

Addressing Standards-Related Issues in Agriculture Trade

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Pacific



United Nations ESCAP



- UN ESCAP - Asia and the Pacific Regional Branch of the United Nations Secretariat
- 53 member countries covering Central, South, Southeast, East and South Pacific countries
- Mandate: Promote sustainable and inclusive socio-economic development in Asia and the Pacific - **through regional cooperation**
- Areas covered: Trade, Investment and Innovation, Transport, Macroeconomic Policy, Environment, Emerging Social issues, Information and Communication Technologies...
 - ❑ Trade, Investment and Innovation:
 - (1) Trade Facilitation;
 - (2) Trade Policy;
 - (3) Investment and Enterprise Development;
 - (4) Science, Technology and Innovation

Trade Facilitation Programme in ESCAP

Legislative

- ❑ Enabling paperless trade (Res. 68/3)
- ❑ Interim Intergov. Steering Group on Cross-border Paperless Trade Facilitation (Res. 70/6)
- ❑ Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (Res. 72/4)

Knowledge

- ❑ ESCAP-WB Trade Cost Database
- ❑ Paperless Trade Guides & Impact analyses
- ❑ Global Trade Facilitation & Paperless Trade Implementation Survey
- ❑ Trade Process Analysis Database

Capacity Building

- ❑ Business Process Analysis
- ❑ Single Window & Paperless Trade Implementation
- ❑ Trade & Transport Facilitation Monitoring Mechanism
- ❑ Agricultural & SME trade facilitation
- ❑ WTO TFA implementation support
- ❑ UNNExT Masterclass

Trade Facilitation and Agriculture Trade Facilitation

Trade Facilitation

*simplification, standardization and harmonisation of procedures and associated information flows required to move goods from seller to buyer and to make payment**

Agriculture Trade Facilitation can be defined as:

simplification and harmonization of procedures (activities, practices and formalities) involved in the import and export of agricultural and food products, including but not limited to collecting and processing data and documents required for the cross-border movement of these products

ESCAP Work on Agriculture Trade Facilitation

Strengthening the capacity of transition and developing economies to participate in cross-border agricultural food supply chains

- ❑ UN Development Account project jointly implemented with UN Economic Commission for Europe
- ❑ Activities
 - Capacity building workshops
 - 1) Workshop on Implementation of e-SPS and Automation for Agriculture Trade Facilitation, 1-3 November 2016, Bangkok
 - 2) Workshop on Promoting Cross-border Agricultural Trade for Sustainable Development, 28-30 November 2016, Bangkok
 - 3) Regional workshop (2017)
 - Country case studies
 - Development of Guide(s)

