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Fourth meeting of the Interim Intergovernmental Steering Group
on Cross-border Paperless Trade Facilitation

Bangkok, 22 and 23 March 2018

Item 3 of the provisional agenda*

**Report on progress made by the Legal and Technical
Working Groups on the preparation of a draft road map
for the implementation of the substantive provisions in the
Framework Agreement on Facilitation of Cross-border
Paperless Trade in Asia and the Pacific**

Draft road map for the implementation of the substantive provisions in the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific**

Summary

This document features the current draft road map for the implementation of the substantive provisions in the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific. The road map follows the structure of the Framework Agreement. It specifies the actions and tasks to be undertaken collectively and individually by parties to implement relevant articles of the Framework Agreement. A list of supporting guidelines and tools related to each article of the Framework Agreement is provided in annex.

I. Introduction

1. The Regional Roadmap for Implementing the Sustainable Development Agenda 2030 in Asia and the Pacific, adopted by ESCAP members in 2017, includes priority areas.¹ Enabling paperless trade is specifically identified as an important area for regional cooperation under one of the thematic areas prioritized - Connectivity for the 2030 Agenda. In this context, the purpose of the draft road map for the implementation of the substantive provisions in the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific presented in this document is to better inform Member States of the individual and joint actions they may take after they become parties to the Framework Agreement, and to develop preliminary consensus in this regard. Once the Framework Agreement enters into force, the road map may be used by the Standing Committee as a reference document to plan and facilitate its work.

* ESCAP/PTA/IISG/2018/L.1.

** This document is being issued without formal editing.

¹ E/ESCAP/73/31; E/ESCAP/RES/73/9.

2. The present draft road map is based on the earlier deliberations of the Interim Intergovernmental Steering Group and its working groups, including revision made by the 3rd meeting of the Steering Group.² The structure of the road map follows that of the Framework Agreement, focusing on substantive provisions requiring parties to take certain actions. Articles 1 to 5,³ as well as articles 15 and 16, are declaratory or general in nature and do not require specific actions. Articles 17 to 25 consist of final clauses related to the general administration of the Framework Agreement as a United Nations treaty and are not substantive in nature.

3. Accordingly, the draft road map specifies below actions related to each of the articles 6 to 14. Each action to be taken towards implementation of a given article is broken down into tasks, to be performed by either the Standing Committee of the Framework Agreement or the individual party. A tentative timeline is provided for each collective task of the Standing Committee and its working groups.⁴ It may be noted that the first tasks to be implemented upon entry into force of the Framework Agreement will be those related to article 11 to operationalize its institutional arrangements.

4. No specific timeline is provided for actions and tasks to be performed by individual parties since each party is expected to set its implementation timeline based on its own readiness assessment and national priorities as well as resource availability.

5. For each task to be implemented, preparatory work done by the Legal and Technical Working Groups of the Interim Intergovernmental Steering Group is briefly provided in footnote. Supporting documents related to implementation of each article are listed in the annex, along with a tentative description of their contents and development status.

II. Draft road map

Article 6

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
6	Objective To promote paperless trade at the national level by requesting the parties to establish a national policy framework and create an enabling legal environment			
	Establish a national policy framework for paperless trade	Develop a template for designing a national policy framework ⁵	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force
		Develop and implement a national policy framework for paperless trade on the basis of legal and technical readiness assessment of Article 12	Party	As determined by each party

² E/ESCAP/PTA/IISG(3)/CRP.2/Add.1.

³ These articles cover Objective (article 1), Scope (article 2), Definitions (article 3), Interpretation (article 4) and Principles (article 5).

⁴ Article 11 indicates that the Standing Committee would convene once a year.

⁵ The Technical Working Group is currently collecting relevant examples to design a draft template.

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
	Create an enabling domestic legal environment for paperless trade	Identify and select relevant international legal frameworks and best practices ⁶	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force
		Align the domestic legal framework with selected international legal frameworks and best practices as part of a national policy framework	Party	As determined by each party
	Establish a national committee	Establish a national committee or designate a similar body already functioning domestically in lieu of establishing such a committee	Party	As determined by each party

Article 7

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
7	Objective To facilitate cross-border paperless trade through use or development of paperless trade systems, including single window systems			
	Develop or upgrade paperless trade systems, including single window systems, consistently with the general principles of the Framework Agreement	Prepare a guide on how to develop or upgrade paperless trade systems consistently with the general principles ⁷	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force
		Develop a guide to help facilitate concurrent implementation of national and cross-border paperless trade systems ⁸	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force
		Develop or upgrade paperless trade systems consistently with the general principles	Party	As determined by each party

⁶ The Legal Working Group prepared an initial list.

