventions, the Singapore government or any party authorized by the Singapore government may import any pharmaceutical product or use an IP-protected invention that is imported without infringement of the patent during a national emergency or other circumstances of extreme urgency. In 2008, Section 56 was amended to allow for the importation of IP-protected pharmaceutical goods, as long as the TRIPS Council has been informed. The Singapore Government would have to notify the patent owner of its acts to supply the pharmaceutical product to the population under section 61(2).

The COVID-19 crisis in Singapore and elsewhere would likely be considered as a situation of national emergency or one of extreme urgency. It is also interesting to note that the wording used in the Patents Acts is similar to the wording of Article 31(b) of TRIPS. Further, under the Infectious Diseases Act of Singapore, the Minister is authorised to make a declaration of a public health emergency, where there is an infectious disease which poses a substantial risk of a high number of casualties.

(3) Preventing exploitation

Singapore also has various mechanisms in place to prevent the exploitation of section 56 for commercial gain. First, under section 56(1)(a), the Singapore Government and any party authorised by the Singapore Government may only use the patented invention for a public non-commercial purpose, meaning that it may not be used for commercial purposes. Second, under section 60(2), if the court finds that the need for compulsory licensing no longer exists as a result of the national emergency situation coming to an end, the usage of compulsory licensing under section 56 may be terminated by the court.

Clause 5 of the Patents (Amendment) Bill in 2008 amended section 60 of the Patents Act to prevent IP-protected pharmaceutical goods exported to Singapore from being re-exported to other nations. Section 66 was also amended to prevent IP-protected pharmaceutical goods produced under compulsory licensing, which is meant for another country, to be re-routed to Singapore.

Further, patent owners are also to be reasonably remunerated according to TRIPS Protocol, with section 62(1) stating that the Singapore Government must remunerate the patent owner on the agreed amount, or through a method that is approved by both the Singapore Government and the patent owner. Also, section 62(2) states that patent owners are not to be remunerated again if they have been remunerated or will be remunerated by the exporting nation for the

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171 Ibid.
172 The Patents Act (Cap 221, 2005 rev Ed) s 61(2).
173 Infectious Diseases Act (Cap 137, Rev Ed 2003).
174 The Patents Act (Cap 221, 2005 rev Ed) s 56(1)(a).
175 The Patents Act (Cap 221, 2005 rev Ed) s 60(2).
177 Second Reading Speech on Patents (Amendment) Bill 2008 by Senior Minister Assoc Prof Ho Peng Kee 25 August 2008.
178 The Patents Act (Cap 221, 2005 rev Ed) s 62(1).
usage of their patents.\textsuperscript{179} Under section 58(1), if there is any potential dispute regarding the Singapore Government’s usage of the pharmaceutical products,\textsuperscript{180} either party may bring the dispute before the court and the court may refer the dispute to arbitration under section 58(5).\textsuperscript{181}

As of now, the Singapore Government has not relied on section 55 and 56 of the Patents Act. This may change, however, if a COVID-19 vaccine becomes available.\textsuperscript{182}

Finally, since we recognize the needs for collaboration between nations in resolving intellectual property ownership rights, a text proposal is attached below to facilitate this collaboration. The text proposal addresses the need to share research, inventions and avoid enforcing certain IP rights. The text proposal also seeks support from parties to support compulsory licensing on IP matters with regards to vaccines and treatment in the fight against COVID-19 and other global pandemics.

**Text Proposals:**

1. The Parties recognise the importance of sharing relevant knowledge, intellectual property and data that is useful for an effective COVID-19 response.

2. The Parties recognise the importance of cooperation between their respective manufacturing organizations or other relevant bodies on activities related to manufacturing for the purposes of sharing relevant expertise and data that are essential to improving production capabilities.

3. Each Party shall make publicly available and easily accessible its laws and regulations on the research developments of COVID-19 treatment and vaccines.

4. The Parties recognise the importance of compulsory licensing and how it is important for an effective COVID-19 response.

5. The Party seeking a compulsory licence against a patent owner should follow strictly requirements set out in Article 31(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (1994).

6. The Party seeking a compulsory licence against a patent owner also ensure that the patent owner is reasonably remunerated.

7. Each Parties shall adopt or maintain laws or regulations to prevent abusive conduct that causes harm, or is likely to cause harm, to the purpose of the compulsory licensing which is to aid respective parties in their national response against COVID-19.

8. The Parties importing and exporting the COVID-19 vaccines should also ensure that the COVID-19 vaccines are not to be exploited for commercial gains but only for the use to address the current COVID-19 pandemic.

9. To this end, the Parties shall endeavour to exchange information on any such mechanisms applied in their jurisdictions and explore ways to extend these or other suitable arrangements to promote compatibility between them.

\textsuperscript{179} Second Reading Speech on Patents (Amendment) Bill 2008 by Senior Minister Assoc Prof Ho Peng Kee 25 August 2008. See also, The Patents Act (Cap 221, 2005 rev Ed) s 62(2).

\textsuperscript{180} The Patents Act (Cap 221, 2005 rev Ed) s 58(1).

\textsuperscript{181} The Patents Act (Cap 221, 2005 rev Ed) s 58(5).

\textsuperscript{182} The Patents Act (Cap 221, 2005 rev Ed) s 55 and 56.
10. The Parties endeavour to explore the benefits of mechanisms, including alternative dispute resolution, to facilitate any dispute over the misuse of the compulsory licence that is meant to be used to combat COVID-19.

C. Conclusion

Singapore’s Patents Act offers valuable insights on how a nation’s domestic legislation may complement TRIPS and WTO’s TRIPS Council on Compulsory Licensing. Sections 55 and 56 of the Patent’s Act serves as valuable model provisions, and nations should consider enacting similar legislation on compulsory licensing and patented inventions to by-pass intellectual property issues that may hamper the fight against pandemics, now and in the future.
CHAPTER 5: E-COMMERCE

Key Reference Documents:

(a) ASEAN Agreement on Electronic Commerce (“ASEAN’s E-commerce Agreement”)183
(b) Digital Economy Partnership Agreement between Singapore, Chile and New Zealand (“DEPA”)184
(c) Joint Statement on Electronic Commerce: Communication from Singapore (“Singapore E-Commerce Joint Statement”)185

I. Immediate E-Commerce Challenges

Five key challenges may be highlighted from the impact of Covid-19 on e-commerce trade. Firstly, e-commerce in goods has faced supply chain vulnerabilities due to disruptions in logistics and cargo transportation services caused by lockdowns and social distancing measures, and the introduction of new health regulations, respectively.186 Secondly, the rise in e-commerce in services has led to the need for reliable telecommunications network capacity and infrastructure as well as greater digital inclusivity to ensure consumer access to online services.187 Thirdly, the need for greater adoption of online payment solutions to provide the gateway to facilitate e-commerce payment transactions and support safe distancing measures. Fourthly, measures must be undertaken to enhance consumer trust due to heightened privacy concerns and other cyber threats. Lastly, free flow of data and information across borders must be promoted to enhance e-commerce, as well as more broadly combat Covid-19 and other pandemics.

This Part seeks to highlight and review Singapore’s practices in response to each of these challenges. Domestic initiatives build on the Retail Industry Transformation Map that was launched in 2016 to promote the movement towards online retail and development of electronic infrastructure,188 enabling businesses to be digital-ready and cope with the challenges posed by Covid-19 and safe distancing measures. On the trade front, the Digital Economy Partnership between Chile, New Zealand and Singapore189 and negotiations between Singapore and the Republic of Korea on a Korea-Singapore Digital Partnership Agreement190 are recent examples

189 DEPA.
of efforts by Singapore to promote digital trade by promoting interoperability between the systems of the parties and enable greater access, connectivity and opportunities.

A. E-Commerce in Goods: Disruptions in Logistics and Cargo Transportation Services

In Part 3 of Information Note: E-Commerce, Trade and the COVID-19 Pandemic (“Information Note”), the WTO noted that disruptions in logistics and cargo transportation services due to closures of “non-essential” businesses have resulted in delivery delays or outright cancellation of orders.191 In Singapore, retail sales suffered the biggest drop in 22 years in March,192 and experienced a 40.5% reduction in retail sales in April 2020 compared to the previous year.193 Whilst the worldwide GDP has decreased due to disruptions in logistics and cargo transportation services, Singapore has been able to exploit e-commerce opportunities, recording an estimated sales volume of S$2.1 billion in April 2020, of which an estimated 17.8% is from online retail sales.194

It is therefore recommended that provisions to enable and facilitate e-commerce be adopted in trade agreements to alleviate the disruptions caused to supply chains. In Singapore’s submissions for the WTO Joint Statement Initiative on E-commerce (JSI) negotiations, textual provisions were proposed to address these issues.195 Some of these text proposals were later adapted and included, amongst other provisions, in the Digital Economy Partnership Agreement between Singapore, Chile and New Zealand that was signed on 12 June 2020 to “[underline] opportunities offered by digital connectivity in enabling business continuity during the ongoing COVID-19 pandemic”.196

(1) Enabling e-commerce

The first set of provisions seek to enable cross-border digital trade between Members through the adoption of domestic electronic transactions framework, and permitting electronic authentication methods and the legal recognition of electronic signatures.

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<tr>
<th>Issues/Articles</th>
<th>Text Proposal</th>
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<tr>
<td>Domestic legal framework to enable e-commerce</td>
<td>1. Each Party shall maintain a legal framework governing electronic transactions consistent with the principles of:</td>
</tr>
</tbody>
</table>
### References:

(a) DEPA Art 2.3  
(b) Singapore E-Commerce Joint Statement, Domestic Electronic Transactions Framework  

(a) the UNCITRAL Model Law on Electronic Commerce (1996); or  


2. Each Party shall endeavour to:
   
   (a) avoid imposing any unnecessary regulatory burden on electronic transactions; and  
   
   (b) facilitate input by interested persons in the development of its legal framework for electronic transactions.

### Electronic Authentication and Electronic Signatures

References:  

(a) Singapore E-Commerce Joint Statement, Domestic Electronic Transactions Framework  
(b) Singapore-New Zealand Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic

1. Except in circumstances otherwise provided for under its laws and regulations, a Party shall not deny the legal validity of a signature solely on the basis that the signature is in electronic form.

2. Parties are encouraged to implement temporary working solutions to facilitate trade, such as allowing scanned copies or electronic copies of original certificates whenever it is not possible to present the original paper certificate, provided the authenticity of these certificates can be validated by competent authorities.

3. Notwithstanding paragraph 2, a Party may require that, for a particular category of transactions, the method of authentication meets certain performance standards or is certified by an authority accredited in accordance with its laws and regulations.

4. Parties shall encourage the use of interoperable electronic authentication.

(2) Facilitating e-commerce

The second set of text proposals seek to facilitate digital trade between Members. Making trade administration documents publicly available and accepting such documents submitted electronically increase the effectiveness of trade administration documents’ processing. Further, elimination of customs duties, fees or other charges on cross-border electronic transmission of digital products and the non-discriminatory treatment of digital goods ensures healthy market competition and provides more choices for consumers. Finally, requirements for the disclosure of source code should be prohibited to ensure a more secure trade environment through the prevention of illegitimate technology transfer and trade secret theft.
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<th>Issues/Articles</th>
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| Paperless trading    | 1. Each Party shall make publicly available, including through a process prescribed by that Party, electronic versions of all existing publicly available trade administration documents.  
2. Each Party shall provide electronic versions of trade administration documents referred to in paragraph 1 in English or any of the other official languages of the WTO, and shall endeavour to provide such electronic versions in a machine-readable format.  
3. Each Party shall accept electronic versions of trade administration documents as the legal equivalent of paper documents, except where:  
   (a) there is a domestic or international legal requirement to the contrary; or  
   (b) doing so would reduce the effectiveness of trade administration.  
4. Noting the obligations in the WTO Trade Facilitation Agreement, each Party shall establish or maintain a single window that enables persons to submit documentation or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies.  
5. The Parties shall cooperate bilaterally and in international fora to enhance acceptance of electronic versions of trade administration documents and electronic records used in commercial trading activities between businesses.  
6. In developing other initiatives which provide for the use of paperless trading, each Party shall endeavour to take into account the methods agreed by relevant international organisations.                                                                                                                                                                                                                                           |
| References:          | (a) DEPA Art 2.2  
(b) Singapore E-Commerce Joint Statement, Paperless Trading                                                                                                                                                                                                                                                                                                                                                                                                             |
| Customs Duties       | 1. No Party shall impose customs duties on electronic transmissions, including content transmitted electronically, between a person of one Party and a person of another Party.  
2. For greater certainty, paragraph 1 shall not preclude a Party from imposing internal taxes, fees or other charges on content transmitted electronically, provided that such taxes, fees or charges are imposed in a manner consistent with WTO Agreements.                                                                                                                                                                                                                                       |
| References:          | (a) DEPA Art 3.2  
(b) Singapore E-Commerce Joint Statement, Moratorium on Customs Duties on Electronic Transmissions                                                                                                                                                                                                                                                                                                                                                                                                         |
### Non-Discriminatory Treatment of Digital Goods

**References:**

(a) DEPA Article 3.3  
(b) CPTPP Article 14.4  
(c) US-Singapore FTA Art 14.3

1. No Party shall accord less favourable treatment to digital products created, produced, published, contracted for, commissioned or first made available on commercial terms in the territory of another Party, or to digital products of which the author, performer, producer, developer, distributor or owner is a person of another Party, than it accords to other like digital products:

   (a) that are created, produced, published, stored, transmitted, contracted for, commissioned, or first made available on commercial terms in its territory or in the territory of a non-Party; or  

   (b) whose author, performer, producer, developer, distributor or owner is a person of the other Party or a non-Party.

2. Paragraph 1 shall not apply to the extent of any inconsistency with the rights and obligations in the Intellectual Property chapter.

3. The Parties understand that this Article does not apply to subsidies or grants provided by a Party, including government-supported loans, guarantees and insurance.

4. This Article shall not apply to broadcasting.

### Source Code

**References:**

(a) Singapore E-Commerce Joint Statement, Source Code

1. The Parties shall not require the transfer of, or access to, source code of software owned by a person of another Party, as a condition for the import, distribution, sale or use of such software, or of products containing such software, in its territory.

2. For the purposes of this Article, software subject to paragraph 1 is limited to mass-market software or products containing such software and does not include software used for critical infrastructure.

3. Nothing in this Article shall preclude:

   (a) the inclusion or implementation of terms and conditions related to the provision of source code in commercially negotiated contracts; or  

   (b) a Party from requiring the modification of source code of software necessary for that software to comply with laws or regulations which are not inconsistent with this Agreement.

4. This Article shall not be construed to affect requirements that relate to patent applications or granted patents, including any orders made by a judicial authority in relation to patent disputes, subject to safeguards against unauthorised disclosure under the law or practice of a Party.
B. E-Commerce in Services: Telecommunications Network Capacity and Consumer Access

In Part 4 of the Information Note, the WTO noted that the rise in e-commerce in services has led to the need to address network capacity constraints and facilitate consumer access to online services. For example, in Singapore, telecommunications provider StarHub faced intermitted outage issues to its internet services on 15 April 2020 due to a fault in network equipment, causing disruptions to individuals and businesses. One month later, on 12 May 2020, disruptions were faced by fibre broadband services of another telco, M1, and lasted more than 33 hours, which were later clarified to be due to a network bolstering initiative instead of shortage of network capacity.

Singapore has undertaken measures to address these issues which may provide guidance to Member States on policies and practices to adopt.

(1) Reliable internet and electricity connections

On 8 April 2020, the Info-communications Media Development Authority announced that it is supporting efforts by telecommunication operators to enhance internet connectivity by making immediate investments to upgrade their network capacity in response to the increase in network usage by individuals, households and businesses. These upgrades build on prior progressive development of telecommunications infrastructure in Singapore and seeks to ensure the smooth functioning of internet connectivity and facilitation of e-commerce transactions.

Although it has been noted that network capacity in Singapore has a buffer of at least 30%, the Ministry of Communications and Industry and Information and Info-communications Media Development Authority further announced on 5 June 2020 that they are working with telecommunications operators to enhance existing infrastructure to keep up with increasing demands, investing early in 5G networks, and studying means to enhance back-ups in networks in the event of outages and service disruptions.

Efforts have also been undertaken to make household electricity costs more affordable. Revisions of the electricity tariff by the SP Group on 31 March reflected a decrease of an average of 5.1% compared with the previous quarter. SP Group is also supporting government efforts to support businesses and households manage costs by deferring the

increase in network cost to transport electricity through the power grid for 1 year, reducing electricity tariff for households by 2.5%.

**Text Proposal:**

1. The Parties recognise the importance of maintaining reliable internet and electricity connections to facilitate electronic commerce communications and transactions.
2. The Parties endeavour to maintain and upgrade network capacity and electricity supply such as through the provision of financial investments and assistance.

(2) Consumer access to ICTs

Various initiatives have been implemented in Singapore to promote digital inclusivity by equipping every Singaporean with access to digital devices and the necessary skills to use them.