ESCAP Instrument on Paperless Trade Facilitation

Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific

❖ **A UN treaty developed by ESCAP members**

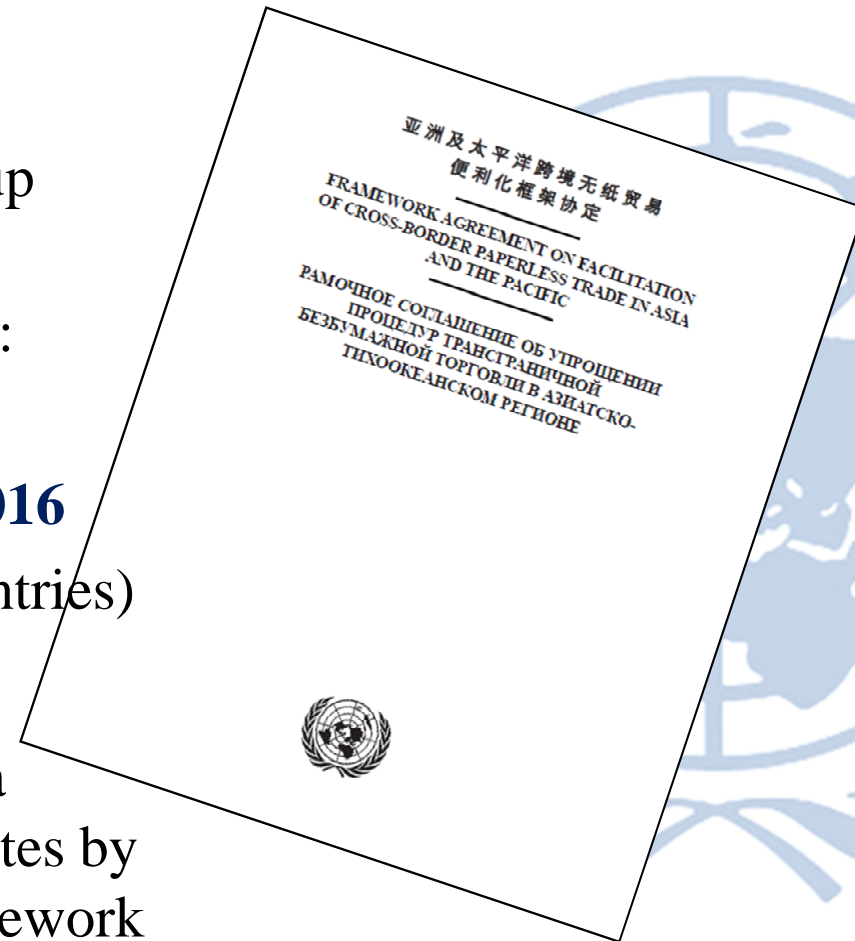
- Finalized by Intergovernmental Steering Group (March 2016)
- Adopted by ESCAP Commission (May 2016): Commission resolution 72/4

❖ **Open for becoming a party from 1 October 2016**

- open to member states of the ESCAP (53 countries)

❖ **Objective**

- To facilitate cross-border paperless trade (data exchange) among willing ESCAP member states by providing a dedicated intergovernmental framework to develop legal and technical solutions



Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific: Contents

Preamble

Articles 1 to 16: Substantive clauses

Article 1: Objective

Article 2: Scope

Article 3: Definitions

Article 4: Interpretation

Article 5: General principles

Article 6: National Policy Framework, Enabling Domestic Legal Environment and Paperless Trade Committee

Article 7: Facilitation of Cross-border Paperless Trade and Development of national Single Window(s)

Article 8: Cross-border Mutual Recognition of Trade-related Data and Documents in Electronic Form

Article 9: International Standards for Exchange of Trade-related Data and Documents in Electronic Form

Article 10: Relation with Other Legal Instruments Enabling Cross-Border Paperless Trade

Article 11: Institutional Arrangements

Article 12: Action Plan

Article 13: Pilot Projects and Sharing of Lessons Learned

Article 14: Capacity Building

Article 15: Implementation of the present Framework Agreement

Article 16: Other agreements in force

Articles 17 to 25: Final clauses



Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific: Key Provisions

Article 1: Objective

The objective of the present Framework Agreement is **to promote cross-border paperless trade** by enabling the exchange and mutual recognition of trade-related data and documents in electronic form and facilitating interoperability among national and subregional single windows and/or other paperless trade systems, for the purpose of making international trade transactions more efficient and transparent while improving regulatory compliance.

