REPORT OF THE EIGHTH MEETING OF LEGAL AND TECHNICAL WORKING GROUPS OF THE INTERIM INTERGOVERNMENTAL STEERING GROUP ON CROSS-BORDER PAPERLESS TRADE FACILITATION

❖ Dates: 14 – 16 October 2020
❖ Venue: Virtual

1. The meeting, which brought together 44 nominated participants and 15 regional experts as well as representatives of the United Nations Commission on International Trade Law (UNCITRAL), was opened with remarks by Mr. Yann Duval, Chief, Trade Policy and Facilitation Section, Trade, Investment and Innovation Division of the United Nations ESCAP. In his remarks, Mr. Duval highlighted recent progress in implementation of the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (FA) and related activities of the secretariat, including the Accession/Ratification Accelerator Programme for the FA¹. He encouraged developing member States of ESCAP to take advantage of the Accession/Ratification Accelerator programme.

2. As the only participating officer among all the elected chairs and vice-chairs of both Legal and Technical Working Groups (LTWGs), Mr. Sung Heun Ha of Republic of Korea chaired the 8th meeting.

3. The meeting adopted the tentative agenda without any modifications.

4. Under agenda item 1(c) on update on progress made in developing supporting documents for the draft road map since the seventh meeting, the secretariat reported that the LTWGs did not hold any meetings since the seventh meeting in January 2020. The secretariat further informed

¹ https://www.unescap.org/announcement/accessionratification-accelerator-programme-framework-agreement-facilitation-cross
the meeting that it has worked on further development of supporting documents and related tools listed in agenda items 2 of the current meeting, with the support of the regional experts.

5. Under agenda item 1(d) on review of work items for the current meeting, the secretariat briefly explained which supporting documents and related tools were to be discussed under agenda items 2(a), (b), (c) and (d). It also briefed the meeting on expected contributions from the participants on agenda items 3 and 4, which were to be discussed on Friday 16 October 2020.

6. Under agenda item 2(a), the secretariat introduced the Online Guide for Cross-border Paperless Trade Readiness Assessment\(^2\), including by demonstrating its functions and features online. Mr. Castellani from the UNCITRAL Secretariat introduced the legal part, as the online guide was jointly developed by ESCAP and UNCITRAL. The meeting noted the usefulness of the online guide and value of making it available for use as soon as possible to support on-going updates and improvements. The participants were requested to share comments and suggestions for improvement of the online guide with the secretariat by 21 October 2020.

7. Under agenda item 2(b), the secretariat briefed the meeting of the progress made so far on developing mutual recognition mechanisms for trade related data and documents in electronic form, including by carrying out studies on selected issues underpinning mutual recognition. Regional experts made presentations on findings from their studies, which could provide some insights on how to arrange mutual recognition under the FA. Mr. Khan made a presentation on possible options and models of data exchange for cross-border paperless trade. Mr. Khan and Mr. Godbole jointly made a presentation on the role of emerging technologies in facilitation of cross-border mutual recognition. Mr. Ha made a presentation on lessons learned from existing practices of cross-border mutual recognition. Mr. Castellani suggested to further expand the discussion on legal aspects of mutual recognition and invited interested member States to attend the forthcoming 60th session of UNCITRAL Working Group IV (Vienna, hybrid format, 19-23 October 2020) where legal aspects of cross-border recognition of IdM and trust services would be discussed. The participants were requested to share comments and suggestions for improvement of three study reports with the secretariat by 31 October 2020.

\(^2\) http://readiness.digitalizetrade.org/
8. Under agenda item 2(c), the secretariat introduced the Cross-border Paperless Trade Database\(^3\), including by demonstrating its functions and features online. The secretariat, pointing out that the scope of project cases to be included in the database was global, requested participants to submit their cross-border paperless trade initiatives and also share information on the database with other stakeholders who might have relevant initiatives. Suggestions were made on enhancing search functions and functions allowing revision of submitted project cases. The meeting noted the usefulness of the database. The participants were also requested to share comments and suggestions for improvement of the database with the secretariat by 31 October 2020.

9. Under agenda item 2(d), the secretariat invited Ms. Elms, a regional expert, to present findings from a background study she conducted on national policy framework for cross-border paperless trade. A comment was made that development of national policy frameworks on paperless trade could hinder cross-border paperless trade if divergent legal and implementation approaches were used. The participants were requested to share further comments and suggestions with the secretariat by 31 October 2020.

10. Under agenda item 2(e), the secretariat introduced two other supporting documents – a capacity building strategy and a template for individual action plan. On the template for individual action plan, the secretariat highlighted revision made during the seventh meeting held in January 2020. The meeting noted the two supporting documents and made no further revision.

11. Under agenda item 3, the chair invited participants from each country to share their progress in paperless trade, including update on the status of ratification of/accession to the FA.

   ○ Bangladesh informed the meeting that it deposited its instrument of ratification, becoming the fourth party to the FA. It also highlighted recent progress in paperless trade, including incorporation of Single Window provision in the Customs Act, establishment of a Single Window Committee, roadmap for e-payment, customs bond automation and e-auction for uncleared goods of customs.