The Info-communications Media Development Authority’s digital access programmes, namely the NEU PC programme, the Home Access programme and donations to support the digital needs of the low-income, aim to make digitalisation more accessible in Singapore.²⁰⁴

The NEU PC programme was launched in 1999 to support low-income households with school-going children or persons with disabilities with broadband access and computer ownership. The PC-Bundle Scheme provides a two-tier subsidy,²⁰⁵ with additional financial assistance from the iNSPIRE Fund Scheme available for full-time students who are unable to co-pay for their PC-Bundle.²⁰⁶ Enhancements have been made to the programme to ensure that eligible beneficiaries are able to access PCs/laptops and broadband services to stay digitally connected by ensuring (i) faster provisioning of the programme by working with the industry and self-help groups to streamline the application and provisioning process, (ii) more support for students under financial assistance schemes, and (iii) more choices by including mobile broadband options and the option of a subsidised second PC for families with three or more school-going children.²⁰⁷ Given the increase in home-based learning as a result of the COVID-19 pandemic, these schemes have been modified to broaden the criteria and expedite the application process.²⁰⁸ There are presently 20,000 computing devices and 1,600 internet-enabling devices loaned out to students, and around 3,000 houses supported with subsidised computers or Internet connectivity.²⁰⁹

The Home Access programme was launched in 2014 with the aim to make internet connectivity more affordable to low-income households with access to the internet. The programme targets

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low-income households without school-going children and provides support through 2 years of subsidised broadband connectivity, and with device bundles as options.\(^\text{210}\) Monthly broadband subscription fees under the programme are determined based on the applicant’s housing type and choice of assistance package. To date, more than 16,000 households have benefitted from the programme.\(^\text{211}\)

The Info-communications Media Development Authority has also partnered with the National Council of Social Services to facilitate cash and in-kind donations to support the digital needs of the low-income. These efforts are part of SG United movement and Stay Healthy, Go Digital campaign to overcome Covid-19 in Singapore. Donations from individuals and organisations ensure that digital aid is also extended to households that are not eligible for support from Digital Inclusion schemes, such as the NEU PC and Home Access programmes.\(^\text{212}\)

Separately, the SG Digital Office, the body driving the government’s initiatives to accelerate digital adoption for post Covid-19 recovery, and the Info-communications Media Development Authority have ongoing digital upskilling initiatives.

The SG Digital Office has hired 1,000 Digital Ambassadors to educate seniors and stallholders in hawker centres, wet markets, coffeeshops and industrial canteens on basic digital skills.\(^\text{213}\) The outreach initiatives ensures that target groups are included in the digital transformation efforts by equipping them with the necessary knowledge and skills to access available digital solutions and thereby participate meaningfully in the new social and economic environment.

The Info-communications Media Development Authority’s Digital Clinics and the Tech Connect Service at Community Centres provide 1-to-1 support to seniors regarding smartphone usage. Online learning platforms, such as Virtual Digital Clinics, have also been launched together with the National Library Board for seniors to seek assistance remotely during the COVID-19 pandemic.\(^\text{214}\)

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**Text Proposal:**

1. *The Parties recognise the importance of the role and accessibility of information and communications technology for the growth of electronic commerce.*
2. *The Parties endeavour to support the accessibility of digital devices and solutions to individuals and businesses through policies and other financial assistance measures.*

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C. Adoption of Online Payment Solutions

Frictionless and safe online payment solutions are important to facilitate the growth of cross-border e-commerce through enhancing the security of the payment transaction. Further, contactless payment through e-payment and online payment solutions support domestic safe distancing measures by minimising physical contact. Government bodies are able to encourage the adoption of online payment solutions and encourage digitisation by businesses and individuals through various initiatives and support packages.

In Singapore, the Monetary Authority of Singapore has four key strategies to create an e-payments society.\textsuperscript{215}

First, the regulatory framework for payment was streamlined with the enactment of the Payment Services Act on 14 January 2019. The legislation comprises two parallel regulatory frameworks: (i) a designation regime that enables MAS to regulate systematically important payment systems for financial stability as well as efficiency reasons, and (ii) a licensing regime that focuses on retail payment services provided to customers and merchants.\textsuperscript{216} The streamlined regulatory framework addresses the changing risks in the payments ecosystem and promotes efficiency through more targeted regulation based on the specific payment activities of businesses.

Secondly, it was announced on 2 August 2017 that the Payments Council would be established to formally bring together the providers and users of payment services in Singapore to encourage collaboration, promote interoperability, develop strategies for adoption of e-payments and advise and make recommendations on payments related policies.\textsuperscript{217}

Thirdly, interoperable infrastructure, such as FAST (Fast and Secure Transfers), were developed. FAST is an online funds transfer infrastructure service launched on 17 March 2014 to enable customers of the participating banks to transfer Singapore Dollar funds from one bank to another in Singapore almost instantly.\textsuperscript{218} FAST has also been developed to allow Fintech companies and non-bank players with e-wallet payment solutions to access the system architecture to bring greater convenience to consumers.\textsuperscript{219}

Lastly, government agencies have been working with SMEs to digitise their processes and integrate them with electronic payments solutions. One example is the joint initiative by the Info-communications Media Development Authority and SGTech to enhance the accessibility of online payment solutions by curating a directory of companies offering electronic invoicing.


\textsuperscript{216} Monetary Authority of Singapore, “Explanatory Brief on the Payment Services Bill” (Ministry for Education, Mr Ong Ye Kung, on behalf of Mr Tharman Shanmugaratnam, Deputy Prime Minister and Minister-in-charge of the Monetary Authority of Singapore) (19 November 2018) <https://www.mas.gov.sg/news/speeches/2018/explanatory-brief-on-the-payment-services-bill> at paras 7 and 8 (accessed 23 July 2020).


and digital payment solutions. Adoption of such solutions enables small and medium enterprises to shift to an e-commerce model with the ability to execute transactions remotely.

The Singapore government has also provided financial support to businesses for the adoption of online payment solutions. During the presentation of the Fortitude Budget, Singapore’s fourth budget, on 26 May 2020, Deputy Prime Minister and Finance Minister Heng Swee Keat announced the provision of financial support for the digital transformation and adoption of e-payments by small food establishments. This builds on a pre-existing initiative on 29 June 2019 by Enterprise Singapore, the Housing and Development Board, National Environment Agency and JTC Corporation that appointed NETS as the master acquirer to on-board small food establishments to a unified e-payment solution.

Separately, together with the Monetary Authority of Singapore, the Association of Banks in Singapore launched the “Carry on with PayNow” Campaign on 9 April 2020 to encourage the adoption and of PayNow. The campaign provides financial rewards and prizes to individuals and businesses that sign up for PayNow and make transactions via the service. Prior to the launch of the campaign, the Association of Banks in Singapore reported an increase in digital payment transfers for all banking customers between the period January to April 2020. 34.4 million PayNow (a peer-to-peer funds transfer service for retail customers of the nine participating banks in Singapore) transactions were recorded, nearly double the figure in 2019; 3 million PayNow Corporate (PayNow for corporates and businesses) transactions were recorded, up five times the figure in 2019; and employers set up bank accounts for half a million migrant workers for payment of salaries.

Finally, the DEPA includes the following provision that may be adopted by Members with regards to facilitating cross-border electronic payments:

**Text Proposal:**

1. **Noting the rapid growth of electronic payments, in particular, those provided by new payment service providers, Parties agree to support the development of efficient, safe and secure cross border electronic payments by fostering the adoption and use of internationally accepted standards, promoting interoperability and the interlinking of payment infrastructures, and encouraging useful innovation and competition in the payments ecosystem.**

2. **To this end, and in accordance with their respective laws and regulations, the Parties recognise the following principles:**

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(a) The Parties shall endeavour to make their respective regulations on electronic payments, including those pertaining to regulatory approval, licensing requirements, procedures and technical standards, publicly available in a timely manner.

(b) The Parties shall endeavour to take into account, for relevant payment systems, international accepted payment standards to enable greater interoperability between payment systems.

(c) The Parties shall endeavour to promote the use of Application Programming Interface (API) and to encourage financial institutions and payment service providers to make available APIs of their financial products, services and transactions to third party players where possible to facilitate greater interoperability and innovation in the electronic-payments ecosystem.

(d) The Parties shall endeavour to enable cross-border authentication and electronic know-your-customer of individuals and businesses using digital identities.

(e) The Parties recognise the importance of upholding safety, efficiency, trust and security in electronic payment systems through regulation. The implementation of regulation should, where appropriate, be proportionate to and commensurate with the risks posed by the provision of electronic payment systems.

(f) The Parties agree that policies should promote innovation and competition in a level playing field and recognise the importance of enabling the introduction of new financial and electronic payment products and services by incumbents and new entrants in a timely manner such as through adopting regulatory and industry sandboxes.

References:

DEPA Article 2.7

D. Building consumer trust

Members must ensure that provisions are in place to ensure that the interests and rights of online consumers with regards to personal data and cyber threats such as cybersecurity and unsolicited electronic messages (spam) are safeguarded.

(1) Personal data protection

Personal data in Singapore is protected under the Personal Data Protection Act 2012. On 14 May 2020, the Ministry of Communications and Information and the Personal Data Protection Commission launched an online public consultation to the legislation.226 In order for the Digital Economy to better serve consumers, the public consultation is inviting feedback on matters regarding accountability of organisations, meaningful consent, consumer autonomy and effectiveness of the Personal Data Protection Commission’s enforcement.

To instil consumer trust in e-commerce, it is recommended that Members design a legal privacy framework to prevent the misuse of consumer information collected in e-commerce transactions. For Members with existing data protection frameworks, it is further recommended

that the legislation and other related regulations be reviewed to ensure that the legal framework keeps pace with technological advances, new business models and global developments. The following text is proposed to strike a balance between consumer privacy and security and maintaining the benefits from free flows of data:

**Text Proposal:**

1. *The Parties recognise the economic and social benefits of protecting the personal information of users of electronic commerce and the contribution that this makes to enhancing consumer confidence in electronic commerce.*

2. *To this end, the Parties shall adopt or maintain a legal framework that provides for the protection of the personal information of the users of electronic commerce. In the development of personal information protection measures, each Party shall take into account international principles, guidelines and criteria of relevant international bodies.*

3. *The Parties shall:*
   
   (a) *afford protection, through the legal framework referred to in paragraph 2, to the personal information of users of the other Member on a non-discriminatory basis; and*
   
   (b) *adopt non-discriminatory practices in protecting users of electronic commerce from personal information protection violations occurring within its jurisdiction.*

4. *The Parties shall publish information on the personal information protections it provides to users of electronic commerce, including how:*
   
   (a) *individuals can pursue remedies; and*
   
   (b) *business can comply with any legal requirements.*

5. *Recognising that each Parties may take different legal approaches to protecting personal information, Members shall pursue the development of mechanisms to promote compatibility between these different regimes. These mechanisms may include the recognition of regulatory outcomes, whether accorded autonomously or by mutual agreement, broader international frameworks, or where practicable, appropriate recognition of comparable protection afforded by their respective legal frameworks, national trustmark or certification frameworks, or other avenues of transfer of personal information between the Parties.*

6. *To this end, the Parties shall endeavour to exchange information on any such mechanisms applied in their jurisdictions and explore ways to extend these or other suitable arrangements to promote compatibility between them.*

**References:**

Singapore E-commerce Joint Statement, Personal Information Protection

ASEAN’s E-commerce Agreement Art 7(5)
(2) Cybersecurity

Personal information and other sensitive information such as credit card details are also vulnerable to third party scammers and hackers. There are multiple initiatives in Singapore to address such cybersecurity concerns. The Infocomm Media Cyber Security aims to create a secure and trusted environment through measures such as the Telecommunications Cybersecurity Code of Practice, the establishment of the Infocommunications Singapore Computer Emergency Response Team and the Cyber Security Vulnerability Reporting Guide. The Info-communications Media Development Authority and the Cyber Security Agency of Singapore also support Innovation Cybersecurity Ecosystem at Block71, a cybersecurity entrepreneur hub that runs programmes designed to support cybersecurity individuals and start-ups. The Cyber Security Agency of Singapore has also published a guide on how online consumers can protect themselves when shopping on e-commerce platforms, and an infographic with details on how individuals can stay cyber safe during the Covid-19 situation.

On the international front, Singapore’s cyber security strategy has been to establish strong partnerships and actively participate at international platforms on cyber security.

First, Singapore seeks to forge international and ASEAN cooperation to counter cyber threats and cybercrime. Examples of some channels for cooperation include the ASEAN Regional Forum that was established in 1994 to foster constructive dialogue and consultation on common political and security issues, the ASEAN Network Security Action Council that was set up to promote Computer Emergency Response Team cooperation and sharing of expertise, and the ASEAN CERT Incident Drill, an annual exercise aimed at strengthening cooperation among Computer Emergency Response Teams in ASEAN.

Secondly, Singapore champions international and ASEAN cyber capacity building initiatives in operational, technical, legislative, cyber policy and diplomatic areas. Singapore partners with the international community to organise workshops, seminars and conferences to advance cooperation and also established the ASEAN Cyber Capacity Programme in 2016 to complement various existing ASEAN initiatives.

Thirdly, Singapore facilitates exchanges on cyber norms and legislation through global and regional discussions. Examples include the annual RSA Conference Asia Pacific and Japan that provides a platform for high-level discussions among industry leaders and senior government officials, and hosting the annual Singapore International Cyber Week to catalyse, stimulate and promote exchanges on cybersecurity and cybercrime issues.

The following text is proposed for Members to cooperate and build domestic cybersecurity capabilities as well as enhance collaborative efforts.

Text Proposal:

1. The Parties recognise the importance of:
   (a) building the capabilities of their national entities responsible for cybersecurity including through the exchange of best practices; and
   (b) using existing collaboration mechanisms to cooperate on matters related to cybersecurity.

References:

ASEAN’s E-commerce Agreement Art 8

(3) Unsolicited electronic messages (spam)

Spam may have a detrimental effect on the online consumer experience. This may also potentially lead to the proliferation of online scams by way of email extortions.

In Singapore, the Second Schedule of the Spam Control Act sets out requirements for such spam messages. These messages are required to have an unsubscribe facility, a title in the subject field that is not false or misleading as to the content of the message, the letters “<ADV>” before the title in the subject field or the message, header information that Is not false or misleading, and an accurate and functional e-mail address or telephone number by which the sender can be readily contacted.232

It is recommended that Members include provisions to address spam messages and therefore ensure a positive online consumer experience and promote e-commerce.

Text Proposal:

1. The Parties shall adopt or maintain measures regarding unsolicited commercial electronic messages that:
   (a) require suppliers of unsolicited commercial electronic messages to facilitate the ability of recipients to prevent ongoing reception of those messages;
   (b) require the consent, as specified according to the laws and regulations of each Party, of recipients to receive commercial electronic messages; or
   (c) otherwise provide for the minimisation of unsolicited commercial electronic messages.

2. The Parties shall provide recourse against suppliers of unsolicited commercial electronic messages that do not comply with the measures adopted or maintained pursuant to paragraph 1.

3. The Parties shall endeavour to cooperate in appropriate cases of mutual concern regarding the regulation of unsolicited commercial electronic messages.

References:

Singapore E-commerce Joint Statement, Unsolicited Commercial Electronic Messages (Spam)

232 Spam Control Act (Cap. 311A, 2008 Rev Ed) Second Schedule
E. Cross-Border Data Flows

Cross-border data flows are important to enable and facilitate e-commerce and digital trade on a whole. Digital protectionist practices and policies have the effect of increasing the costs of digital trade by curtailing the free flow of information and data across borders. Further, this issue is critical to medical and research services to combat Covid-19 and future pandemics.

It is therefore recommended that Members include provisions to ensure the free movement of data and transfer of information and to prohibit data localisation requirements that may raise costs and thereby impede trade.

1. Cross-border transfer of information by electronic means

Within the context of e-commerce trade, restrictions on the cross-border of transfer of data and information has the effect of adding friction to the transaction and through extra costs imposed on e-commerce operators and online payments service providers. It is therefore recommended that free flow of information be allowed where it is for the conduct of business.

   Text Proposal:

   1. The Parties recognise that each Party may have its own regulatory requirements concerning the transfer of information by electronic means.
   2. Each Party shall allow the cross-border transfer of information by electronic means, including personal information, when this activity is for the conduct of the business.
   3. Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 to achieve a legitimate public policy objective, provided that the measure:
      (a) is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; and
      (b) does not impose restrictions on transfer of information greater than are required to achieve the objective.

References:

DEPA Article 4.3

Specific to Covid-19 and the context of pandemics, free flow of data enables collaborative research and development efforts and coordination between medical and research services, with such cross-border data flows being especially critical where companies collaborate with external bodies overseas.

Text Proposal:

1. The Parties recognise the importance of cross-border information flows related to medical and research services to enable collaboration and coordination during times of pandemics.
2. The Parties shall allow the cross-border transfer of information referred to in Paragraph 1 and such other relevant information by electronic means when this activity is for the purposes of combating a pandemic.