Article 5:
General
Principles

Article 8:
Cross-border
Mutual
Recognition

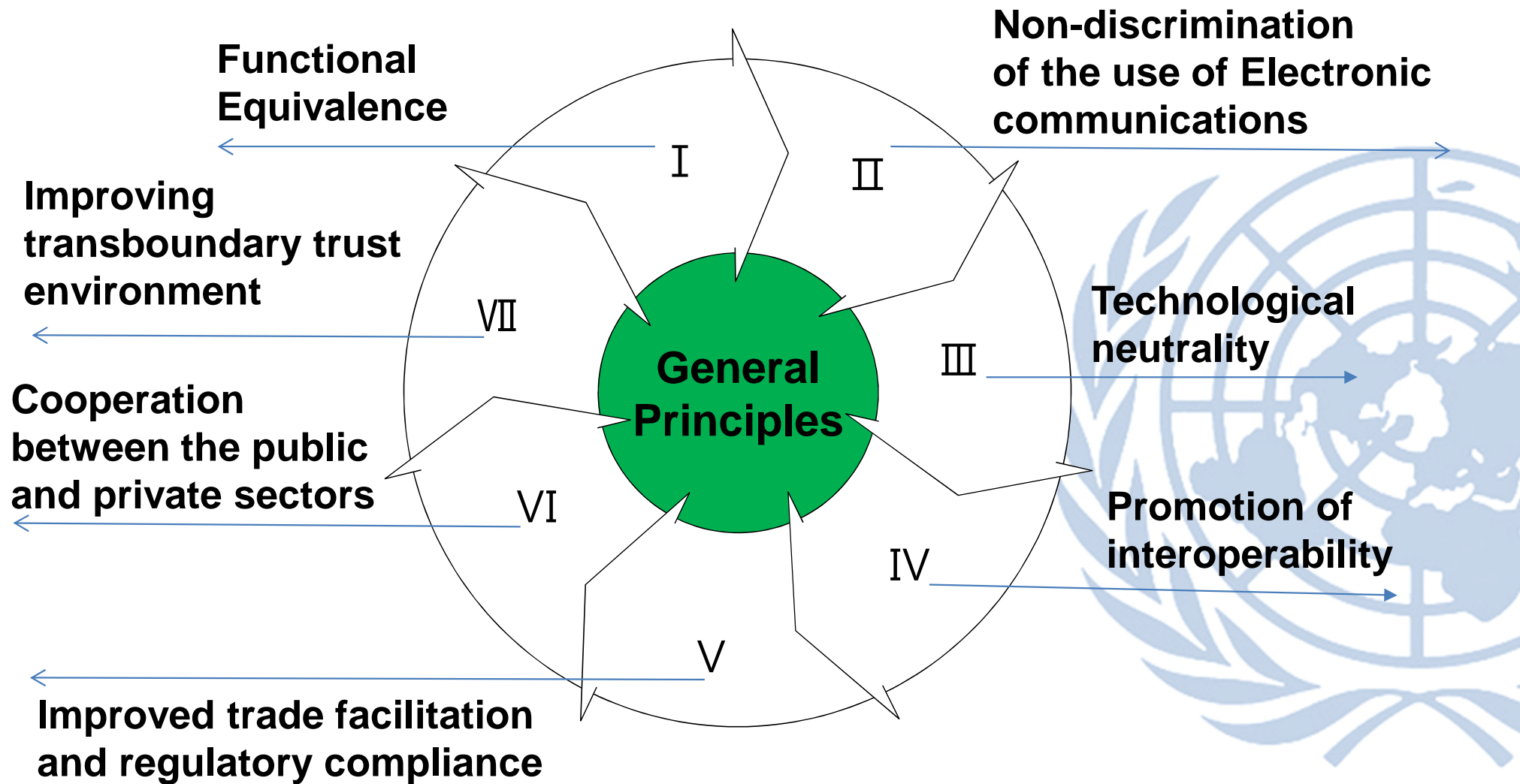
Article 11:
Institutional
Arrangement
s

Article 12:
Action Plan

Article 13:
Pilot Projects
and Sharing
of Lessons
Learned

Article 14:
Capacity
Building

Art. 5: General principles



Overview of key provisions

Cross-border Mutual Recognition

Article 8

Article 14

Article 11

Capacity
Building

Institutional
Arrangements

**Key
Provisions**

Article 13

... **Article 12**

Pilot Projects and Sharing of
Lessons Learned

Action Plan

Overview of key provisions: Cross-border mutual recognition

Article 8

Cross-border mutual recognition of trade-related data and documents in electronic form

1. The Parties shall provide for mutual recognition of trade-related data and documents in electronic form originating from other Parties on the basis of a substantially equivalent level of reliability.
2. The substantially equivalent level of reliability would be mutually agreed upon among the Parties through the institutional arrangement established under the present Framework Agreement.
3. The Parties may enter into bilateral and multilateral arrangements to operationalize cross-border mutual recognition of trade-related data and documents in electronic form, in a manner consistent with the principle of the transboundary trust environment and all the other general principles, provided that the provisions of these bilateral and multilateral arrangements do not contradict the present Framework Agreement.