⁷ The Technical Working Group is currently preparing an initial draft of the guide.

⁸ The Technical Working Group is currently preparing an initial draft of the guide.

Article 8

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
8	Objective To enable exchange of trade-related data in electronic form across borders by establishing a mutual recognition scheme			
	Develop and agree on a mutual recognition scheme for exchange of trade-related data in electronic form	Develop technologically neutral mutual recognition mechanism, including defining criteria for satisfying the requirements to offer a substantially equivalent level of reliability ⁹	Standing Committee with the support of Working Group(s)	Within 24 months of entry into force
		Develop a model memorandum of understanding and service-level agreement to be used by parties at the bilateral and multilateral levels ¹⁰	Standing Committee with the support of Working Group(s)	Within 36 months of entry into force
		Operationalize mutual recognition	Party	As determined by each party
		Develop a plan for regular reviews of the mechanism	Standing Committee with the support of Working Group(s)	Within 24 months of entry into force
Conduct regular reviews of the mechanism		Standing Committee with the support of Working Group(s)	To be determined	

Article 9

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
9	Objective To promote the use of international standards and guidelines to ensure interoperability in paperless trade			
	Select and use relevant international standards and guidelines	Prepare an international standards implementation strategy, ¹¹ including selection of relevant international standards and guidelines to be used and the development of safe, secure and reliable means of communication for the exchange of data in the Asia and the Pacific.	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force

⁹ The Technical Working Group is conducting a group discussion on how to prepare an initial list of such criteria, including collecting relevant references.

¹⁰ The Technical Working Group is currently collecting relevant examples to design initial draft of such model MoU and service level agreement.

¹¹ The Technical Working Group has prepared an initial list of standards and guidelines.

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
		Participate in the development of relevant international standards and best practices	Party	As determined by each party
		Apply selected international standards and guidelines	Party	As determined by each party

Article 10

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
10	Objective To make the Framework Agreement consistent and compatible with regional and international legal instruments			
	Take into account and adopt available and accepted international legal instruments	Identify relevant provisions of international law, regional and international regulations, and best practices ¹²	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force
		Develop a guide ¹³ on how to engage in a cross-border exchange of trade-related data and documents in electronic form consistent with regional and international laws and regulations and best practices	Standing Committee and its Working Group(s)	Within 12 months of entry into force
		Apply relevant legal instruments or provisions within the legal instruments in conjunction with the result of the legal readiness assessment ¹⁴	Party	As determined by each party

¹² The Legal Working Group has prepared an initial list in connection with the task of Article 6 (see footnote 5). ESCAP secretariat has conducted a preliminary review of paperless trade provisions in regional trade agreements, available at: www.unescap.org/resources/paperless-trade-regional-trade-agreements.

¹³ No action has been taken.

¹⁴ See Article 12.

Article 11

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
11	Objective To specify roles and responsibilities of the proposed institutional bodies pertaining to the operationalization of the Framework Agreement			
		Nominate national representatives to the Paperless Trade Council & Standing Committee	Party	Upon ratification or accession to the FA
	Establish and operationalize bodies to oversee and support the implementation of the Framework Agreement	Prepare and agree terms of reference for the Paperless Trade Council ¹⁵	Council	Within 6 months of entry into force
		Prepare and agree terms of reference for the Standing Committee ¹⁶	Council	Within 6 months of entry into force
		Prepare terms of reference for working groups ¹⁷	Standing Committee	As and when decided
Develop and adopt protocols ¹⁸		Council and Standing Committee	As and when decided	

Article 12

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
12	Objective To develop a comprehensive action plan, which sets out all concrete actions and measures with clear targets and implementation timelines			
	Develop a comprehensive action plan	Prepare a legal gap checklist ¹⁹	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force
		Conduct a legal readiness assessment using the legal gap checklist	Party	Within 2 years of becoming a party
		Prepare a technical gap checklist ²⁰	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force
		Conduct a technical readiness assessment using the technical gap checklist	Party	Within 2 years of becoming a party

¹⁵ The Legal Working Group has prepared draft terms of reference for the Paperless Trade Council as well as draft rules of procedure.

¹⁶ The Legal Working Group has prepared draft terms of reference for the Standing Committee as well as draft rules of procedure.

¹⁷ To be developed by the Standing Committee after the Framework Agreement enters into force.

¹⁸ To be developed by the Council and the Standing Committee after the Framework Agreement enters into force.