(2) Prohibition of data localisation requirements

Data localisation requirements increase the costs of compliance in e-commerce trade. Such requirements also pose challenges to multinational clinical trials, such as the WHO’s Solidary
Trial to find an effective treatment for Covid-19.\textsuperscript{233} The ability to store and process data globally therefore is of greater importance

It is therefore recommended that such requirements be prohibited unless otherwise implemented to achieve a legitimate public policy objective.

**Text Proposal:**

1. The Parties recognise that each Party may have its own regulatory requirements regarding the use of computing facilities, including requirements that seek to ensure the security and confidentiality of communications.
2. No Party shall require the use or location of computing facilities in that Party’s territory as a condition for conducting business in that territory.
3. Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 to achieve a legitimate public policy objective, provided that the measure:
   (a) is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; and
   (b) does not impose restrictions on the use or location of computing facilities greater than are required to achieve the objective.

**References:**

DEPA Article 4.4

II. Additional E-Commerce Related Issue

A. Online Consumer Protection

E-commerce is susceptible to fraudulent and deceptive practices due to the absence of or limited face-to-face contact between consumers and suppliers/retailers.\textsuperscript{234} According to the United Nations Conference on Trade and Development, only 158 countries (81\%) have implemented regulatory instruments to safeguard against such practices.\textsuperscript{235}

In its Joint Statement on Electronic Commerce, Singapore has recommended the inclusion of provisions related to online consumer protection to ensure that online consumers’ interests and rights are safeguarded by providing legal protection that is equivalent to that in paper-based and other forms of commerce.

**Text Proposal:**

1. Each Party shall adopt or maintain laws or regulations to proscribe fraudulent, misleading or deceptive conduct that causes harm, or is likely to cause harm, to


consumers engaged in online commercial activities. “Fraudulent, misleading or deceptive conduct” includes:

(a) making misrepresentations or false claims as to material qualities, price, suitability for purpose, quantity or origin of goods or services;
(b) advertising goods or services without intention to supply;
(c) failing to deliver products or provide services to a consumer after the consumer is charged; or
(d) charging or debiting consumers’ financial, telephone or other accounts without authorisation.

References:

DEPA Article 6.3
Singapore E-Commerce Joint Statement, Online Consumer Protection

B. Compliance with health and safety regulations

The Maritime and Port Authority of Singapore has issued circulars and notices setting out measures to tackle the spread of Covid-19 amongst personnel in the maritime sector. Passengers and crew members of arriving vessels are required to submit health declaration documents, 236 vessels and marine service providers are to undertake certain precautionary measures, 237 and crew change is allowed only under special circumstances. 238

It is recommended that Members adopt similar measures to reinforce existing efforts to combat the spread of Covid-19.

Text Proposal:

1. The Parties recognise the importance of ensuring safe distancing measures to protect the health of workers involved in the handling and inspecting of goods while minimising the impact on the speed of the inspection process.
2. The Parties endeavour to implement measures to expedite the submission of health documents of affected personnel and to promote safe distancing and good hygiene practices in the handling and inspection of goods.

CHAPTER 6: MOVEMENT OF PEOPLE

Key Reference Documents:

(a) Arrangements for Schools and Institutions of Higher Learning 239
(b) COVID-19 (Temporary Measures) Act 2020 240
(c) Establishment of Singapore-Malaysia Special Working Committee on COVID-19 241
(d) Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as Well as the Essential Movement of People
(e) Requirements for Safe Management Measures at the Workplace 242
(f) Singapore-Australia Free Trade Agreement 243

I. COVID-19 Related Challenges Highlighted by WTO

On 28 May 2020, the World Trade Organization published Information Note: Trade in Services in the Context of COVID-19. Seven COVID-19 related challenges were highlighted: tourism and land travel-related services, distribution services, telecommunications, ICT and audio-visual services, air, land and maritime transport services, health services, financial services, and education services. This Part attempts to explore and examine Singapore’s practices with regards to the challenges faced by the restrictions in the movement of people.

A. Tourism and Land Travel-related Services

Due to increased globalization in recent times, there has been an exponential rise in the movement of people both domestically and internationally. However, due to COVID-19, this has been severely impacted and restrictions have been put in place, both on business-related matters or leisure. The lack of mobility has had a negative impact on domestic consumption and travel. Specifically, this has been seen in the food and beverage (F&B), and retail industry, which have suffered due to the lack of tourism, both domestically and internationally.

Domestic measures imposed in Singapore have also affected Mode 3 (commercial presence) and Mode 4 (presence of natural persons) of the trade in services. Covid-19 did not just limit the physical movement of its citizens and permanent residents, but also those of its non-residents. In December 2019, the total foreign workforce in Singapore had more than 1.4

million people,\textsuperscript{244} all of them providing services to the country. This section will look at how the movement of foreign and local individuals has been affected due to the measures imposed as a consequence of COVID-19.

(1) Domestic Travel Restrictions

Domestic travel restrictions due to COVID-19 are affecting the economy and the services that countries are able to provide for their citizens. Implications of travel restrictions on the movement of people within a country affect a wide range of businesses, from F&B outlets to AER (Arts, Entertainment and Recreation) services. Nevertheless, new opportunities have presented themselves from a rise in demand for online sales and services.\textsuperscript{245}

Many countries worldwide have taken inspiration from Singapore’s model when adopting new and drastic measures to combat the pandemic. This is due to the country’s proactive approach when addressing COVID-19 measures. In Singapore, Part 2 of the COVID-19 (Temporary Measures) Act 2020 (Act 14 of 2020)\textsuperscript{246} details the measures and restrictions that the Singapore Government has placed on its residents. As seen in the Act, Singapore has taken strategic measures to tackle the COVID-19 outbreak and has given a detailed summary outlining how and when people in Singapore are allowed to continue with their daily lives, as well as the extent to which their movements are restricted. Further, it outlines how special approvals are given to those who are deemed ‘essential workers’, showing that this is not just a blanket policy for all, but rather a more considered list that accommodates individuals in different circumstances. Its aim is to allow the Singaporean economy to continue operating with as little disruption as possible.

Moreover, the Act also allows for the care of its citizens and is understanding of the needs of different demographics. This is seen in Part 2, section (4)(f) which allows for individuals to leave their households to assist any individual who has a physical or mental disability, or is below 12 years of age or above 60 years of age, with his or her daily needs,\textsuperscript{247} demonstrating how restrictions on movements are lifted if one is caring for a younger child or an elderly citizen.

\textbf{Text Proposal:}

1. With the increased infections in community cases due to COVID-19’s rapid transmission, an individual must not permit any other individual to enter his or her ordinary place of residence for any reason unless otherwise stated.

\textbf{References:}

COVID-19 (Temporary Measures) Act 2020


\textsuperscript{246} COVID-19 (Temporary Measures) Act 2020.

\textsuperscript{247} COVID-19 (Temporary Measures) Act 2020 (Part 2, section (4)(f)).
(2) Domestic Tourism

As the COVID-19 pandemic is slowly halting and community cases decrease, governments are incentivising domestic tourism to stimulate their now-damaged economies. There is a market for such tourism due to the closure of national borders and the deferral of international travel, and many developing countries such as Vietnam, are strongly considering this opportunity. It is also recommended to incentivise domestic tourists into spending more when traveling domestically within their country as domestic tourism expenditure usually makes up less than half of the tourism’s GDP within the country. However, this may be difficult to do, given the diminished finances many households are now experiencing.

Despite the fact that other countries such as Austria and Spain have been quick to reopen and ease their restrictions on tourism activities, Singapore did not follow suit. Instead, it decided to postpone its reopening of the economy and leisure activities, amid concerns that a second wave of COVID-19 transmissions could present itself. This has proven to be beneficial as the number of local COVID-19 transmissions has significantly reduced.

(3) International Travel Restrictions

The OECD published the Paper ‘Tourism Policy Responses to the Coronavirus (COVID-19)’, where the “OECD estimates on the COVID-19 impact point to 60% decline in international tourism in 2020. This could rise to 80% if recovery is delayed until December”. Such decrease in international tourism as well as the sharp downturn in the movement of people may lead to a loss of between USD910 billion to USD1.2 trillion in export revenues from tourism. This emphasises the extent to which the pandemic has resulted in mobility restrictions, and highlights the importance of the tourism sector in the global economy, which is now suffering an economic slowdown.

Singapore’s small geographic area and landmass inevitably means that domestic tourism and travel have a limited ability to boost economic growth. As a result, a pressing issue for Singapore is whether it will be able to open up its borders to international travellers, allowing for the movement of people from across the globe to freely enter in and out of the country. With few exceptions, only Singaporean citizens and permanent residents have been allowed to enter the country since circuit breaker measures.

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One recommendation for Singapore moving forward with regards to the international movement of people is to form an organised agreement with other regional trading partners to allow for limited and thoroughly monitored international travel to begin. This would help to bolster each country's tourism sector whilst still allowing countries to maintain some form of control and screening measures in place. However, this will only be possible once local virus transmissions are low and at a controlled level in all participating countries.254

Despite this, the World Health Organization has expressed in “WHO Recommendations for International Traffic in Relation to COVID-19 Outbreak” that “travel bans to affected areas or denial of entry to passengers coming from affected areas are usually not effective in preventing the importation of cases but may have a significant economic and social impact”.255 This would therefore suggest that there is still some confusion on the matter and no clear cut solution on how to move forward.

Text Proposal:

1. Parties understand the need for the resumption of essential cross-border travel, with mutual assurance of health standards, while ensuring the safeguard of public health.

2. Parties agree to work out guidelines that will allow people to travel between the countries again, without compromising efforts to safeguard public health.

References:
Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as well as the Essential Movement of People

B. Air, Land and Maritime Transport Services

(1) Mobility and Border Restrictions

Air, Land and Maritime Transport services have been heavily affected because of the restrictions placed on the movement of people. Only from air transport services in 2020 alone, the International Civil Aviation Organization (ICAO) predicted that revenues could fall up to US$ 419 billion.256

Due to Singapore's lack of physical cross-border connections with other nations, it has developed a heavy reliance on imported goods and services from around the world. It is for this reason that the maritime and aviation industry play a key role in sustaining and developing Singapore’s economy. As a result of these industries’ importance to the country, it is vital that Singapore is able to put in place provisions that allow for the safe movement of people and regulations that ensure as little imported transmissions come into the country as possible. It is not a realistic expectation that Singapore stops all maritime and aviation services, due to their importance to the country.

Singapore acknowledged the challenges that COVID-19 would pose, and prepared itself quickly with the formation of an inter-agency and multi-stakeholder co-ordination to cope with the issue at hand. This was possible as the Maritime and Port Authority of Singapore (MPA) reacted early to the virus, and by having an organization such as the Multi-Ministry Taskforce (MTF) to coordinate various response efforts, including keeping strong communication channels open with the port terminals, as well as with the Singapore Shipping Association (SSA), Singapore Maritime Officers’ Union (SMOU) and Singapore Organisation of Seamen (SOS). The MPA is continuously promoting the measures implemented in Singapore with regards to the movement of people and safe distancing measures. This is due to essential service providers that are working for the supply chains to remain open, as well as providing the country with all the essential and necessary services to be able to cope.

With specific reference to the maritime shipping industry, Singapore has put in place a variety of measures and has worked together with a range of government bodies to ensure that the shipping routes remain open. For example, the MPA and various unions have been able to establish and raise supporting measures essential service providers. As a result, cargo operations and essential marine services continue to operate. Additionally, in order to support these industries, the MPA released the MaritimeSG Together Package that provides S$27 million in order to create additional support for maritime companies and service providers allowing them to develop digital capabilities, training and other relief measures.

(2) Singapore’s Fast Track Arrangements

Singapore, Australia, Canada, South Korea and New Zealand’s trade ministers have agreed to ease the resumption of essential travel, but not without considering the effects of such in the general public amid the fight against COVID-19. Public health considerations were also taken into account, and thus general rules were established in order to facilitate such travel, with the main objective of supporting the global supply chains. The Joint Statement shows the continued engagement to minimise the COVID-19 impact on trade and investment, thus promoting economic recovery.

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Further, Singapore and China have agreed to develop a fast lane for essential travel (business and official travel). This would be part of the country’s gentle reopening.\textsuperscript{262} Initially, this fast lane which has been agreed upon by both the Ministry of Foreign Affairs and the Ministry of Trade and Industry, will allow for the movement of people between six provinces and municipalities in China (Chongqing, Guangdong, Jiangsu, Shanghai, Tianjin and Zhejiang), and Singapore.\textsuperscript{263} In future, the fast lane arrangement may be extended to more provinces and municipalities in China.

Moreover, Heads of State/Government of the Member States of the Association of Southeast Asian Nations (ASEAN), the People’s Republic of China, Japan, and the Republic of Korea have agreed on further easing the movement of people amongst those who are deemed necessary and essential, in an attempt to ease COVID-19.

**Text Proposals:**

1. Parties agree to ensure the continued operation of logistics networks via air, sea and land freight.

2. Parties agree to facilitate the timely flow of goods including essential supplies by ensuring operation of logistics networks via air, sea, and land freight.

**References:**

Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as well as the Essential Movement of People

In addition, beyond the letter of the Declarations and Ministerial Statements that Singapore has entered since COVID-19, it is worth noting that Singapore’s quick setting up of a special working committee with its closest neighbour Malaysia, following Malaysia’s introduction of a Movement Control Order (“MCO”) restricting movement in and out of Malaysia, helped in facilitating trade during COVID-19.

Malaysia’s announcement of its MCO had led to some uncertainty over how the announcement would affect the movement of cargo by land across the Singapore-Malaysia border.

The setting up of a special working committee between the two states allowed Singapore to preserve trade with its closest neighbour, and alleviate concerns locally that trade of goods, in particular foodstuffs, would be impacted by the MCO. Since then, the presence of the special working committee has allowed the two states to work out arrangements on other issues, such as the movement of people, allowing citizens to return to their home country, as well as current discussions on making quarantine exemptions for essential travel.


C. Education Services

(1) Online Education

Education has seen a drastic change in the way it is conducted as a result of the COVID-19 pandemic. One of the greatest differences is how education facilities have had to adapt to online learning, amidst the stopping of physical classes as a result of restrictions in the movement of people.

Online education platforms have seen a drastic increase in the number of users and this in turn will have implications for future usage and the way education is taught. As a result, the trade and consumption of services that enable online education will develop into a growing sector as the demand for them continues to grow.

In Singapore, from 2 June, Singapore’s Ministry of Education (MOH) announced that education services would begin to slowly resume. This was stagnated across two phases. Phase One consisted of students from Primary 6 as well as Secondary 4 and 5 returning to school for full-time physical classes. However, students who are in Primary 1-5, and Secondary 1-3 were to only attend physical classes on a bi-weekly schedule, having one week of home-based learning, followed by another week of physical classes. As for Junior Colleges, only 50% capacity was to be allowed at any one time to cater for social and safe distancing measures.264

After Phase Two began on 29 June, all students were able to return to physical classes at all times, from Monday to Friday, with the exception of Higher Learning Institutes. The latter will gradually allow increasing numbers of students back onto campus. However, for large classes of more than 50 people, online learning will continue to be the main form of teaching.265

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(2) Decline in Movement of International Students

Furthermore, due to tighter lockdown measures and restrictions on the movement of people, it has been estimated that 40% of all prospective students who were intending on studying abroad have had to change their plans. In the United Kingdom alone, the effects of COVID-19 in the education services has been felt by universities – they are estimated to make losses of up to £2.5bn largely due to international students not paying the required fees as a consequence of the restrictions imposed on the movement of people.

Text Proposal:
1. Parties agree to conduct safe management measures to keep students and staff safe in schools, including screening, hygiene, cohorting and safe distancing.
2. Parties agree to enhance the role played by education in enhancing the bilateral trade and investment relationship through promoting mutual cooperation in education.
3. Parties shall encourage their government scholarship nominees to consider the other Party as one of the countries for their overseas study.
4. Parties shall, subject to any qualification requirements for professional practice in its territory, allow its scholarships for overseas studies to be tenable at universities in the territory of the other Party.

References:
Arrangements for Schools and Institutes of Higher Learning
Singapore-Australia Free Trade Agreement

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CHAPTER 7: INVESTMENT

Key Reference Documents:

(a) ASEAN-China Economic Ministers’ Joint Statement on Combating the Coronavirus Disease (COVID-19) and Enhancing ACFTA Cooperation

(b) New measures to help REITs navigate operating challenges posed by COVID-19

(c) Press release from Ministry of Trade and Industry Singapore: “Germany and Singapore reaffirm collaboration on startups amid COVID-19”

I. Steps taken by Singapore to promote investments in light of COVID-19

A. Volatility of investment capital as seen by the surge in currency deposits

It has been reported that there is “[a] record jump in money flowing into Singapore bank accounts from abroad underlines the country's safe haven appeal during the COVID-19 pandemic and political uncertainty in rival financial centre Hong Kong.”