Overview of key provisions: Institutional arrangements

Article 11

Institutional arrangements

1. The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) shall, for the purposes of the present Framework Agreement, establish a paperless trade council comprising one (1) high-level nominee from each Party. The Council shall meet upon request but at least once a year.
2. In the performance of its functions, the Paperless Trade Council shall be supported by a standing committee, which shall supervise and coordinate the implementation of the present Framework Agreement and submit its recommendations to the Council for review. The Standing Committee shall be composed of senior representatives of each Party and will meet at least once a year.
3. For the purposes of implementing the present Framework Agreement, the Standing Committee may establish working groups which shall report to the Standing Committee on the implementation of the related action plan under the present Framework Agreement.

Overview of key provisions: Institutional arrangements (Cont'd)

4. The ESCAP secretariat shall be designated the secretariat of the present Framework Agreement and shall also be the secretariat of the bodies established under the present Framework Agreement. It shall provide support in coordinating, reviewing and supervising the implementation of the present Framework Agreement and in all related matters.
5. The Council shall, by a two-thirds majority vote, adopt such rules of procedure as may be required for the performance of its functions, including for the Standing Committee and the Working Groups. Except as otherwise provided for in the present Framework Agreement, decisions by the Council shall be taken by a majority of votes cast by members present and voting, provided that at least two thirds of the participating States are present.
6. The Council and the Standing Committee may, under their competence determined in the rules of procedure, adopt protocols on specific legal, technical and organizational matters. The requirements for entry into force of any protocol shall be established in that instrument.

Overview of key provisions: Action plan

Article 12

Action plan

1. The Standing Committee, under the supervision of the Paperless Trade Council, shall develop a comprehensive action plan, which shall include all concrete actions and measures with clear targets and implementation timelines necessary for creating a consistent, transparent and predictable environment for the implementation of the present Framework Agreement, including the implementation schedules of the respective Parties. The Parties shall implement the action plan in accordance with the schedule, and the implementation status of each Party shall be reported to the Standing Committee.

2. The implementation schedule for each Party shall be developed as part of the action plan based on a self-assessment of their readiness.

Overview of key provisions: Pilot projects and sharing of lessons learned

Article 13

Pilot projects and sharing of lessons learned

1. The Parties shall endeavour to initiate and launch pilot projects on cross-border exchange of trade-related data and documents in electronic form, in particular among customs and other regulatory agencies. The Parties shall collaborate on such pilot projects through the institutional arrangements established under the present Framework Agreement.
2. The Parties shall report to the Standing Committee on the progress of pilot projects to facilitate the sharing of experience and lessons learned and to establish a collection of best practices for interoperability of cross-border exchange of trade-related data and documents in electronic form. The exchange of experience and lessons learned would extend beyond the Parties to the present Framework Agreement, to the extent possible and as appropriate, in an effort to promote paperless trade implementation throughout the region and beyond.

Overview of key provisions: Capacity building

Article 14

Capacity-building

1. The Parties may cooperate to provide technical support and assistance to each other in order to facilitate the implementation of the present Framework Agreement.
2. The Parties may collaborate on capacity-building through the institutional arrangements established under the present Framework Agreement.
3. The Parties shall give special consideration to requests from least developed and landlocked developing countries for technical assistance and cooperation arrangements designed to assist them in developing their paperless trade capacity and in taking full advantage of the potential benefits of the present Framework Agreement.
4. The Parties may invite development partners for more effective technical and financial assistance in the implementation of the present Framework Agreement.

Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific: Benefits

☐ **Region-wide multilateral intergovernmental platform**

Builds upon existing bilateral/subregional initiatives; Supports WTO TFA implementation; Foster harmonization and minimize necessity for numerous bilateral/subregional intergovernmental approach;

☐ **Strong capacity building programme**

Inclusive initiative, open to Asia-Pacific countries at all levels of development; Strong emphasis on knowledge sharing and CB/TA among parties

☐ **Pilot projects**

Allow parties to adjust their systems before engaging in actual cross-border trade data exchange

☐ **Action Plan**

Allow parties with different implementation level to set actions based on their respective readiness