¹⁹ The Legal Working Group prepared a draft checklist.

²⁰ The Technical Working Group prepared a draft checklist.

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
		Prepare template for individual action plan ²¹	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force
		Prepare a collective action plan ²²	Standing Committee with the support of Working Group(s)	Within 24 months of entry into force
		Prepare individual action plan	Party	As determined by each party
		Report on implementation of the individual action plan and its update ²³	Party and Standing Committee	As determined by each party and Standing Committee

Article 13

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
13	Objective To promote and facilitate cross-border paperless trade through implementation of pilot projects on cross-border trade data exchange and sharing of lessons learned from the implementation of pilot projects			
	Initiate and launch pilot projects	Prepare a cross-border paperless trade reference map ²⁴ on which potential cross-border paperless trade processes, documents and data are indicated and specified	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force
		Prioritize cross-border paperless trade processes, documents and data for pilot projects ²⁵	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force
		Prepare model memorandums of understanding/ agreements ²⁶ for arranging bilateral/ multilateral exchanges of cross-border data	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force
		Prepare a plan for developing technical and legal guides to be used for pilot projects ²⁷	Standing Committee with the support of Working Group(s)	Within 18 months of entry into force

²¹ The Technical Working Group prepared an initial draft template.

²² To be developed by the Standing Committee after the Framework Agreement enters into force.

²³ Secretariat may develop an online system for parties to easily report on progress regularly.

²⁴ The Technical Working Group prepared a draft reference map.

²⁵ Refer to the draft reference map for this task.

²⁶ Refer to task of Article 8 (see footnote 9).

²⁷ To be developed by the Standing Committee after the Framework Agreement enters into force.

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
		Prepare a strategy and guidance on how to transition pilot projects into live projects ²⁸	Standing Committee with the support of Working Group(s)	Within 36 months of entry into force
		Plan and implement pilot projects	Party	As determined by each party
		Prepare a template for reporting the progress of pilot projects to the Standing Committee ²⁹	Standing Committee with the support of Working Group(s)	Within 12 months of entry into force
		Report the progress of pilot projects to the Standing Committee	Party	As determined by each party
		Develop a registry for pilot projects ³⁰	Secretariat	Within 6 months of entry into force
		Prepare and update a database for collection of best practices, experiences and lessons learned ³¹	Secretariat	Within 6 months of entry into force and onward

Article 14

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
	Objective			
	To cooperate among the parties in extending technical support and assistance for facilitating transition to cross-border paperless trade			
14	Cooperate in providing technical support and assistance	Define different options and mechanisms for capacity-building, including a customization strategy for national, subregional and regional levels ³²	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward
		Prepare a guide on how to make a request for technical support and assistance and how to provide technical support and assistance	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward
		Prepare a plan for engaging development partners in capacity-building activities	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward

²⁸ To be developed by the Standing Committee after the Framework Agreement enters into force.

²⁹ To be developed by the Standing Committee after the Framework Agreement enters into force.

³⁰ To be developed by the secretariat after the Framework Agreement enters into force.

³¹ To be developed by the secretariat after the Framework Agreement enters into force.

³² The Technical Working Group prepared an initial draft of capacity building strategy.

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
		Define reporting mechanism for capacity building received or provided	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force
		Report capacity building received or provided	Party	As determined by each Party
		Request or offer technical assistance using agreed mechanisms	Party	As determined by each party

III. Consideration by the Steering Group

6. The Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation may consider taking the following actions:

(a) Note the progress made by the Legal and Technical Working Groups during their 5th meeting held on 20-21 March 2018 on developing a draft road map and relevant supporting documents;

(b) Discuss direction on furthering its work on the draft road map.