The Monetary Authority of Singapore has clarified that funds from Hong Kong do not dominate the increase, thereby dispelling the claim that political uncertainty has caused an influx of capital from Hong Kong. However, what remains true is that there is a spike in investment flows from all countries:

“There are some well-known global drivers of this deposit growth amid the current COVID-19 related economic slump, including central bank actions that increase liquidity in the financial system, banks and corporate treasuries raising their liquidity profiles, and a higher level of precautionary savings by households. Other financial centres have also seen significant deposit growth.”

This supports the general sentiment that Singapore is seen as a safe haven in times of uncertainty. It is suggested that this is in part due to the various pro-investment policies introduced by the government: economically-sound policies that simultaneously promote


collaborative efforts with other countries. What follows is a selection of Singapore’s recent strategies to promote investment.

B. Measures to help REITS

Providing assistance to Real Estate Investment Trusts (REITs) listed on the Singapore Exchange to manage their cash flows and raise funds.\(^{274}\)

First, S-REITs have been given an extension of time to distribute at least 90% of their taxable income (from 3 months to 12 months after the end of Financial Year 2020). Given that REITs typically hold lower cash reserves, this extension provides the necessary flexibility for them to manage their cash flows.

To further provide greater flexibility to manage their capital structure in these unprecedented times, REITs also have increased leverage limits (from 45% to 50%).

In terms of implementing new requirements that REITs have to meet before they can increase their leverage from the prevailing limit, such requirements have been deferred for 2 years in light of the negative impact of the COVID-19 pandemic on cash flows.

As it is important for REITs to continue to have access to funds, the SGX RegCo increased the share issue limit from 50% to 100% of its share capital (excluding treasury shares and subsidiary holdings in each class).\(^{275}\)

The SGX also has a Financial Watch-List, which compels companies that have recorded 3 years of losses and when their market capitalisation falls below S$40 million to turn around their financial performance. Entry into this List has also been suspended in light of sharp declines in market capitalisation, as it might cause undue prejudice to these companies in this challenging climate.\(^{276}\)

Text Proposal:

1. Parties understand the need to support issuers amid the challenging business and economic climate due to COVID-19, including enabling the acceleration of fund-raising efforts.

2. COVID-19 has caused a drastic global deterioration in business conditions for all companies, with many experiencing significant loss of revenue and profitability. Share prices of companies have also fallen, translating to sharp declines in market capitalisation. Companies are also likely to face liquidity crunch at this time as banks are tightening credit.

3. Accordingly, Parties will provisionally suspend reviews to place issuers on the Financial Watch-List (or any equivalent List in the Party’s country).


4. The suspension is to enable issuers to focus on meeting the current business and economic challenges and dealing with any resultant liquidity crunch.

References:
SGX RegCo Announcement dated 8 April 2020²⁷⁷

C. ASEAN-China Economic Ministers’ Joint Statement on Combating the Coronavirus Disease (COVID-19) and Enhancing ACFTA Cooperation

The ASEAN Economic Ministers and the Minister of Commerce of the People’s Republic of China (collectively, the “Ministers”) commit to keeping the markets open and further facilitating trade and investment in order to maintain the regional and global supply chains. They “call for joint efforts in mitigating the impact of the pandemic on global and regional trade and investment, restoring economic and trade confidence, as well as pursuing and securing sustainable and long-term growth of international trade and investment”.

The Ministers also reaffirmed the importance of the ASEAN-China Free Trade Agreement (“ACFTA”) in boosting trade and investment and in ensuring stable and inclusive growth of the region.

As the ACFTA is vital to facilitate two-way investment, the Ministers expressed their determination to continue exerting efforts to better implement to ACFTA. Improving market access through addressing non-tariff barriers to trade and deepening and broadening economic co-operation to deepen regional economic integration.

The Ministers remain committed to a free, open, transparent and non-discriminatory, predictable and stable trade and investment environment, and supportive of a rules-based Multilateral Trading System centered on the WTO.²⁷⁸

It is suggested that countries in other regions should adopt a similar approach. Through a shared commitment to ensuring a freer exchange of information and knowledge, countries will better mitigate the negative impact of COVID-19 on investment flows.

Text Proposal:

1. Parties commit to share anti-pandemic information and experiences in a prompt and efficient matter, as well as deepen cooperation on prevention and control of COVID-19.
2. Parties commit to continue to work closely to overcome the challenges brought about by the COVID-19 outbreak.

3. **Parties commit to further strengthen collaboration at all levels across the region and countries on the prevention and control of COVID-19, including through regular, timely and transparent exchange of information and sharing of knowledge, experience and best practices, as well as on facilitating production and access to medicines and vaccines used for the treatment of COVID-19.**

4. **Parties express their commitment to ensure that technical information exchange and knowledge-sharing is transparent and efficient. This will ensure that the knowledge and experience of each country translate into best practices for the region, support to mitigate the negative impacts on healthcare, manufacturing, trade, investment and tourism.**

**References:**

ASEAN-China Economic Ministers Joint Statement on Combating COVID-19 and Enhancing ACFTA Cooperation

**D. Germany and Singapore reaffirm collaboration on startups amid COVID-19**

The German Federal Ministry of Economics and Energy established the German Accelerator in Asia (“GASEA”), a landing pad in Singapore to facilitate the expansion of German start-ups to Asia via Singapore. Conversely, Singapore established Scaler8, which supports the expansion of Singaporean start-ups to Germany.

This mutual support for start-ups from both countries has taken on new ways of safe collaboration during this pandemic. Online programmes by GASEA and Scaler8 are being offered, which includes webinars, workshops and tailored mentorship sessions.

The above also signifies the strong mutual trust and collaborative efforts between the two countries which would help them to emerge stronger from the current pandemic.

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279 Ministry of Trade and Industry Singapore, “Germany and Singapore reaffirm collaboration on startups amid COVID-19” (13 May 2020)  
Text Proposal:

1. Parties acknowledge that it is important for them to reinforce trade and economic cooperation amid current global travel restrictions and border closures.

2. Parties commit themselves to continued cooperation in fostering innovation and entrepreneurship.

3. To support startups and maintain the flourishing interactions between Parties’ startup ecosystems amid the current safe distancing measures, Parties endeavour to develop and share new ways of safe collaboration.

References:

Press release from MIT: Germany and Singapore reaffirmation collaboration on startups amid COVID-19


24. Emiko Terazono et al., “Countries Follow Consumers in Stockpiling Food” Financial Times (5 April 2020) <https://www.ft.com/content/5c8c0c60-aec0-4f3d-b0e2-a5e44f0c6f74> (accessed 23 July 2020).


(accessed 23 July 2020).


111. Monetary Authority of Singapore, “Explanatory Brief on the Payment Services Bill” (Ministry for Education, Mr Ong Ye Kung, on behalf of Mr Tharman Shanmugaratnam, Deputy Prime Minister and Minister-in-charge of the Monetary Authority of Singapore)


115. N. Kumar, J. George, Regional Cooperation for Sustainable Food Security in South Asia (Routledge India, 2019).


133. Singapore Exchange, “SGX RegCo announces measures to support issuers amid challenging COVID-19 business climate” (8 April 2020) <https://www.sgx.com/media-


Annex A

Timeline of relevant events involving Singapore

1965
- **August**
  - 9 August - [Movement of People] Article 13 of the Constitution of the Republic of Singapore, guarantees a prohibition against banishment and the right to freedom of movement

1979
- [Stockpiling] Agreement on the ASEAN Food Security Reserve: ASEAN Countries established the ASEAN Emergency Rice Reserve (AERR)

1982
- [Stockpiling] Protocol to amend the Agreement on the ASEAN Food Security Reserve

1990
- [Transparency] Price Control (Rice) 1990 issued by the Minister of Trade and Industry which publicly mandates rice importers to participate in the Rice Stockpile Scheme.

1994
- [E-commerce] ASEAN Regional Forum established to foster constructive dialogue and consultation on common political and security issues
- **October**
  - 31st October [Intellectual Property] The Patents Act was first passed by Singapore’s Parliament.
- **November**
  - 25 November [Intellectual Property] The Patents Act was first assented to by the President.

1997
- [Stockpiling] Second Protocol to amend the Agreement on the ASEAN Food Security Reserve

1999
- [E-commerce] Launch of NEU PC programme

2001
- [Stockpiling] ASEAN countries partnered with China, Japan and Korea to cooperate and establish a regional rice reserve

2003
- [Stockpiling] East Asia Emergency Rice Reserve (EAERR) pilot programme was launched, involved the ASEAN Plus Three countries

2006
- [E-commerce] Launch of annual ASEAN CERT Incident Drill
2008

- **August**
  - 25 August [Intellectual Property] The Patents Act (Amendment) Bill was passed by Parliament.

- **September**
  - 10th September [Intellectual Property] The Patents Act (Amendment) Bill was assented to by the President.

2011

- **October** - [Stockpiling] ASEAN Plus Three Emergency Rice Reserve (APTEERR) Agreement

2012

- **July** - [Stockpiling] APTEERR Agreement entered into force

2014

- [E-commerce] Launch of Home Access programme
- **March**
  - 17 March - [E-commerce] Launch of FAST (Fast and Secure Transfers), an electronic funds transfer service

2015

- **April**
  - 1 April - [E-commerce] Establishment of the Infocommunications Singapore Computer Emergency Response Team

2016

- [E-commerce] Launch of ASEAN Cyber Capacity Programme

2017

- **August**
  - 2 August - [E-commerce] MAS announcement: establishment of Payments Council

2019

- **January**
  - 14 January - [E-commerce] Enactment of Payment Services Act
- **June**
  - 29 June - [E-commerce] ESG, HDB, NEA, JTC Corporation initiative: appointed NETS as the master acquirer to on-board small food establishments to a unified e-payment solution

2020

- **January**
- **February**
  - 29 February - [Movement of People] WHO publishes recommendations for international traffic in relation to COVID-19 outbreak

- **March**
  - 18 March - [Movement of People] The Singapore Government advised Singaporeans to defer all travel abroad
- 23 March - [Movement of People] Singapore closed its borders to short-term visitors and some foreign labourer
- 31 March - [E-commerce] SG Group announcement: deferment of increasing network cost to transport electricity for 1 year, reducing electricity tariff for households by 2.5%

**April**
- 7 April - [Movement of People] [Transparency] Temporary Measures Act in response to the pandemic which was clearly set from 7th April to 4th May
- 8 April - [E-commerce] IMDA announcement: enhancement to NEU PC Plus programme
- 8 April [E-commerce] IMDA announcement: immediate investment to upgrade internet network capacity
- 9 April - [E-commerce] MAS and ABS campaign: “Carry on with PayNow”
- 14 April - [Trade in Goods] Declaration of the Special ASEAN Summit on Coronavirus Disease 2019 (COVID-19)
- 15 April - [Transparency] Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic (between Singapore and New Zealand)
- 16 April - [Investments] New measures to help REITs navigate operating challenges posed by COVID-19
- 17 April - [Trade in Goods] Declaration of the Ministerial Coordination Group on COVID-19 on Maintaining Essential Global Links
- 21 April – [Transparency] Extension of the Circuit Breaker measures to last until 1st June
- 22 April - [Stockpiling] [Transparency] Responding to the COVID-19 Pandemic with Open and Predictable Trade in Agricultural and Food Products - Joint statement by 23 WTO Members, including Singapore

**May**
- 1 May [Movement of People] Joint Ministerial Statement on Action Plans to Facilitate the Flow of Goods and Services as Well as the Essential Movement of People
- 13 May - [Investments] Germany and Singapore reaffirm collaboration on startups amid COVID-19
- 26 May - [E-commerce] Fortitude Budget: provision of financial support for digital transformation and adoption of e-payments
- 29 May - [Investments] ASEAN-China Economic Ministers’ Joint Statement on Combating the Coronavirus Disease (COVID-19) and Enhancing ACFTA Cooperation
- 29 May - [Trade in Goods] Declaration by Port Authorities Roundtable Members in view of the Global COVID-19 Situation
- 29 May - [Trade in Goods] Joint Ministerial Statement by Poland and Singapore Affirming Commitment to Strengthen Economic Cooperation

**June**
- [E-commerce] SG Digital Office: hired and deployed 1,000 Digital Ambassadors
- 3 June - [Movement of People] Joint Press Statement by Ministry of Foreign Affairs and Ministry of Trade and Industry on the Singapore-China Fast Lane for Essential Travel
- 5 June - [E-commerce] MCI and IMDA announcement: enhancement of existing telecommunications infrastructure, early investments in 5G networks, studies to enhance back-ups in networks
- 8 June - [Trade in Goods] Joint Ministerial Statement by the Republic of Singapore and the French Republic Affirming their Intention to Ensuring Supply Chain Connectivity Amidst the COVID-19 Pandemic
- 12 June - [E-commerce] Digital Economy Partnership between Chile, New Zealand and Singapore signed
- 15 June - [Transparency] Announcement of
- 22 June - [E-commerce] Launch of negotiations on Digital Partnership Agreement between Singapore and the Republic of Korea
- 26 June - [Trade in Goods] Hanoi Plan of Action on Strengthening ASEAN Economic Cooperation and Supply Chain Connectivity in Response to the COVID-19 Pandemic
### Annex B

Goods listed in Annex 1 of the Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic published on 15\(^{th}\) April 2020 (Referred to as “Annex 1 Goods”)