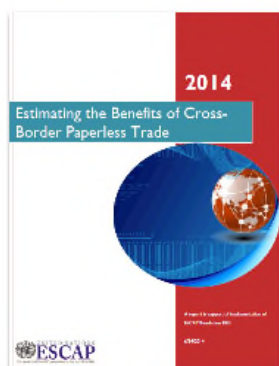
☐ **Mutual recognition**

Commit to the goal, while allowing flexibility in how to materialize the goal



Benefits of Cross-Border Paperless Trade

Estimating the Benefits of Cross-Border Paperless Trade



Date: Tuesday, June 24, 2014

Type: Books

ABSTRACT

This report estimates the possible economic benefits—export gains, and cost savings—from partial or full implementation of cross-border paperless trade facilitation measures. Simulation results suggest that cross-border paperless trade has significant potential to reduce trade costs and boost trade in the Asia-Pacific region. Moreover, there is every reason to believe that these are low-end estimates of the possible economic gains from reform, due to the way in which the simulations are set up on a technical level, and the fact that they focus on implementation of cross-border measures only. In reality, paperless trade is typically implemented on a broader basis, which would tend to increase the level of export gains and cost savings reported here.

DOWNLOAD:

Benefits of Cross-Border Paperless Trade
✓ Download

Annual regional export gains :

\$36 bn (for partial implementation) to \$257 bn (full implementation)