\(^3\) https://www.digitalizetrade.org/
○ Cambodia informed the meeting that it was in the consultation process on ratification of the FA after it signed it in 2017 under the leadership of the Ministry of Commerce. It also informed the meeting of its effort on implementing a Cambodia National Single Window and other related systems.

○ Congratulating Bangladesh and encouraging other countries to join the FA, China informed the meeting that it would deposit its instrument of ratification in the next several days. It also highlighted progress in China Customs’ reform, including paperless declaration, paperless domestic transit, paperless control of import/export transportation and electronic sharing platform for certificates during the COVID-19.

○ Indonesia informed the meeting that it was in the process of domestic consultation on accession to the FA, including a recent positive development and its plan to intensify the consultation process for obtaining political support. It also updated the meeting of recent progress in paperless trade in connection with enhancement of the Indonesia National Single Window.

○ Malaysia informed the meeting that it was still in the process of domestic consultation with other stakeholders, noting its continued interest to participate in the legal and technical discussions on cross-border paperless trade but requiring more time to get clearance to join the FA.

○ Nepal informed the meeting of its initiatives on paperless trade, including establishment of a national Single Window, customs moderation and electronic cargo tracking system. It also informed the meeting that the Ministry of Commerce and Supplies was working on accession to the FA.

○ Netherlands informed the meeting of its digitalization effort in accordance with the EU Customs legislation, digitalization of export certificate and other effort to deal with impact of BREXIT to the customs.

○ Republic of Korea informed the meeting that it was in the process of internal consultation to join the FA and would update its participation in the FA in a foreseeable future.

○ Russian Federation informed the meeting that it was interested in joining the FA and in the process of national consultation, including improving its national legislation. It also highlighted its paperless trade efforts in foreign trade activities, in particular those
made by the Russian Federal Customs, including consideration of applying advanced technologies to alleviate impact of pandemic.

○ Tajikistan highlighted its recognition of importance of paperless trade in the current COVID-19 situation and informed the meeting that it was in the process of establishing a working group to process accession to the FA in a foreseeable future.

○ Thailand informed the meeting that it was in the process of considering accession to the FA and also informed about its progress in implementing the ASEAN Customs Transit System.

○ Turkey made a presentation on its experience in digitalizing customs operations, including a Single Window system, container and port tracking system and a port Single Window system. It also informed the meeting that it was committed to implementation of the WTO Agreement on Trade Facilitation and planned to initiate a stakeholder consultation on accession to the FA shortly.

○ Mr. Castellani informed the meeting of Mongolia’s forthcoming accession to the United Nations Convention on the Use of Electronic Communications in International Contracts and organization of a related capacity building event for Mongolia on 17 November 2020 by ESCAP and UNCITRAL.

12. On agenda item 4, the secretariat made a presentation on a newly developed survey module on trade facilitation in times of crises and pandemic, including a group of eight measures covered and preliminary findings. It also encouraged all the participants to kindly review and complete the prefilled survey and return it to the secretariat by 26 October 2020. It invited a regional expert to present findings from a subregional study on best practices of trade facilitation in response to pandemic in Southeast Asia. Participants from Bangladesh, China, Nepal, Republic of Korea and Turkey shared trade facilitation and paperless trade measures taken in response to the COVID-19.

13. Under agenda item 5, the meeting discussed future work plan of the working groups. Based on the proposal of the secretariat, the meeting decided that the working groups would continue their operation with a focus on development of supporting documents and related tools as much as possible until the 6th meeting of the Steering Group scheduled on 25 – 26 January 2021, with subsequent operation subject to decision of the Steering Group on its operation in the 6th
meeting. The meeting also highlighted importance of engaging private sectors and development partners in the process of implementing the FA and requested the secretariat to report this view to the Steering Group in reporting the outcome of the current meeting.

14. The meeting also discussed possibility of allowing non-party countries’ participation in the process of implementing the FA after its entry into force. The secretariat pointed out that such matters should be discussed and decided by delegates in the meeting of the Steering Group.

15. The meeting was closed with remarks by Mr. Duval, followed by Mr. Ha as chair of the 8th meeting.

Annexes: 1. Final agenda
   2. Final list of participants
ANNEX 1. FINAL AGENDA

Item 1 Opening of the meeting
   (a) Opening remarks
   (b) Adoption of the agenda
   (c) Update on progress made in developing supporting documents for the draft road map for implementation of substantive provisions of the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific since the seventh meeting
   (d) Review of work items for the current meeting

Item 2 Discussion on selected supporting documents
   (a) Online guide for cross-border paperless trade readiness assessment
   (b) Mutual recognition mechanism for trade related data and documents in electronic form
   (c) Cross-border paperless trade database
   (d) Template for designing a national policy framework for paperless trade facilitation
   (e) Other supporting documents

Item 3 Report on progress in cross-border paperless trade

Item 4 Paperless trade facilitation in times of pandemic

Item 5 Other matters
   (a) Discussion on future work plan, including reporting progress to the Steering Group
   (b) Any other business

Item 6 Closing
ANNEX 2. FINAL LIST OF PARTICIPANTS

ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

Eighth Meeting of Legal and Technical Working Groups of the Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation

14-16 October 2020
Virtual

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