<table>
<thead>
<tr>
<th>HS2017</th>
<th>Product Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>190110</td>
<td>Food preparations; of flour, meal, starch, malt extract or milk products, suitable for infants or young children, put up for retail sale</td>
</tr>
<tr>
<td>210610</td>
<td>Protein; concentrates and textured protein substances</td>
</tr>
<tr>
<td>210690</td>
<td>Food preparations; n.e.c. in item no. 2106.10</td>
</tr>
<tr>
<td>220710</td>
<td>Undenatured ethyl alcohol; of an alcoholic strength by volume of 80% vol. or higher</td>
</tr>
<tr>
<td>220890</td>
<td>Spirits, liqueurs and other spirituous beverages; n.e.c. in heading no. 2208</td>
</tr>
<tr>
<td>284700</td>
<td>Hydrogen peroxide; whether or not solidified with urea</td>
</tr>
<tr>
<td>293621</td>
<td>Vitamins; vitamins A and their derivatives, unmixed</td>
</tr>
<tr>
<td>293622</td>
<td>Vitamins; vitamin B1 and its derivatives, unmixed</td>
</tr>
<tr>
<td>293623</td>
<td>Vitamins; vitamin B2 and its derivatives, unmixed</td>
</tr>
<tr>
<td>293624</td>
<td>Vitamins; D- or DL-pantothenic acid (vitamin B3 or vitamin B5) and its derivatives, unmixed</td>
</tr>
<tr>
<td>293625</td>
<td>Vitamins; vitamin B6 and its derivatives, unmixed</td>
</tr>
<tr>
<td>293626</td>
<td>Vitamins; vitamin B12 and its derivatives, unmixed</td>
</tr>
<tr>
<td>293627</td>
<td>Vitamins; vitamin C and its derivatives, unmixed</td>
</tr>
<tr>
<td>293628</td>
<td>Vitamins; vitamin E and its derivatives, unmixed</td>
</tr>
<tr>
<td>293629</td>
<td>Vitamins; n.e.c. in item no. 2936.2, and their derivatives, unmixed</td>
</tr>
<tr>
<td>293690</td>
<td>Vitamins; n.e.c. in heading no. 2936, including natural concentrates</td>
</tr>
<tr>
<td>294110</td>
<td>Antibiotics; penicillins and their derivatives with a penicillanic acid structure; salts thereof</td>
</tr>
<tr>
<td>294120</td>
<td>Antibiotics; streptomycins and their derivatives; salts thereof</td>
</tr>
<tr>
<td>294130</td>
<td>Antibiotics; tetracyclines and their derivatives; salts thereof</td>
</tr>
<tr>
<td>294140</td>
<td>Antibiotics; chloramphenicol and its derivatives; salts thereof</td>
</tr>
<tr>
<td>294150</td>
<td>Antibiotics; erythromycin and its derivatives; salts thereof</td>
</tr>
<tr>
<td>294190</td>
<td>Antibiotics; n.e.c. in heading no. 2941</td>
</tr>
<tr>
<td>294200</td>
<td>Organic compounds; n.e.c. in chapter 29</td>
</tr>
<tr>
<td>300120</td>
<td>Glands and other organs; extracts of glands or other organs or of their secretions, for organo-therapeutic uses</td>
</tr>
<tr>
<td>300190</td>
<td>Glands and other organs; heparin and its salts; other human or animal substances prepared for therapeutic or prophylactic uses, n.e.c. in heading 3001</td>
</tr>
<tr>
<td>300210</td>
<td>Blood, human or animal, antisera, other blood fractions and immunological products; whether or not modified or obtained by means of biotechnological processes</td>
</tr>
<tr>
<td>300211</td>
<td>Blood, human or animal, antisera, other blood fractions and immunological products; malaria diagnostic test kits</td>
</tr>
<tr>
<td>300212</td>
<td>Blood, human or animal, antisera, other blood fractions and immunological products; antisera and other blood fractions</td>
</tr>
<tr>
<td>300213</td>
<td>Blood, human or animal, antisera, other blood fractions and immunological products; immunological products, unmixed, not put up in measured doses or in forms or packings for retail sale</td>
</tr>
<tr>
<td>300214</td>
<td>Blood, human or animal, antisera, other blood fractions and immunological products; immunological products, mixed, put up in measured doses or in forms or packings for retail sale</td>
</tr>
<tr>
<td>300215</td>
<td>Blood, human or animal, antisera, other blood fractions and immunological products; immunological products, put up in measured doses or in forms or packings for retail sale</td>
</tr>
<tr>
<td>300219</td>
<td>Blood, human or animal, antisera, other blood fractions and immunological products; n.e.c. in heading 3002.1</td>
</tr>
<tr>
<td>300220</td>
<td>Vaccines; for human medicine</td>
</tr>
<tr>
<td>300290</td>
<td>Toxins, cultures of micro-organisms (excluding yeasts) and similar products</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
</tr>
<tr>
<td>300310</td>
<td>Medicaments; containing penicillins, streptomycins or their derivatives, for therapeutic or prophylactic uses, not in measured doses, not packaged for retail sale</td>
</tr>
<tr>
<td>300320</td>
<td>Medicaments; containing antibiotics other than penicillins, streptomycins and their derivatives, for therapeutic or prophylactic uses, not in measured doses, not packaged for retail sale</td>
</tr>
<tr>
<td>300330</td>
<td>Medicaments; containing insulin, for therapeutic or prophylactic uses, not packaged for retail sale</td>
</tr>
<tr>
<td>300339</td>
<td>Medicaments; containing hormones (excluding insulin), but not containing antibiotics, for therapeutic or prophylactic uses, not packaged for retail sale</td>
</tr>
<tr>
<td>300340</td>
<td>Medicaments; containing alkaloids or their derivatives, containing ephedrine or its salts, for therapeutic or prophylactic uses, not packaged for retail sale</td>
</tr>
<tr>
<td>300341</td>
<td>Medicaments; containing alkaloids or their derivatives, containing pseudoephedrine (INN) or its salts, for therapeutic or prophylactic uses, not packaged for retail sale</td>
</tr>
<tr>
<td>300342</td>
<td>Medicaments; containing alkaloids or their derivatives, containing norephedrine or its salts, for therapeutic or prophylactic uses, not packaged for retail sale</td>
</tr>
<tr>
<td>300349</td>
<td>Medicaments; containing alkaloids or their derivatives; other than ephedrine, pseudoephedrine (INN) or norephedrine or their salts; for therapeutic or prophylactic uses, not packaged for retail sale</td>
</tr>
<tr>
<td>300360</td>
<td>Medicaments; containing antimalarial active principles described in subheading note 2 to this chapter, for therapeutic or prophylactic uses, not packaged for retail sale</td>
</tr>
<tr>
<td>300390</td>
<td>Medicaments; not containing antibiotics, hormones, alkaloids or their derivatives, for therapeutic or prophylactic uses, not packaged for retail sale</td>
</tr>
<tr>
<td>300410</td>
<td>Medicaments; containing penicillins, streptomycins or their derivatives, for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300420</td>
<td>Medicaments; containing antibiotics (other than penicillins, streptomycins or their derivatives), for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300430</td>
<td>Medicaments; containing corticosteroid hormones, their derivatives or structural analogues (but not containing antibiotics), for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300439</td>
<td>Medicaments; containing hormones (but not insulin), adrenal cortex hormones or antibiotics, for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300440</td>
<td>Medicaments; containing alkaloids or their derivatives, containing ephedrine or its salts, for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300441</td>
<td>Medicaments; containing alkaloids or their derivatives, containing pseudoephedrine (INN) or its salts, for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300442</td>
<td>Medicaments; containing alkaloids or their derivatives, containing norephedrine or its salts, for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300443</td>
<td>Medicaments; containing alkaloids or their derivatives; other than ephedrine, pseudoephedrine (INN) or norephedrine or their salts; for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300449</td>
<td>Medicaments; containing vitamins or their derivatives, for therapeutic or prophylactic use, packaged for retail sale</td>
</tr>
<tr>
<td>300460</td>
<td>Medicaments; containing antimalarial active principles described in Subheading Note 2 to this Chapter, for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300490</td>
<td>Medicaments; consisting of mixed or unmixed products n.e.c. in heading no. 3004, for therapeutic or prophylactic uses, packaged for retail sale</td>
</tr>
<tr>
<td>300510</td>
<td>Dressings, adhesive; and other articles having an adhesive layer, packed for retail sale for medical, surgical, dental or veterinary purposes</td>
</tr>
<tr>
<td>300590</td>
<td>Wadding, gauze, bandages and similar articles; (excluding adhesive dressings), impregnated or coated with pharmaceutical substances, packaged for retail sale</td>
</tr>
<tr>
<td>300610</td>
<td>Pharmaceutical goods; sterile surgical catgut, suture materials, tissue adhesives, laminaria, laminaria tents, absorbable surgical or dental haemostatics, and surgical or dental adhesion barriers</td>
</tr>
<tr>
<td>300620</td>
<td>Pharmaceutical goods; blood-grouping reagents</td>
</tr>
<tr>
<td>300630</td>
<td>Pharmaceutical goods; opacifying preparations for x-ray examinations, diagnostic reagents designed to be administered to the patient</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>300650</td>
<td>Pharmaceutical goods; first aid boxes and kits</td>
</tr>
<tr>
<td>300670</td>
<td>Pharmaceutical goods; Gel preparations designed to be used in human or veterinary medicine as a lubricant for parts of the body for surgical operations or physical examinations or as a coupling agent between the body and medical instruments</td>
</tr>
<tr>
<td>300691</td>
<td>Pharmaceutical goods; appliances identifiable for ostomy use</td>
</tr>
<tr>
<td>300692</td>
<td>Pharmaceutical goods; waste pharmaceuticals</td>
</tr>
<tr>
<td>340111</td>
<td>Soap and organic surface-active products; in the form of bars, cakes, moulded shapes, and paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent, for toilet use (including medicated products)</td>
</tr>
<tr>
<td>340119</td>
<td>Soap and organic surface-active products; in the form of bars, cakes, moulded shapes, and paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent, not for toilet use</td>
</tr>
<tr>
<td>340120</td>
<td>Soap; in forms n.e.c. in item no. 3401.11</td>
</tr>
<tr>
<td>340130</td>
<td>Organic surface-active products and preparations for washing the skin, in the form of liquid or cream and put up for retail sale, whether or not containing soap</td>
</tr>
<tr>
<td>340211</td>
<td>Organic surface-active agents; anionic (other than soap), whether or not put up for retail sale</td>
</tr>
<tr>
<td>340212</td>
<td>Organic surface-active agents; cationic (other than soap), whether or not put up for retail sale</td>
</tr>
<tr>
<td>340213</td>
<td>Organic surface-active agents; non-ionic (other than soap), whether or not put up for retail sale</td>
</tr>
<tr>
<td>340219</td>
<td>Organic surface-active agents; whether or not put up for retail sale, n.e.c. in heading no. 3402</td>
</tr>
<tr>
<td>340220</td>
<td>Washing and cleaning preparations; surface-active, whether or not containing soap (excluding those of heading no. 3401), put up for retail sale</td>
</tr>
<tr>
<td>340290</td>
<td>Washing and cleaning preparations; surface-active, whether or not containing soap (excluding those of heading no. 3401), including auxiliary washing preparations, not for retail sale</td>
</tr>
<tr>
<td>350400</td>
<td>Peptones and their derivatives; other protein substances and their derivatives n.e.c. or included, hide powder, whether or not chromed</td>
</tr>
<tr>
<td>380894</td>
<td>Disinfectants; other than containing goods specified in Subheading Note 1 in this Chapter; put up in forms or packings for retail sale or as preparations or articles</td>
</tr>
<tr>
<td>382100</td>
<td>Prepared culture media for the development or maintenance of micro-organisms (including viruses and the like) or of plant, human or animal cells</td>
</tr>
<tr>
<td>382200</td>
<td>Reagents; diagnostic or laboratory reagents on a backing and prepared diagnostic or laboratory reagents whether or not on a backing, other than those of heading no. 3002 or 3006; certified reference material</td>
</tr>
<tr>
<td>392620</td>
<td>Plastics; articles of apparel and clothing accessories (including gloves, mittens and mitts)</td>
</tr>
<tr>
<td>392690</td>
<td>Plastics; other articles n.e.c. in chapter 39</td>
</tr>
<tr>
<td>401511</td>
<td>Rubber; vulcanised (other than hard rubber), surgical gloves</td>
</tr>
<tr>
<td>401519</td>
<td>Rubber; vulcanised (other than hard rubber), gloves, mittens and mitts other than surgical gloves</td>
</tr>
<tr>
<td>481890</td>
<td>Paper articles; articles of paper, cellulose wadding or fibres, n.e.c. in heading no. 4818</td>
</tr>
<tr>
<td>611610</td>
<td>Gloves, mittens and mitts; knitted or crocheted, impregnated, coated or covered with plastics or rubber</td>
</tr>
<tr>
<td>621010</td>
<td>Garments; of felt or non-wovens (not knitted or crocheted)</td>
</tr>
<tr>
<td>621020</td>
<td>Garments; overcoats, raincoats, car-coats, capes, cloaks and similar articles, men's or boys' and women's or girls' and boys' or girls' of the fabrics of heading no. 5602, 5603, 5903, 5906 or 5907 (not knitted or crocheted)</td>
</tr>
<tr>
<td>621030</td>
<td>Garments; overcoats, raincoats, car-coats, capes, cloaks and similar articles, women's or girls' of the fabrics of heading no. 5602, 5603, 5903, 5906 or 5907 (not knitted or crocheted)</td>
</tr>
<tr>
<td>621040</td>
<td>Garments; men's or boys' or girls' and boys' or girls' of the fabrics of heading no. 5602, 5603, 5903, 5906 or 5907 (not knitted or crocheted)</td>
</tr>
<tr>
<td>621050</td>
<td>Garments; women's or girls' and boys' of the fabrics of heading no. 5602, 5603, 5903, 5906 or 5907 (not knitted or crocheted)</td>
</tr>
<tr>
<td>621600</td>
<td>Gloves, mittens and mitts (not knitted or crocheted)</td>
</tr>
<tr>
<td>630790</td>
<td>Textiles; made up articles (including dress patterns), n.e.c. in chapter 63, n.e.c. in heading no. 6307</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>650500</td>
<td>Hats and other headgear; knitted or crocheted, or made up from lace, felt or</td>
</tr>
<tr>
<td></td>
<td>other textile fabric, in the piece (but not in strips), whether or not</td>
</tr>
<tr>
<td></td>
<td>lined or trimmed; hair-nets of any material, whether or not lined or</td>
</tr>
<tr>
<td></td>
<td>trimmed</td>
</tr>
<tr>
<td>701710</td>
<td>Glassware; laboratory, hygienic or pharmaceutical, whether or not</td>
</tr>
<tr>
<td></td>
<td>graduated or calibrated, of fused quartz or other fused silica</td>
</tr>
<tr>
<td>701720</td>
<td>Glassware; laboratory, hygienic or pharmaceutical, whether or not</td>
</tr>
<tr>
<td></td>
<td>graduated or calibrated, having a linear co-efficient of expansion not over</td>
</tr>
<tr>
<td></td>
<td>5 x 10 (to the minus 6), (or 0.000005)) per Kelvin with a temperature of</td>
</tr>
<tr>
<td></td>
<td>0-300 degrees C</td>
</tr>
<tr>
<td>701790</td>
<td>Glassware; laboratory, hygienic or pharmaceutical, whether or not</td>
</tr>
<tr>
<td></td>
<td>graduated or calibrated, of glass n.e.c. in heading no. 7017</td>
</tr>
<tr>
<td>841920</td>
<td>Sterilizers; for medical, surgical or laboratory use, not used for domestic</td>
</tr>
<tr>
<td></td>
<td>purposes</td>
</tr>
<tr>
<td>854442</td>
<td>Insulated electric conductors; for a voltage not exceeding 1000 volts, fitted</td>
</tr>
<tr>
<td></td>
<td>with connectors</td>
</tr>
<tr>
<td>900490</td>
<td>Spectacles, goggles and the like; (other than sunglasses) corrective,</td>
</tr>
<tr>
<td></td>
<td>protective or other</td>
</tr>
<tr>
<td>901811</td>
<td>Medical, surgical instruments and appliances; electro-cardiographs</td>
</tr>
<tr>
<td>901812</td>
<td>Medical, surgical instruments and appliances; ultrasonic scanning apparatus</td>
</tr>
<tr>
<td>901813</td>
<td>Medical, surgical instruments and appliances; magnetic resonance imaging</td>
</tr>
<tr>
<td></td>
<td>apparatus</td>
</tr>
<tr>
<td>901814</td>
<td>Medical, surgical instruments and appliances; scintigraphic apparatus</td>
</tr>
<tr>
<td>901819</td>
<td>Medical, surgical instruments and appliances; electro-diagnostic apparatus</td>
</tr>
<tr>
<td></td>
<td>(including apparatus for functional exploratory examination or for checking</td>
</tr>
<tr>
<td></td>
<td>physiological parameters), n.e.c. in item no. 9018.1</td>
</tr>
<tr>
<td>901820</td>
<td>Medical, surgical instruments and appliances; ultra-violet or infra-red ray</td>
</tr>
<tr>
<td></td>
<td>apparatus</td>
</tr>
<tr>
<td>901831</td>
<td>Medical, surgical instruments and appliances; syringes, with or without</td>
</tr>
<tr>
<td></td>
<td>needles</td>
</tr>
<tr>
<td>901832</td>
<td>Medical, surgical instruments and appliances; tubular metal needles and</td>
</tr>
<tr>
<td></td>
<td>needles for sutures</td>
</tr>
<tr>
<td>901839</td>
<td>Medical, surgical instruments and appliances; catheters, cannulae and the</td>
</tr>
<tr>
<td></td>
<td>like</td>
</tr>
<tr>
<td>901850</td>
<td>Ophthalmic instruments and appliances</td>
</tr>
<tr>
<td>901890</td>
<td>Medical, surgical or dental instruments and appliances; n.e.c. in heading no.</td>
</tr>
<tr>
<td></td>
<td>9018</td>
</tr>
<tr>
<td>901920</td>
<td>Therapeutic respiration apparatus; ozone, oxygen, aerosol therapy apparatus;</td>
</tr>
<tr>
<td></td>
<td>artificial respiration or other therapeutic respiration apparatus</td>
</tr>
<tr>
<td>902000</td>
<td>Breathing appliances and gas masks; excluding protective masks having neither</td>
</tr>
<tr>
<td></td>
<td>mechanical parts nor replaceable filters and excluding apparatus of item no.</td>
</tr>
<tr>
<td></td>
<td>9019.20</td>
</tr>
<tr>
<td>902212</td>
<td>Apparatus based on the use of x-rays; including radiography or radiotherapy</td>
</tr>
<tr>
<td></td>
<td>apparatus, whether or not for medical, surgical, dental or veterinary uses,</td>
</tr>
<tr>
<td></td>
<td>computed tomography apparatus</td>
</tr>
<tr>
<td>902213</td>
<td>Apparatus based on the use of x-rays; including radiography or radiotherapy</td>
</tr>
<tr>
<td></td>
<td>apparatus, for dental uses, excluding computed tomography apparatus</td>
</tr>
<tr>
<td>902214</td>
<td>Apparatus based on the use of x-rays; including radiography or radiotherapy</td>
</tr>
<tr>
<td></td>
<td>apparatus, for medical, surgical or veterinary uses, not dental uses,</td>
</tr>
<tr>
<td></td>
<td>excluding computed tomography apparatus</td>
</tr>
<tr>
<td>902219</td>
<td>Apparatus based on the use of x-rays, including radiography or radiotherapy</td>
</tr>
<tr>
<td></td>
<td>apparatus; for other than medical, surgical, dental or veterinary uses</td>
</tr>
<tr>
<td>902221</td>
<td>Apparatus based on the use of alpha, beta or gamma radiations, including</td>
</tr>
<tr>
<td></td>
<td>radiography or radiotherapy apparatus; for medical, surgical, dental or</td>
</tr>
<tr>
<td></td>
<td>veterinary uses</td>
</tr>
<tr>
<td>902230</td>
<td>X-ray tubes</td>
</tr>
<tr>
<td>902290</td>
<td>Apparatus based on use of x-rays and similar; parts and accessories (x-ray</td>
</tr>
<tr>
<td></td>
<td>generators, tubes, high tension generators, control panels and desks,</td>
</tr>
<tr>
<td></td>
<td>screens, examination or treatment tables, chairs and like</td>
</tr>
<tr>
<td>902511</td>
<td>Thermometers and pyrometers; liquid filled, for direct reading, not combined</td>
</tr>
<tr>
<td></td>
<td>with other instruments</td>
</tr>
<tr>
<td>902519</td>
<td>Thermometers and pyrometers; (other than liquid filled, for direct reading),</td>
</tr>
<tr>
<td></td>
<td>not combined with other instruments</td>
</tr>
<tr>
<td>902780</td>
<td>Instruments and apparatus; for physical or chemical analysis, for measuring</td>
</tr>
<tr>
<td></td>
<td>or checking viscosity, porosity, expansion, surface tension or quantities of</td>
</tr>
<tr>
<td></td>
<td>heat, sound or light, n.e.c. in heading no. 9027</td>
</tr>
<tr>
<td>code</td>
<td>description</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>961900</td>
<td>Sanitary towels (pads) and tampons, napkins and napkin liners for babies and similar articles, of any material</td>
</tr>
</tbody>
</table>
## Annex C