Export time reduction: 24% to 44%

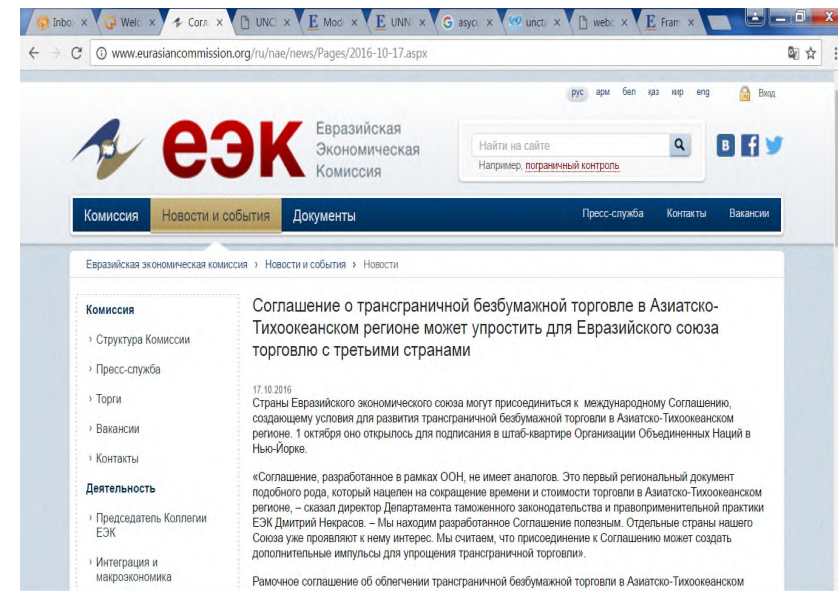
Export cost reduction: 17% to 31%

Total direct cost savings across all trade: \$1bn to \$7bn annually

Recognition from Relevant International Organizations and Entities: Latest News

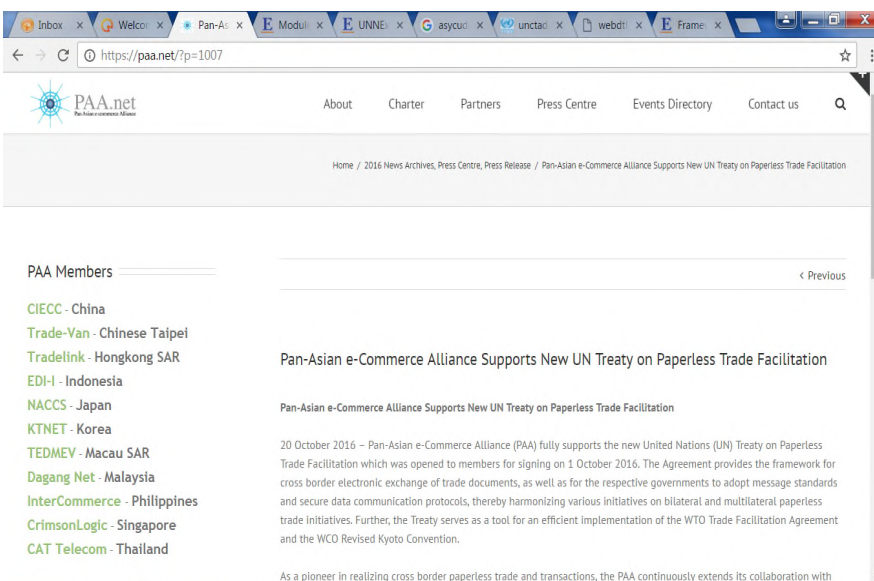
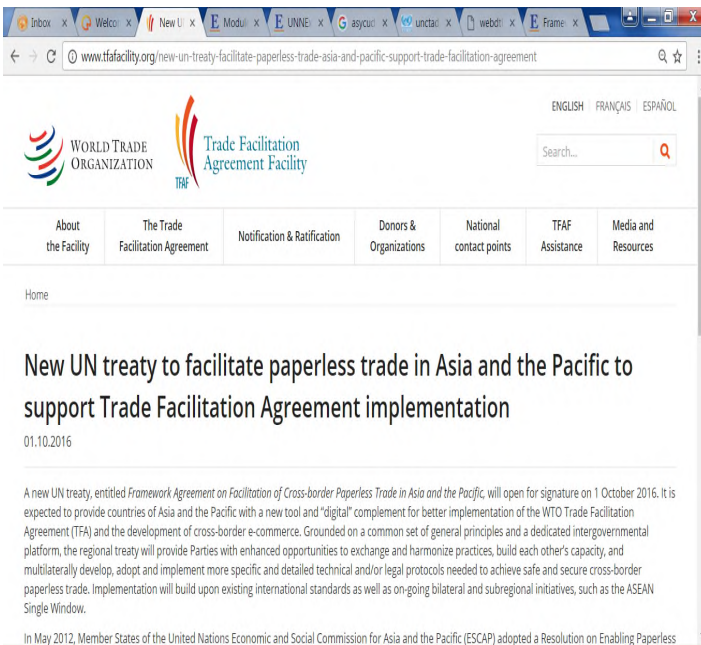
Eurasian Economic Commission

17.10.16 - Agreement on cross-border paperless trade in Asia and the Pacific may simplify trade of Eurasian Economic Union members with other countries in the region



Pan Asian e-Commerce Alliance (PAA)

“supports the coherent and harmonized implementation of paperless trade initiatives in the region and promoting mutual recognition of electronic data and documents to enhance trade”



More information: Webpage on the FA


<http://www.unescap.org/resources/framework-agreement-facilitation-cross-border-paperless-trade-asia-and-pacific>

The screenshot shows a web browser displaying the UN ESCAP website. The page title is "Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific". The header includes the UN ESCAP logo and navigation links: About, Commission, Our Work, Subregional Offices, Partners, Research & Data, Home, and Media Centre. The main content area features a "Home" button and the title of the agreement. Below the title, it states the date as Tuesday, June 28, 2016, and the type as "Public information and advocacy materials". An "ABSTRACT" section follows, stating that the agreement was adopted by the 72nd Session of the ESCAP as resolution E/ESCAP/RES/72/4. It also mentions that the agreement will be open for signature at United Nations headquarters in New York from 1 October 2016 to 30 September 2017. The "Text of the Framework Agreement" section notes that electronic certified true copies are available in Chinese, English, and Russian. The "Becoming a Party to the Framework Agreement" section lists two options: a. Signature, followed by ratification, acceptance or approval; or b. Accession. It also refers to the UN Treaty Handbook for details. The "Background Information on the Framework Agreement" section includes links to an explanatory note, frequently asked questions, and an interim intergovernmental steering group on cross-border paperless trade facilitation. The browser's address bar shows the URL: www.unescap.org/resources/framework-agreement-facilitation-cross-border-paperless-trade-asia-and-pacific. The browser's taskbar at the bottom shows a file named "switajik-sangwon.pdf".