Annex

List of supporting documents

<i>Name of Supporting Document</i>	<i>Description</i>	<i>Current Status</i>
Supporting documents for implementation of article 6		
Template for designing a national policy framework for paperless trade facilitation	The template contains key components of a national policy framework for paperless trade, with suggested actions and provisions under each component. Each party may then use the template to develop its own policy framework.	To be developed
International legal frameworks and best practices relevant to Cross-Border Paperless Trade	This document lists relevant international legal instruments, such as UNCITRAL e-commerce related model laws and convention, best practices as well relevant provisions of international legal instruments. <i>Note:</i> This document also supports implementation of article 10.	An initial list is prepared
Supporting documents for implementation of article 7		
Guide on implementing paperless trade systems consistently with the general principles	It contains expected high-level implementation requirements from the general principles and how to meet such requirements.	To be developed
Guide on concurrent implementation of national and cross-border paperless trade systems	It contains technical guidance on how to develop paperless trade systems capable of processing both domestic and cross-border data exchange in an interoperable manner.	To be developed
Supporting documents for implementation of article 8		
Mutual recognition mechanism for trade-related data and documents in electronic form	It contains high-level legal and technical requirements (pre-condition) for parties to mutually recognize each other's electronic data, including condition to meet substantially equivalent level of reliability.	To be developed
Model memorandum of understanding and service-level agreement for mutual recognition of trade-related data and documents in electronic form	It contains exemplary format and key components to be included in memorandum of understanding and service-level agreement for arranging mutual recognition. <i>Note:</i> This document may also be used for implementation of article 13.	To be developed
Supporting document for implementation of article 9		
International standards implementation strategy/framework	To be used by parties, as a reference, whenever they want to use relevant international standards or participate in activities of international standardization.	An initial draft is prepared

<i>Name of Supporting Document</i>	<i>Description</i>	<i>Current Status</i>
Supporting documents for implementation of article 10		
International legal frameworks and best practices relevant to Cross-Border Paperless Trade ^a	It includes a list of relevant international legal frameworks and best practices as well relevant provisions of international legal instruments. <i>Note:</i> The supporting document for article 6 also serves purpose of this document.	An initial draft has been prepared
Guide on cross-border paperless trade data exchange in a legally interoperable manner	It contains legal requirements specified in relevant regional and international laws and regulations and best practices and guidance on how such requirements may be reflected in operating cross-border paperless trade systems.	To be developed
Supporting documents for implementation of article 11		
Draft terms of reference and rules of procedure of the Council	It defines roles, responsibilities and operating procedures of the Council.	An initial draft is prepared
Draft terms of reference and rules of procedure of the Standing Committee	It defines roles, responsibilities and operating procedures of the Standing Committee.	An initial draft is prepared
Draft terms of reference for working groups	It defines roles, responsibilities and operating procedures of the working groups.	To be developed
Draft protocols	It contains legal or technical specifications and requirements for certain aspect of operationalizing cross-border paperless trade data exchange.	To be developed
Supporting documents for implementation of article 12		
Legal gap checklist	It contains legal issues to address in operationalizing paperless trade systems for cross-border data exchange. It is used for self-assessment of their legal readiness and in preparing individual action plan by parties.	An initial checklist is prepared
Technical gap checklist	It contains technical issues to address in operationalizing paperless trade systems for cross-border data exchange. It is used for self-assessment of their technological readiness and in preparing individual action plan by parties.	An initial checklist is prepared
Template for individual action plan	It contains components to be included in an individual action plan, such as target goals and milestones, to help parties to develop such an action plan.	An initial template is prepared
Collective action plan	It contains actions to be taken by parties together under the institutional arrangements of the Framework Agreement, including goals and milestones for activities on pilot projects, development of guides and protocols, capacity building programmes, etc.	To be developed

^a Same document supporting article 6.

<i>Name of Supporting Document</i>	<i>Description</i>	<i>Current Status</i>
Supporting documents for implementation of article 13		
Cross-border paperless trade reference map	It defines processes, documents and data involved in cross-border paperless trade, with indication of their relative priority. Parties use it in considering and selecting target processes for pilot projects.	An initial draft is prepared
Model memorandums of understanding/ agreements for cross-border data exchange	It contains exemplary format and key components to be included in memorandum of understanding and service-level agreement for arranging cross-border data exchange. <i>Note:</i> Refer to supporting document for article 8.	To be developed
Plan for developing technical and legal guides to be used for pilot projects	It is a planning document for the Standing Committee on how to develop guides with technical (and legal) implementation details to execute selected pilot projects.	To be developed
Strategy and guidance on how to transition pilot projects into live projects	It contains strategy and mechanism for transitioning successful pilot projects into actual trade data exchange.	To be developed
Template for reporting the progress of pilot projects	It contains format and components to be included in a report on progress of pilot projects	To be developed
Registry for pilot projects	It is a website where parties can register their pilot projects with detailed description.	To be developed
Database for collection of best practices, experiences and lessons learned	It is a website where collected best practices, experiences and lessons learned are publicly shared.	To be developed
Supporting document for implementation of article 14		
Capacity building strategy	It includes (1) defined options and mechanisms for capacity-building, (2) guide on how to make a request for technical support and assistance and how to provide technical support and assistance among parties, and (3) plan for engaging development partners in capacity building and technical assistance.	An initial draft is prepared