<table>
<thead>
<tr>
<th>HS2017</th>
<th>PRODUCT DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>0101</td>
<td>Live horses asses mules &amp; hinnies</td>
</tr>
<tr>
<td>0102</td>
<td>Live bovine animals</td>
</tr>
<tr>
<td>0103</td>
<td>Live swine</td>
</tr>
<tr>
<td>0104</td>
<td>Live sheep &amp; goats</td>
</tr>
<tr>
<td>0105</td>
<td>Live poultry</td>
</tr>
<tr>
<td>0106</td>
<td>Other live animals</td>
</tr>
<tr>
<td>0201</td>
<td>Meat of bovine animals fresh or chilled</td>
</tr>
<tr>
<td>0202</td>
<td>Meat of bovine animals frozen</td>
</tr>
<tr>
<td>0203</td>
<td>Meat of swine fresh chilled or frozen</td>
</tr>
<tr>
<td>0204</td>
<td>Meat of sheep or goats fresh chilled or frozen</td>
</tr>
<tr>
<td>0206</td>
<td>Edible offal of bovine animals swine sheep goats asses mules or hinnies fresh chilled or frozen</td>
</tr>
<tr>
<td>0207</td>
<td>Meat &amp; edible offal of poultry of 0105 fresh chilled or frozen</td>
</tr>
<tr>
<td>0208</td>
<td>Other meat &amp; edible meat offal fresh chilled or frozen</td>
</tr>
<tr>
<td>0209</td>
<td>Pig fat &amp; poultry fat not extracted fresh chilled frozen salted in brine dried or smoked</td>
</tr>
<tr>
<td>0210</td>
<td>Meat &amp; edible offal salted in brine dried or smoked &amp; edible flours &amp; meals of meat or meat offal</td>
</tr>
<tr>
<td>0301</td>
<td>Live fish</td>
</tr>
<tr>
<td>0302</td>
<td>Fish fresh or chilled excl fish fillets &amp; other fish meat of 0304</td>
</tr>
<tr>
<td>0303</td>
<td>Fish frozen excl fish fillets &amp; other fish meat of 0304</td>
</tr>
<tr>
<td>0304</td>
<td>Fish fillets &amp; other fish meat fresh chilled or frozen</td>
</tr>
<tr>
<td>0305</td>
<td>Fish dried salted or in brine smoked fish flours meals &amp; pellets of fish fit for human consumption</td>
</tr>
<tr>
<td>0306</td>
<td>Crustaceans live fresh chilled frozen dried salted or in brine smoked crustaceans &amp; crustaceans in shell cooked via steaming or boiling frozen dried salted or in brine flours meals &amp; pellets of crustaceans fit for human consumption</td>
</tr>
<tr>
<td>0307</td>
<td>Molluscs live fresh chilled frozen dried salted or in brine smoked molluscs flours meals &amp; pellets of molluscs fit for human consumption</td>
</tr>
<tr>
<td>0308</td>
<td>Aquatic invertebrates excl crustaceans &amp; molluscs live fresh chilled frozen dried salted or in brine smoked &amp; flours &amp; pellets of aquatic invertebrates excl crustaceans &amp; molluscs fit for human consumption</td>
</tr>
<tr>
<td>0401</td>
<td>Milk &amp; cream not conc or sweetened</td>
</tr>
<tr>
<td>0402</td>
<td>Milk &amp; cream conc or sweetened</td>
</tr>
<tr>
<td>0403</td>
<td>Buttermilk curdled milk &amp; cream yogurt kephir &amp; other fermented or acidified milk &amp; cream</td>
</tr>
<tr>
<td>0404</td>
<td>Whey &amp; products consisting natural milk constituents nes</td>
</tr>
<tr>
<td>0405</td>
<td>Butter &amp; other fats &amp; oils from milk &amp; dairy spreads</td>
</tr>
<tr>
<td>0406</td>
<td>Cheese &amp; curd</td>
</tr>
<tr>
<td>0407</td>
<td>Eggs of birds in shell fresh preserved or cooked</td>
</tr>
<tr>
<td>0408</td>
<td>Eggs of birds not in shell &amp; egg yolks fresh dried cooked via steaming or boiling or preserved</td>
</tr>
<tr>
<td>0409</td>
<td>Natural honey</td>
</tr>
<tr>
<td>0410</td>
<td>Edible products of animal origin nes</td>
</tr>
<tr>
<td>0501</td>
<td>Human hair unworked whether or not washed or scoured &amp; waste of human hair</td>
</tr>
<tr>
<td>0502</td>
<td>Bristles &amp; hair of pigs hogs or boars &amp; badger hair brush making hair &amp; waste thereof</td>
</tr>
<tr>
<td>0504</td>
<td>Guts bladders &amp; stomachs of animals excl fish whole &amp; pieces thereof fresh chilled frozen salted in brine dried or smoked</td>
</tr>
<tr>
<td>0505</td>
<td>Skin &amp; other parts of birds &amp; powder &amp; waste of feathers &amp; their parts</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>0506</td>
<td>Bones &amp; horn cores unworked defatted simply prepared treated with acid or degelatinised &amp; powder &amp; waste of these products</td>
</tr>
<tr>
<td>0507</td>
<td>Ivory tortoise shell whalebone &amp; whalebone hair horns antlers hooves nails claws &amp; beaks unworked &amp; their powder &amp; waste</td>
</tr>
<tr>
<td>0508</td>
<td>Coral &amp; similar materials unworked shells of molluscs crustaceans or echinoderms &amp; cuttle bone unworked &amp; powder &amp; waste</td>
</tr>
<tr>
<td>0511</td>
<td>Animal products nes dead animals of chap 1 or 3 unfit for human consumption</td>
</tr>
<tr>
<td>0601</td>
<td>Bulbs tubers tuberous roots corms crowns &amp; rhizomes dormant in growth or in flower chicory plants &amp; roots excl of 1212</td>
</tr>
<tr>
<td>0602</td>
<td>Other live plants cuttings &amp; slips mushroom spawn</td>
</tr>
<tr>
<td>0603</td>
<td>Cut flowers &amp; buds fit for ornamental purposes</td>
</tr>
<tr>
<td>0604</td>
<td>Parts of plants excl flowers or flower buds &amp; grasses mosses &amp; lichens for ornamental purposes</td>
</tr>
<tr>
<td>0701</td>
<td>Potatoes fresh or chilled</td>
</tr>
<tr>
<td>0702</td>
<td>Tomatoes fresh or chilled</td>
</tr>
<tr>
<td>0703</td>
<td>Onion shallot garlic leeks &amp; other alliaceous vegetables fresh or chilled</td>
</tr>
<tr>
<td>0704</td>
<td>Cabbages cauliflowers kohlrabi kale &amp; similar edible brassicas fresh or chilled</td>
</tr>
<tr>
<td>0705</td>
<td>Lettuce &amp; chicory fresh or chilled</td>
</tr>
<tr>
<td>0706</td>
<td>Carrots turnips &amp; similar edible roots fresh or chilled</td>
</tr>
<tr>
<td>0707</td>
<td>Cucumbers &amp; gherkins fresh or chilled</td>
</tr>
<tr>
<td>0708</td>
<td>Leguminous vegetables fresh or chilled</td>
</tr>
<tr>
<td>0709</td>
<td>Other vegetables fresh or chilled</td>
</tr>
<tr>
<td>0710</td>
<td>Frozen vegetables uncooked or cooked by steaming or boiling</td>
</tr>
<tr>
<td>0711</td>
<td>Vegetables provisionally preserved not for immediate consumption</td>
</tr>
<tr>
<td>0712</td>
<td>Dried vegetables whole cut sliced broken or in powder</td>
</tr>
<tr>
<td>0713</td>
<td>Leguminous vegetables shelled dried</td>
</tr>
<tr>
<td>0714</td>
<td>Manioc arrowroot &amp; similar roots &amp; tubers with high starch or inulin content fresh chilled frozen &amp; sago pith</td>
</tr>
<tr>
<td>0801</td>
<td>Coconuts brazil nuts &amp; cashew nuts fresh or dried</td>
</tr>
<tr>
<td>0802</td>
<td>Other nuts fresh or dried</td>
</tr>
<tr>
<td>0803</td>
<td>Bananas fresh or dried</td>
</tr>
<tr>
<td>0804</td>
<td>Dates figs pineapples avocados mangoes &amp; mangosteens fresh or dried</td>
</tr>
<tr>
<td>0805</td>
<td>Citrus fruit fresh or dried</td>
</tr>
<tr>
<td>0806</td>
<td>Grapes fresh or dried</td>
</tr>
<tr>
<td>0807</td>
<td>Melons &amp; papaws fresh</td>
</tr>
<tr>
<td>0808</td>
<td>Apples pears &amp; quinces fresh</td>
</tr>
<tr>
<td>0809</td>
<td>Apricots cherries peaches plums &amp; sloes fresh</td>
</tr>
<tr>
<td>0810</td>
<td>Other fresh fruits</td>
</tr>
<tr>
<td>0811</td>
<td>Fruit &amp; nuts frozen</td>
</tr>
<tr>
<td>0812</td>
<td>Other fruit &amp; nuts provisionally preserved not for immediate consumption</td>
</tr>
<tr>
<td>0813</td>
<td>Fruit dried excl 0801 to 0806 &amp; mixtures of nuts or dried fruits of chap 8</td>
</tr>
<tr>
<td>0814</td>
<td>Peel of citrus fruit or melons incl watermelons fresh frozen dried or provisionally preserved in brine in sulphur water or in other preservative solutions</td>
</tr>
<tr>
<td>0901</td>
<td>Coffee coffee husks &amp; skins &amp; coffee substitutes containing coffee</td>
</tr>
<tr>
<td>0902</td>
<td>Tea</td>
</tr>
<tr>
<td>0903</td>
<td>Mate</td>
</tr>
<tr>
<td>0904</td>
<td>Pepper of genus piper dried or crush or ground fruits of the genus capsicum or pimenta</td>
</tr>
<tr>
<td>0905</td>
<td>Vanilla</td>
</tr>
<tr>
<td>0906</td>
<td>Cinnamon &amp; cinnamon tree flowers</td>
</tr>
<tr>
<td>0907</td>
<td>Cloves whole fruit cloves &amp; stems</td>
</tr>
<tr>
<td>0908</td>
<td>Nutmeg mace &amp; cardamoms</td>
</tr>
<tr>
<td>0909</td>
<td>Seeds of anise badian caraway fennel coriander cumin &amp; juniper berries</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>0910</td>
<td>Ginger saffron turmeric thyme bay leaves curry &amp; other spices</td>
</tr>
<tr>
<td>1001</td>
<td>Wheat &amp; meslin</td>
</tr>
<tr>
<td>1002</td>
<td>Rye</td>
</tr>
<tr>
<td>1003</td>
<td>Barley</td>
</tr>
<tr>
<td>1004</td>
<td>Oats</td>
</tr>
<tr>
<td>1005</td>
<td>Maize</td>
</tr>
<tr>
<td>1006</td>
<td>Rice</td>
</tr>
<tr>
<td>1007</td>
<td>Grain sorghum</td>
</tr>
<tr>
<td>1008</td>
<td>Buckwheat millet canary seed other cereals</td>
</tr>
<tr>
<td>1101</td>
<td>Wheat or meslin flour</td>
</tr>
<tr>
<td>1102</td>
<td>Cereal flours excl that of wheat or meslin</td>
</tr>
<tr>
<td>1103</td>
<td>Cereal groats meal &amp; pellets</td>
</tr>
<tr>
<td>1104</td>
<td>Cereal grains other worked excl rice of 1006 &amp; germ of cereals whole rolled flaked or ground</td>
</tr>
<tr>
<td>1105</td>
<td>Flour meal powder flakes granules &amp; pellets of potatoes</td>
</tr>
<tr>
<td>1106</td>
<td>Flour meal &amp; powder of dried leguminous vegetables of heading 0713 of sago roots or tubers of 0714 or products of chap 8</td>
</tr>
<tr>
<td>1107</td>
<td>Malt</td>
</tr>
<tr>
<td>1108</td>
<td>Starches &amp; inulin</td>
</tr>
<tr>
<td>1109</td>
<td>Wheat gluten</td>
</tr>
<tr>
<td>1201</td>
<td>Soya-beans</td>
</tr>
<tr>
<td>1202</td>
<td>Ground-nuts not cooked</td>
</tr>
<tr>
<td>1203</td>
<td>Copra</td>
</tr>
<tr>
<td>1204</td>
<td>Linseed</td>
</tr>
<tr>
<td>1205</td>
<td>Rape or colza seeds</td>
</tr>
<tr>
<td>1206</td>
<td>Sunflower seeds</td>
</tr>
<tr>
<td>1207</td>
<td>Other oil seeds &amp; oleaginous fruits</td>
</tr>
<tr>
<td>1208</td>
<td>Flours &amp; meals of oil seeds or oleaginous fruits excl those of mustard</td>
</tr>
<tr>
<td>1209</td>
<td>Seeds fruit &amp; spores for sowing</td>
</tr>
<tr>
<td>1210</td>
<td>Hop cones fresh or dried powdered or pellet form lupulin</td>
</tr>
<tr>
<td>1211</td>
<td>Plants &amp; parts for perfumery pharmacy insecticidal fungicidal or similar purposes</td>
</tr>
<tr>
<td>1212</td>
<td>Locust beans seaweeds &amp; other algae sugar beet &amp; cane fresh chilled frozen or dried &amp; other vegetable products mainly for human consumption nes</td>
</tr>
<tr>
<td>1213</td>
<td>Cereal straw &amp; husks unprepared</td>
</tr>
<tr>
<td>1214</td>
<td>Swedes mangolds fodder roots hay lucerne clover sainfoin forage kale lupines vetches &amp; similar forage products</td>
</tr>
<tr>
<td>1301</td>
<td>Lac natural gums resins gum-resins &amp; oleoresins</td>
</tr>
<tr>
<td>1302</td>
<td>Vegetable saps &amp; extracts pectic substances pectinates &amp; pectates agar- agar &amp; other mucilages &amp; thickeners from vegetable products</td>
</tr>
<tr>
<td>1401</td>
<td>Vegetable materials of a kind mainly used for plaiting</td>
</tr>
<tr>
<td>1404</td>
<td>Vegetable products nes</td>
</tr>
<tr>
<td>1501</td>
<td>Pig &amp; poultry fat excl those of heading 0209 or 1503</td>
</tr>
<tr>
<td>1502</td>
<td>Fats of bovine animals sheep or goats excl those of 1503</td>
</tr>
<tr>
<td>1503</td>
<td>Lard stearin lard oil oleo oil tallow oil oleostearin not emulsified mixed or otherwise prepared</td>
</tr>
<tr>
<td>1504</td>
<td>Fats &amp; oils of fish or marine mammals &amp; their fractions not chemically modified</td>
</tr>
<tr>
<td>1505</td>
<td>Wool grease &amp; fatty substances derived therefrom</td>
</tr>
<tr>
<td>1506</td>
<td>Other animal fats &amp; oils &amp; their fractions not chemically modified</td>
</tr>
<tr>
<td>1507</td>
<td>Soya-bean oil &amp; fractions not chemically modified</td>
</tr>
<tr>
<td>1508</td>
<td>Ground-nut oil &amp; fractions not chemically modified</td>
</tr>
<tr>
<td>1509</td>
<td>Olive oil &amp; fractions not chemically modified</td>
</tr>
<tr>
<td>1510</td>
<td>Other oil &amp; their fractions solely from olives not chemically modified</td>
</tr>
<tr>
<td>1511</td>
<td>Palm oil &amp; fractions not chemically modified</td>
</tr>
<tr>
<td>1512</td>
<td>Sunflower-seed safflower cotton-seed oil &amp; fractions not chemically modified</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>1513</td>
<td>Coconut palm kernel or babassu oil &amp; fractions not chemically modified</td>
</tr>
<tr>
<td>1514</td>
<td>Rape mustard or colza oil &amp; its fractions not chemically modified</td>
</tr>
<tr>
<td>1515</td>
<td>Other fixed vegetables oils &amp; fats &amp; their fractions not chemically modified</td>
</tr>
<tr>
<td>1516</td>
<td>Animal or vegetable fats &amp; oils &amp; fractions partly or wholly hydrogenated inter esterified re esterified or elaidinised</td>
</tr>
<tr>
<td>1517</td>
<td>Margarine &amp; edible mixtures of preparations of animal or vegetable fats or oil or of fractions of different fats or oils of chap 15 excl edible fats or oils or fractions of 1516</td>
</tr>
<tr>
<td>1518</td>
<td>Animal or vegetable fats &amp; oils &amp; fractions chemically modified excl those of 1516 &amp; inedible mixtures or preparations of animal or vegetable fats or oils or fractions of different fats or oils of chap 15 nes</td>
</tr>
<tr>
<td>1520</td>
<td>Glycerol crude glycerol waters &amp; glycerol lyes</td>
</tr>
<tr>
<td>1521</td>
<td>Vegetable waxes spermaceti beeswax &amp; other insect waxes</td>
</tr>
<tr>
<td>1522</td>
<td>Degras &amp; residues from treatment of fatty substances or animal or vegetable waxes</td>
</tr>
<tr>
<td>1601</td>
<td>Sausages &amp; similar products of meat meat offal or blood or food preparations based on these products</td>
</tr>
<tr>
<td>1602</td>
<td>Other prepared or preserved meat meat offal or blood</td>
</tr>
<tr>
<td>1603</td>
<td>Extracts &amp; juices of meat fish crustaceans molluscs or other aquatic invertebrates</td>
</tr>
<tr>
<td>1604</td>
<td>Other fish prepared or preserved or caviar &amp; its substitutes prepared from fish eggs</td>
</tr>
<tr>
<td>1605</td>
<td>Crustaceans molluscs &amp; other aquatic invertebrates prepared or preserved</td>
</tr>
<tr>
<td>1701</td>
<td>Solid cane or beet sugar &amp; chemically pure sucrose</td>
</tr>
<tr>
<td>1702</td>
<td>Other solid sugar &amp; sugar syrup not flavoured or coloured artificial honey &amp; caramel</td>
</tr>
<tr>
<td>1703</td>
<td>Molasses from extraction or refining of sugar</td>
</tr>
<tr>
<td>1704</td>
<td>Sugar confectionery not containing cocoa</td>
</tr>
<tr>
<td>1801</td>
<td>Cocoa beans</td>
</tr>
<tr>
<td>1802</td>
<td>Cocoa shells husks skins &amp; other waste</td>
</tr>
<tr>
<td>1803</td>
<td>Cocoa paste</td>
</tr>
<tr>
<td>1804</td>
<td>Cocoa butter fat &amp; oil</td>
</tr>
<tr>
<td>1805</td>
<td>Cocoa powder unsweetened</td>
</tr>
<tr>
<td>1806</td>
<td>Chocolates &amp; other food preparations with cocoa</td>
</tr>
<tr>
<td>1901</td>
<td>Malt extract or food preparations of flour groats meal starch or malt extract not containing cocoa under 40% by weight of cocoa on defatted basis nes &amp; goods of 0401 to 0411 not containing cocoa under 5% of weight of cocoa on defatted basis nes</td>
</tr>
<tr>
<td>1902</td>
<td>Pasta prepared &amp; couscous</td>
</tr>
<tr>
<td>1903</td>
<td>Tapioca &amp; substitutes prepared from starch in flakes grains pearls siftings or similar forms</td>
</tr>
<tr>
<td>1904</td>
<td>Prepared foods from swelling or roasting of cereals or cereal products prepared nes</td>
</tr>
<tr>
<td>1905</td>
<td>Bakers ware communion wafers empty cachets for pharmaceutical use sealing wafers rice paper &amp; similar products</td>
</tr>
<tr>
<td>2001</td>
<td>Vegetables fruit nuts or edible parts of plants prepared or preserved in vinegar or acetic acid</td>
</tr>
<tr>
<td>2002</td>
<td>Tomatoes preserved excl by vinegar or acetic acid</td>
</tr>
<tr>
<td>2003</td>
<td>Mushrooms &amp; truffles prepared or preserved excl by vinegar or acetic acid</td>
</tr>
<tr>
<td>2004</td>
<td>Other vegetables prepared or preserved except by vinegar or acetic acid frozen excl those of 2006</td>
</tr>
<tr>
<td>2005</td>
<td>Other vegetables prepared or preserved excl by vinegar or acetic acid not frozen excl goods of 2006</td>
</tr>
<tr>
<td>2006</td>
<td>Vegetables fruits nuts fruit peel &amp; other parts of plants preserved by sugar</td>
</tr>
<tr>
<td>2007</td>
<td>Jams fruit jellies marmalades fruit nut puree &amp; fruit or nut pastes from cooking</td>
</tr>
<tr>
<td>2008</td>
<td>Fruit nuts &amp; other edible parts of plants nes</td>
</tr>
<tr>
<td>2009</td>
<td>Fruit &amp; vegetable juices unfermented not containing added spirit</td>
</tr>
<tr>
<td>2101</td>
<td>Extracts essences &amp; concentrates of coffee tea or mate &amp; preparations with basis of these products or with basis of tea or mate roasted chicory &amp; other roasted coffee substitutes &amp; extracts essences &amp; concentrates</td>
</tr>
<tr>
<td>2102</td>
<td>Yeasts &amp; other single-cell micro-organisms dead &amp; prepared baking powders</td>
</tr>
<tr>
<td>2103</td>
<td>Sauces &amp; preparations therefor &amp; mixed condiments &amp; seasonings mustard flour &amp; meal &amp; prepared mustard</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2104</td>
<td>Soups &amp; broths &amp; preparations therefor &amp; homogenised composite food preparations</td>
</tr>
<tr>
<td>2105</td>
<td>Ice cream &amp; other edible ice</td>
</tr>
<tr>
<td>2106</td>
<td>Food preparations nes</td>
</tr>
<tr>
<td>2201</td>
<td>Water not flavoured or sweetened ice &amp; snow</td>
</tr>
<tr>
<td>2202</td>
<td>Water sweetened or flavoured &amp; non-alcoholic beverages excl fruit or vegetable juices of 2009</td>
</tr>
<tr>
<td>2203</td>
<td>Beer from malt</td>
</tr>
<tr>
<td>2204</td>
<td>Wine of fresh grapes or grape must excl those of 2009</td>
</tr>
<tr>
<td>2205</td>
<td>Vermouth &amp; other wine of fresh grape flavoured with plants or aromatic substances</td>
</tr>
<tr>
<td>2206</td>
<td>Other fermented beverages mixtures of fermented beverages &amp; mixtures of fermented beverages &amp; non-alcoholic beverages nes</td>
</tr>
</tbody>
</table>
Annex D