Welcome to UNNeXT | U x UNTC x

← → ↻ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=X-20&chapter=10&clang=_en 🔍 ☆ ⋮

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United Nations Treaty Collection

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CHAPTER X 20.

STATUS AS AT : 23-11-2016 07:37:20 EDT

CHAPTER X

INTERNATIONAL TRADE AND DEVELOPMENT

20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific

Bangkok, 19 May 2016

Not yet in force : in accordance with article 19, the Agreement shall enter into force ninety (90) days after the date on which the Governments of at least five (5) ESCAP member States have deposited their instruments of ratification, acceptance, approval or accession to the present Agreement pursuant to article 18, paragraphs 2 and 3.

Text : [Certified true copy](#)
[CN.597.2016.TREATIES-X.20](#) of 23 August 2016 (Opening for signature) and [CN.598.2016.TREATIES-X.20](#) of 23 August 2016 (Issuance of Certified True Copies).

Note : The above Agreement was adopted on 19 May 2016 by resolution [72/4](#) during the seventy-second session of the United Nations Economic and Social Commission for Asia and the Pacific. In

Thank you

www.unescap.org/our-work/trade-investment/trade-facilitation

unnex.unescap.org

<http://communities.unescap.org/cross-border-paperless-trade-facilitation>



Annex: Procedure for Becoming a Party



Procedure for Becoming a Party: Provision in the FA

Article 18

Procedure for signing and becoming a Party

1. The present Framework Agreement shall be open for signature by ESCAP member States at United Nations Headquarters in New York from 1 October 2016 to 30 September 2017.

2. ESCAP member States may become Parties to the present Framework Agreement by:

- (a) Signature, followed by ratification, acceptance or approval; or*
- (b) Accession.*

3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

Procedure for Becoming a Party: Signature, followed by ratification, acceptance or approval

- ❑ The **Head of State, Head of Government or Minister for Foreign Affairs** may sign a treaty on behalf of the State without an instrument of full powers.
- ❑ Most multilateral treaties expressly provide for States to express their consent to be bound by signature subject to ratification, acceptance or approval. Providing for signature subject to ratification allows States time to seek approval for the treaty at the domestic level and to enact any legislation necessary to implement the treaty domestically, prior to undertaking the legal obligations under the treaty at the international level.



Procedure for Becoming a Party: Instrument of full power for signing

- ❑ A person other than the Head of State, Head of Government or Minister for Foreign Affairs may sign a treaty only if that person possesses a valid instrument of full powers.
- ❑ Form of instrument of full powers
 1. The instrument of full powers must be signed by one of the three above-mentioned authorities and must unambiguously empower a specified person to sign the treaty.
 2. Full powers are usually limited to one specific treaty and must indicate the title of the treaty.
 3. Full powers must state the full name and title of the representative authorized to sign.
 4. Date and place of signature must be indicated.
 5. Official seal (Optional)