APTERRR Agreement

Attachment 1: Earmarked Rice Quantity of Each ASEAN Plus Three Country

At the initial stage of operation, subject to the provisions of Paragraph 3 of Article II of this Agreement, the earmarked quantity of each ASEAN Plus Three Country for the APTERR is as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Quantity (MT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei Darussalam</td>
<td>3,000</td>
</tr>
<tr>
<td>Cambodia</td>
<td>3,000</td>
</tr>
<tr>
<td>Indonesia</td>
<td>12,000</td>
</tr>
<tr>
<td>Lao PDR</td>
<td>3,000</td>
</tr>
<tr>
<td>Malaysia</td>
<td>6,000</td>
</tr>
<tr>
<td>Myanmar</td>
<td>14,000</td>
</tr>
<tr>
<td>Philippines</td>
<td>12,000</td>
</tr>
<tr>
<td>Singapore</td>
<td>5,000</td>
</tr>
<tr>
<td>Thailand</td>
<td>15,000</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>14,000</td>
</tr>
<tr>
<td>P.R. China</td>
<td>300,000</td>
</tr>
<tr>
<td>Japan</td>
<td>250,000</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>150,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>787,000 MT</strong></td>
</tr>
</tbody>
</table>

Attachment 2: Contribution to the APTERR Fund

Subject to the provisions of Paragraph 3 of Article II of this Agreement, the capital contribution of the ASEAN Plus Three Countries for the Endowment Fund and the annual contribution of the ASEAN Plus Three Countries to the operational cost over the first five years are as follows:

**Table 1 Capital Contribution of ASEAN Plus Three Countries for Endowment Fund**

<table>
<thead>
<tr>
<th>Plus Three Countries</th>
<th>(USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 P.R. China</td>
<td>1,000,000</td>
</tr>
<tr>
<td>2 Japan</td>
<td>1,000,000</td>
</tr>
<tr>
<td>3 Republic of Korea</td>
<td>1,000,000</td>
</tr>
</tbody>
</table>

**Table 2 Annual Contribution of ASEAN Plus Three Countries to the Operational Cost over the First Five Years.**

<table>
<thead>
<tr>
<th>Plus Three Countries</th>
<th>(USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 P.R. China</td>
<td>75,000</td>
</tr>
<tr>
<td>2 Japan</td>
<td>75,000</td>
</tr>
<tr>
<td>3 Republic of Korea</td>
<td>75,000</td>
</tr>
<tr>
<td>ASEAN Member States</td>
<td>(USD)</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------</td>
</tr>
<tr>
<td>1 Brunei Darussalam</td>
<td>8,000</td>
</tr>
<tr>
<td>2 Indonesia</td>
<td>8,000</td>
</tr>
<tr>
<td>3 Malaysia</td>
<td>8,000</td>
</tr>
<tr>
<td>4 Philippines</td>
<td>8,000</td>
</tr>
<tr>
<td>5 Singapore</td>
<td>8,000</td>
</tr>
<tr>
<td>6 Thailand</td>
<td>8,000</td>
</tr>
<tr>
<td>7 Vietnam</td>
<td>8,000</td>
</tr>
<tr>
<td>8 Cambodia</td>
<td>6,000</td>
</tr>
<tr>
<td>9 Lao PDR</td>
<td>6,000</td>
</tr>
<tr>
<td>10 Myanmar</td>
<td>6,000</td>
</tr>
</tbody>
</table>
COMBINED TEXT PROPOSALS

CHAPTER 1: EXCEPTIONS (EXEMPTIONS IN EMERGENCIES)

Parties understand that before taking any measures provided for in Article [ ] of GATT 1994, the exporting Party intending to take the measures shall supply the other Party with all relevant information, with a view to seeking a solution acceptable to the Parties.

Parties may agree on any means needed to put an end to the difficulties. If no agreement is reached within thirty (30) days, the exporting Party may apply measures under this Article on the exportation of the good concerned for [] months or up to [] kg. Where exceptional and critical circumstances requiring immediate action make prior information or examination impossible, the Party intending to take the measures may apply forthwith the precautionary measures necessary to deal with the situation and shall inform the other Party immediately thereof.

Parties affirm the importance of refraining from the imposition of export controls or tariffs and non-tariff barriers and of removing any trade restrictive measures on essential goods, especially medical supplies, at this time.

If such measures are instituted, Parties will
(a) Ensure that measures are targeted, proportionate, transparent, temporary and consistent with WTO rules;
(b) Provide advance notification of the measure to the WTO as soon as practicable; and
(c) Work towards removing such measures when the situation allows for it.

Parties will not apply export prohibitions or restrictions, within the meaning of Article XI:1 of the GATT 1994, with respect to all Annex 1 Goods.


Parties will, consistent with their obligations under the WTO Trade Facilitation Agreement, expedite and facilitate the flow and transit of all products in Annex I and II through their respective sea and air ports.

In the event of
(a) a pandemic as declared by the World Health Organisation
(b) xx
(c) xx
contracting parties shall not impose trade-restricting measures, and shall ensure that trade remains completely open. Contracting parties shall work with the Committee, which will be convened in any of the specified events above.
CHAPTER 2: TRANSPARENCY PROVISIONS

Parties will, consistent with their obligations under the World Trade Organization Trade Facilitation Agreement, expedite and facilitate the flow and transit of all Annex 1 Goods and Annex 2 Goods through their respective sea and air ports.

Parties will inform the WTO as soon as practicable of any trade related COVID-19 measures affecting agriculture and agri-food products, including providing scientific evidence in accordance with WTO agreements if necessary, to ensure transparency and predictability. Parties should be given opportunities to review new measures.

Parties will periodically review the necessity of the imposed restrictive measures every six months.

Parties will strive to implement national points of enquiries for different sectors to allow ease of clarification for the international trading community and to enhance the transparency of any changes made to the trade infrastructure.

Parties will review periodically, and at least one year prior to regular amendments to the Harmonized System nomenclature by the World Customs Organization, and no later than 15 April 2021 for the first review, the paragraphs of this Declaration and the product coverage of Annex 1 Goods and Annex 2 Goods and consider whether, in the light of the Covid-19 pandemic, or changes to the HS nomenclature, the paragraphs of this Declaration should be amended or the list of Annex 1 Goods and Annex 2 Goods should be updated to incorporate additional products.

Parties shall strive to implement transparent stockpiling measures in advance so as to minimise disruptions to the supply chains and to allow for early consultations on such measures.

Parties will inform the WTO as soon as practicable any stockpiling measures affecting agriculture and agri-food products, including providing scientific evidence in accordance with WTO agreements if necessary, to ensure transparency and predictability. Members should be given opportunities to review new measures.

For the purposes of providing supervision and coordination in the implementation of timely data sharing by the states, Parties hereby agree to establish the Regional Stockpiling Data Bank.

For the effective implementation of the agreement, Parties agree to furnish, on a monthly basis, information on their policies and programmes for the reserve of goods, health as well as on food security and other aspects of the food and medical supply and demand situation, to the Regional Stockpiling Data Bank. The said information shall be accessible to all Parties.
On the basis of such data collected, concise factual appraisals of the situation and outlook shall be prepared monthly and circulated to Parties by the Regional Stockpiling Data Bank.

CHAPTER 3: TRADE IN GOODS AND THE ISSUE OF STOCKPILING

Parties recognise that it is in their mutual interest to ensure transport and delivery links remain available to facilitate the flow of medical products, food and agricultural products, as well as other essential products.

Parties agree to coordinate efforts to ensure that trade lines, via air and sea freight, remain available, efficient and effective in facilitating the flow of goods.

Parties will strive to minimise disruptions to trade lines and delivery links that could arise as a result of local policies and regulations to combat the public health emergency at hand.

Parties will encourage key transport hubs around the world to remain open to travel, transit and cargo by air, sea and land.

Parties will encourage sea ports to remain open for cargo operations and the continued availability of shipping services to support the transport of goods, including essential supplies, wherever they are needed.

Parties will facilitate the timely flow of goods including essential supplies by:
   (a) working out bilateral or multilateral cooperative arrangements to expedite necessary approval procedures for air crew and to utilise aircraft for cargo operations; and
   (b) will make transparent all import and export regulations.

Parties will work together to keep the global supply chain and trade going by:
   (a) Keeping ports open to seaborne trade
   (b) Allowing merchant ships to continue to berth at terminals to carry out cargo operations
   (c) Facilitating the transfer of cargo crew where necessary, and ensuring minimal disruption to cargo operations

Parties will facilitate closer coordination with like-minded port and maritime authorities to provide timely updates on measures taken during the public health emergency.

Parties will strive to adopt best practices according to national circumstances, including precautionary measures for shipping community, advisories and assistance for shore personnel and ship crew, as well as safe handling of cargos.
Parties will eliminate all customs duties and all other duties and charges of any kind, within the meaning of Article II:1(b) of the GATT 1994, with respect to all products listed in Annex 1 of the Declaration on Trade in Essential Goods for Combating the COVID-19 Pandemic published on 15th April 2020 (“Annex 1 Goods”).

Parties will not apply export prohibitions or restrictions, within the meaning of Article XI:1 of the GATT 1994, with respect to all Annex 1 Goods.

Parties will enter into good faith negotiations to remove non-tariff barriers on all Annex 1 Goods.

Parties will establish a consultation mechanism between all relevant authorities to identify and address trade disruptions that affect trade in Annex 1 Goods.

Parties will, consistent with their obligations under the World Trade Organisation Trade Facilitation Agreement, expedite and facilitate the flow and transit of all Annex 1 Goods through their respective sea and air ports.

Parties will uphold ICAO Covid-19 Declaration, adopted by the ICAO on 9 March 2020, and will endeavour to facilitate entry, transit and departure of air cargo containing essential medical supplies.

Parties will enhance corporation amongst themselves to ensure security of Annex 1 Goods on a best endeavour basis, informing all other Participants as soon as practicable in the event of surplus production.

Parties will review periodically the product coverage of Annex 1 Goods and consider whether, in light of the public health emergency, or changes to the Harmonized System nomenclature by the World Customs Organisation, Annex 1 Goods should be updated to incorporate additional products.


Where such export prohibitions or restrictions are imposed, the Party instituting such measures will give notice in writing to other Parties of the measure as far in advance as possible.

Parties will enter into good faith negotiations to remove non-tariff barriers on all Annex 2 Goods.
Parties will establish a consultation mechanism between all relevant authorities to identify and address trade disruptions that affect trade in Annex 2 Goods.

Parties will, consistent with their obligations under the World Trade Organisation Trade Facilitation Agreement, expedite and facilitate the flow and transit of all Annex 1 Goods through their respective sea and air ports.

Parties will uphold ICAO Covid-19 Declaration, adopted by the ICAO on 9 March 2020, and will endeavour to facilitate entry, transit and departure of air cargo containing Annex 2 Goods.

Parties will enhance corporation amongst themselves to ensure security of Annex 2 Goods on a best endeavour basis, informing all other Participants as soon as practicable in the event of surplus production.

Parties agree to publish updated and accurate information on levels of food production, consumption and stocks, as well as on food prices.

Parties shall not apply export prohibitions or restrictions, within the meaning of Article XI:2(a) of the General Agreement on Tariffs and Trade 1994 (“GATT 1994”), in the absence of critical shortages of foodstuffs or other products essential to the exporting contracting party, with respect to all Annex 1 Goods.

Parties shall collectively determine and agree on a reasonable level of stock, under which a contracting party is deemed to be experiencing a critical shortage of an essential product. Regard shall be had to the general situation in the region and the world in determining the reasonable level of stockpile.

Parties will conduct timely consultations through the course of the pandemic with a view to update the classification of Annex 1 Goods and Annex 2 Goods

If imposed, the Party instituting these changes in classification will give notice in writing to the other Parties of the measure as far in advance as practicable.

Parties will review periodically, and at least one year prior to regular amendments to the Harmonized System nomenclature by the World Customs Organization, and no later than 15 April 2021 for the first review, the paragraphs of this Declaration and the product coverage specified in Annex 1 Goods and Annex 2 Goods and consider whether, in the light of the Covid-19 pandemic, or changes to the HS nomenclature, the paragraphs of this Declaration should be amended or the list of Annex 1 Goods and Annex 2 Goods should be updated to incorporate additional products.
Each Party shall earmark a certain quantity of Annex I Goods based on each Party’s voluntary decision, as set out in Annex [] to this Agreement. Once earmarked it shall be a commitment subject to periodic review by the Parties, taking into account of the general food and medical situation in the region and in the world.

The release of the good reserved in the regional stockpile and replenishment of the earmarked good shall be implemented in accordance with the rules and procedures to be set forth by the Parties.

“Emergency” means that state or condition in which a Party, due to extreme and unexpected calamity, is unable to cope with the state or condition through its national reserve and is unable to procure the needed supply of rice through normal trade.

“Needed supply of good” refers to the quantities of an essential good in the stockpile of a Party falling under the reasonable level of stockpile as determined under the Agreement.

CHAPTER 4: INTELLECTUAL PROPERTY

Parties recognise the importance of sharing relevant knowledge, intellectual property and data that is useful for an effective COVID-19 response.

Parties recognise the importance of cooperation between their respective manufacturing organizations or other relevant bodies on activities related to manufacturing for the purposes of sharing relevant expertise and data that are essential to improving production capabilities.

Each Party shall make publicly available and easily accessible its laws and regulations on the research developments of COVID-19 treatment and vaccines.

Parties endeavour to explore the benefits of mechanisms, including alternative dispute resolution, to facilitate any dispute over the misuse of the relevant knowledge, intellectual property and data that is meant to be used to combat COVID-19.

Parties recognise the importance of compulsory licensing and how it is important for an effective COVID-19 response.

The Party seeking a compulsory licence against a patent owner should follow strictly requirements set out in Article 31(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (1994).

The Party seeking a compulsory licence against a patent owner also ensure that the patent owner is reasonably remunerated.

Each Party shall adopt or maintain laws or regulations to prevent abusive conduct that causes harm, or is likely to cause harm, to the purpose of the compulsory licensing which is to aid respective parties in their national response against COVID-19.
The Parties importing and exporting the COVID-19 vaccines should also ensure that the COVID-19 vaccines are not to be exploited for commercial gains but only for the use to address the current COVID-19 pandemic.

Parties endeavour to exchange information on any such mechanisms applied in their jurisdictions and explore ways to extend these or other suitable arrangements to promote compatibility between them.

Parties endeavour to explore the benefits of mechanisms, including alternative dispute resolution, to facilitate any dispute over the misuse of the compulsory licence that is meant to be used to combat COVID-19.

CHAPTER 5: E-COMMERCE

Domestic legal framework to enable e-commerce

Each Party shall maintain a legal framework governing electronic transactions consistent with the principles of:

(a) the UNCITRAL Model Law on Electronic Commerce (1996); or


Each Party shall endeavour to adopt the UNCITRAL Model Law on Electronic Transferable Records (2017).

Each Party shall endeavour to:

(a) avoid imposing any unnecessary regulatory burden on electronic transactions; and

(b) facilitate input by interested persons in the development of its legal framework for electronic transactions.

Electronic authentication and electronic signatures

Except in circumstances otherwise provided for under its laws and regulations, a Party shall not deny the legal validity of a signature solely on the basis that the signature is in electronic form.

Parties are encouraged to implement temporary working solutions to facilitate trade, such as allowing scanned copies or electronic copies of original certificates whenever it is not possible to present the original paper certificate, provided the authenticity of these certificates can be validated by competent authorities.
Notwithstanding paragraph 2, a Party may require that, for a particular category of transactions, the method of authentication meets certain performance standards or is certified by an authority accredited in accordance with its laws and regulations.

Parties shall encourage the use of interoperable electronic authentication.

**Paperless trading**

Each Party shall make publicly available, including through a process prescribed by that Party, electronic versions of all existing publicly available trade administration documents.

Each Party shall provide electronic versions of trade administration documents referred to in paragraph 1 in English or any of the other official languages of the WTO, and shall endeavour to provide such electronic versions in a machine-readable format.

Each Party shall accept electronic versions of trade administration documents as the legal equivalent of paper documents, except where:

(a) there is a domestic or international legal requirement to the contrary; or

(b) doing so would reduce the effectiveness of trade administration.

Noting the obligations in the WTO Trade Facilitation Agreement, each Party shall establish or maintain a single window that enables persons to submit documentation or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies.

The Parties shall cooperate bilaterally and in international fora to enhance acceptance of electronic versions of trade administration documents and electronic records used in commercial trading activities between businesses.

In developing other initiatives which provide for the use of paperless trading, each Party shall endeavour to take into account the methods agreed by relevant international organisations.

**Customs duties**

No Party shall impose customs duties on electronic transmissions, including content transmitted electronically, between a person of one Party and a person of another Party.

For greater certainty, paragraph 1 shall not preclude a Party from imposing internal taxes, fees or other charges on content transmitted electronically, provided that such taxes, fees or charges are imposed in a manner consistent with WTO Agreements.

**Non-discriminatory treatment of digital goods**

No Party shall accord less favourable treatment to digital products created, produced, published, contracted for, commissioned or first made available on commercial terms in the
territory of another Party, or to digital products of which the author, performer, producer, developer, distributor or owner is a person of another Party, than it accords to other like digital products:

(a) that are created, produced, published, stored, transmitted, contracted for, commissioned, or first made available on commercial terms in its territory or in the territory of a non-Party; or

(b) whose author, performer, producer, developer, distributor or owner is a person of the other Party or a non-Party.

Paragraph 1 shall not apply to the extent of any inconsistency with the rights and obligations in the Intellectual Property chapter.

The Parties understand that this Article does not apply to subsidies or grants provided by a Party, including government-supported loans, guarantees and insurance.

This Article shall not apply to broadcasting.

**Source code**

The Parties shall not require the transfer of, or access to, source code of software owned by a person of another Party, as a condition for the import, distribution, sale or use of such software, or of products containing such software, in its territory.

For the purposes of this Article, software subject to paragraph 1 is limited to mass-market software or products containing such software and does not include software used for critical infrastructure.

Nothing in this Article shall preclude:

(a) the inclusion or implementation of terms and conditions related to the provision of source code in commercially negotiated contracts; or

(b) a Party from requiring the modification of source code of software necessary for that software to comply with laws or regulations which are not inconsistent with this Agreement.

This Article shall not be construed to affect requirements that relate to patent applications or granted patents, including any orders made by a judicial authority in relation to patent disputes, subject to safeguards against unauthorised disclosure under the law or practice of a Party.

**Internet and electricity connection capacity**

The Parties recognise the importance of maintaining reliable internet and electricity connections to facilitate electronic commerce communications and transactions.

The Parties endeavour to maintain and upgrade network capacity and electricity supply such as through the provision of financial investments and assistance.
**Digital inclusivity: consumer access**

The Parties recognise the importance of the role and accessibility of information and communications technology for the growth of electronic commerce.

The Parties endeavour to support the accessibility of digital devices and solutions to individuals and businesses through policies and other financial assistance measures.

**Online payments**

Noting the rapid growth of electronic payments, in particular, those provided by new payment service providers, Parties agree to support the development of efficient, safe and secure cross border electronic payments by fostering the adoption and use of internationally accepted standards, promoting interoperability and the interlinking of payment infrastructures, and encouraging useful innovation and competition in the payments ecosystem.

To this end, and in accordance with their respective laws and regulations, the Parties recognise the following principles:

(a) The Parties shall endeavour to make their respective regulations on electronic payments, including those pertaining to regulatory approval, licensing requirements, procedures and technical standards, publicly available in a timely manner.

(b) The Parties shall endeavour to take into account, for relevant payment systems, international accepted payment standards to enable greater interoperability between payment systems.

(c) The Parties shall endeavour to promote the use of Application Programming Interface (API) and to encourage financial institutions and payment service providers to make available APIs of their financial products, services and transactions to third party players where possible to facilitate greater interoperability and innovation in the electronic-payments ecosystem.

(d) The Parties shall endeavour to enable cross-border authentication and electronic know-your-customer of individuals and businesses using digital identities.

(e) The Parties recognise the importance of upholding safety, efficiency, trust and security in electronic payment systems through regulation. The implementation of regulation should, where appropriate, be proportionate to and commensurate with the risks posed by the provision of electronic payment systems.

(f) The Parties agree that policies should promote innovation and competition in a level playing field and recognise the importance of enabling the introduction of new financial and electronic payment products and services.
by incumbents and new entrants in a timely manner such as through adopting regulatory and industry sandboxes.

**Personal data protection**

The Parties recognise the economic and social benefits of protecting the personal information of users of electronic commerce and the contribution that this makes to enhancing consumer confidence in electronic commerce.

To this end, the Parties shall adopt or maintain a legal framework that provides for the protection of the personal information of the users of electronic commerce. In the development of personal information protection measures, each Party shall take into account international principles, guidelines and criteria of relevant international bodies.

The Parties shall:

(a) afford protection, through the legal framework referred to in paragraph 2, to the personal information of users of the other Member on a non-discriminatory basis; and

(b) adopt non-discriminatory practices in protecting users of electronic commerce from personal information protection violations occurring within its jurisdiction.

The Parties shall publish information on the personal information protections it provides to users of electronic commerce, including how:

(a) individuals can pursue remedies; and

(b) business can comply with any legal requirements.

Recognising that each Parties may take different legal approaches to protecting personal information, Members shall pursue the development of mechanisms to promote compatibility between these different regimes. These mechanisms may include the recognition of regulatory outcomes, whether accorded autonomously or by mutual agreement, broader international frameworks, or where practicable, appropriate recognition of comparable protection afforded by their respective legal frameworks, national trustmark or certification frameworks, or other avenues of transfer of personal information between the Parties.

To this end, the Parties shall endeavour to exchange information on any such mechanisms applied in their jurisdictions and explore ways to extend these or other suitable arrangements to promote compatibility between them.

**Cybersecurity**

The Parties recognise the importance of:
(a) building the capabilities of their national entities responsible for cybersecurity including through the exchange of best practices; and
(b) using existing collaboration mechanisms to cooperate on matters related to cybersecurity.

**Unsolicited electronic messages (spam)**

The Parties shall adopt or maintain measures regarding unsolicited commercial electronic messages that:

(a) require suppliers of unsolicited commercial electronic messages to facilitate the ability of recipients to prevent ongoing reception of those messages;
(b) require the consent, as specified according to the laws and regulations of each Party, of recipients to receive commercial electronic messages; or
(c) otherwise provide for the minimisation of unsolicited commercial electronic messages.

The Parties shall provide recourse against suppliers of unsolicited commercial electronic messages that do not comply with the measures adopted or maintained pursuant to paragraph 1.

The Parties shall endeavour to cooperate in appropriate cases of mutual concern regarding the regulation of unsolicited commercial electronic messages.

**Cross-border transfer of information by electronic means**

The Parties recognise that each Party may have its own regulatory requirements concerning the transfer of information by electronic means.

Each Party shall allow the cross-border transfer of information by electronic means, including personal information, when this activity is for the conduct of the business.

Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 to achieve a legitimate public policy objective, provided that the measure:

(a) is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; and
(b) does not impose restrictions on transfer of information greater than are required to achieve the objective.

The Parties recognise the importance of cross-border information flows related to medical and research services to enable collaboration and coordination during times of pandemics.
The Parties shall allow the cross-border transfer of information referred to in Paragraph 1 and such other relevant information by electronic means when this activity is for the purposes of combating a pandemic.

**Data localisation**

The Parties recognise that each Party may have its own regulatory requirements regarding the use of computing facilities, including requirements that seek to ensure the security and confidentiality of communications.

No Party shall require the use or location of computing facilities in that Party’s territory as a condition for conducting business in that territory.

Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 to achieve a legitimate public policy objective, provided that the measure:

(a) is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; and

(b) does not impose restrictions on the use or location of computing facilities greater than are required to achieve the objective.

**Online consumer protection**

Each Party shall adopt or maintain laws or regulations to proscribe fraudulent, misleading or deceptive conduct that causes harm, or is likely to cause harm, to consumers engaged in online commercial activities. “Fraudulent, misleading or deceptive conduct” includes:

(a) making misrepresentations or false claims as to material qualities, price, suitability for purpose, quantity or origin of goods or services;

(b) advertising goods or services without intention to supply;

(c) failing to deliver products or provide services to a consumer after the consumer is charged; or

(d) charging or debiting consumers’ financial, telephone or other accounts without authorisation.

**Health and safety regulations**

The Parties recognise the importance of ensuring safe distancing measures to protect the health of workers involved in the handling and inspecting of goods while minimising the impact on the speed of the inspection process.
The Parties endeavour to implement measures to expedite the submission of health documents of affected personnel and to promote safe distancing and good hygiene practices in the handling and inspection of goods.

CHAPTER 6: MOVEMENT OF PEOPLE

With the increased infections in community cases due to COVID-19’s rapid transmission, an individual must not permit any other individual to enter his or her ordinary place of residence for any reason unless otherwise stated.

Parties understand the need for the resumption of essential cross-border travel, with mutual assurance of health standards, while ensuring the safeguard of public health.

Parties agree to work out guidelines that will allow people to travel between the countries again, without compromising efforts to safeguard public health.

Parties agree to ensure the continued operation of logistics networks via air, sea and land freight.

Parties agree to facilitate the timely flow of goods including essential supplies by ensuring operation of logistics networks via air, sea, and land freight.

Parties agree to conduct safe management measures to keep students and staff safe in schools, including screening, hygiene, cohorting and safe distancing

Parties agree to enhance the role played by education in enhancing the bilateral trade and investment relationship through promoting mutual cooperation in education.

Parties shall encourage their government scholarship nominees to consider the other Party as one of the countries for their overseas study.

Parties shall, subject to any qualification requirements for professional practice in its territory, allow its scholarships for overseas studies to be tenable at universities in the territory of the other Party.

CHAPTER 7: INVESTMENT

Parties understand the need to support issuers amid the challenging business and economic climate due to COVID-19, including enabling the acceleration of fund-raising efforts.

COVID-19 has caused a drastic global deterioration in business conditions for all companies, with many experiencing significant loss of revenue and profitability. Share prices of companies
have also fallen, translating to sharp declines in market capitalisation. Companies are also likely to face liquidity crunch at this time as banks are tightening credit.

Accordingly, Parties will provisionally suspend reviews to place issuers on the Financial Watch-List (or any equivalent List in the Party’s country).

The suspension is to enable issuers to focus on meeting the current business and economic challenges and dealing with any resultant liquidity crunch.

Parties commit to share anti-pandemic information and experiences in a prompt and efficient matter, as well as deepen cooperation on prevention and control of COVID-19.

Parties commit to continue to work closely to overcome the challenges brought about by the COVID-19 outbreak.

Parties commit to further strengthen collaboration at all levels across the region and countries on the prevention and control of COVID-19, including through regular, timely and transparent exchange of information and sharing of knowledge, experience and best practices, as well as on facilitating production and access to medicines and vaccines used for the treatment of COVID-19.

Parties express their commitment to ensure that technical information exchange and knowledge-sharing is transparent and efficient. This will ensure that the knowledge and experience of each country translate into best practices for the region, support to mitigate the negative impacts on healthcare, manufacturing, trade, investment and tourism.

Parties acknowledge that it is important for them to reinforce trade and economic cooperation amid current global travel restrictions and border closures.

Parties commit themselves to continued cooperation in fostering innovation and entrepreneurship.

To support startups and maintain the flourishing interactions between Parties’ startup ecosystems amid the current safe distancing measures, Parties endeavour to develop and share new ways of safe collaboration.