Procedure for Becoming a Party: Model instrument of full power for signing

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

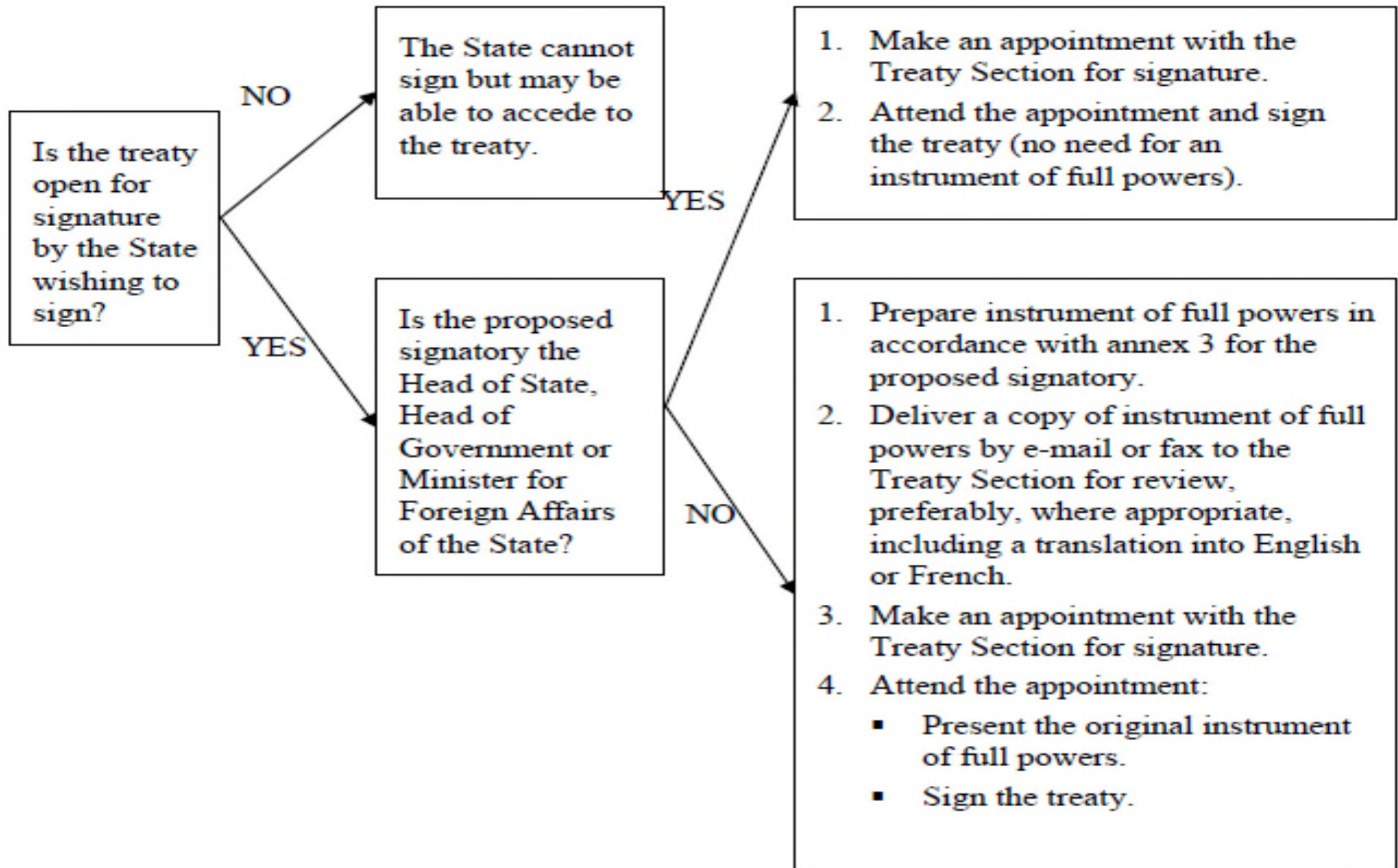
HEREBY AUTHORIZE [name and title] to [sign *, ratify, denounce, effect the following declaration in respect of, etc.] the [title and date of treaty, convention, agreement, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]



Procedure for Becoming a Party: Procedural flow for signing a treaty



Procedure for Becoming a Party: Ratification, Acceptance or Approval

- ❑ Generally, there is no time limit within which a State is requested to ratify a treaty which it has signed. Upon entry into force of the treaty for a State, that State becomes legally bound under the treaty.
- ❑ Acceptance or approval of a treaty following signature has the same legal effect as ratification, and the same rules apply, unless the treaty provides otherwise



Procedure for Becoming a Party: Model instrument of ratification, Acceptance or Approval

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]



Procedure for Becoming a Party: Accession

- ❑ A State may generally express its consent to be bound by a treaty by depositing an instrument of accession with the depositary (see article 15 of the Vienna Convention 1969).
- ❑ **Accession has the same legal effect as ratification, acceptance or approval.** However, unlike ratification, acceptance or approval, which are preceded by signature to create binding legal obligations under international law, accession requires only one step, namely, the deposit of an instrument of accession.



Procedure for Becoming a Party: Model Instrument of Accession

ACCESSION

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]



Procedure for Becoming a Party: Procedural flow for ratifying, accepting, approving or acceding to a treaty

